

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. GENERAL LICENSING PROVISIONS
APPENDIX A: RATE CLASS INDEX
APPENDIX B: 2016 BUSINESS LICENSE CLASS
SCHEDULE BY NAICS CODE**
- 111. ALCOHOLIC BEVERAGES**

CHAPTER 110: GENERAL LICENSING PROVISIONS

Section

- 110.01 License required
- 110.02 Definitions
- 110.03 Purpose and duration
- 110.04 License fee
- 110.05 Registration required
- 110.06 Fireworks sales
- 110.07 Peddlers
- 110.08 Miscellaneous sales (antique malls, flea markets or leased space sales)
- 110.09 Group event license for shows
- 110.10 Deductions, exemptions, and charitable organizations
- 110.11 False application unlawful
- 110.12 Display and transfer
- 110.13 Administration
- 110.14 Inspection and audits
- 110.15 Assessments, payment under protest, appeal
- 110.16 Delinquent license fees, partial payment
- 110.17 Notices
- 110.18 Denial of license
- 110.19 Suspension or revocation of license
- 110.20 Appeals to Council
- 110.21 Consent, franchise or license required for use of streets
- 110.22 Confidentiality
- 110.23 Violations
- 110.24 Classification and rates
- Appendix A: Rate Class Index
- Appendix B: 2016 Business License Class Schedule by NAICS Code

' 110.01 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 chapter, in whole or in part, within the limits of the

City of Bennettsville, South Carolina, is required to pay an annual license fee for the privilege of doing business and obtaining a business license as herein provided.

(Ord. 10-11-002, passed 11-6-10)

' 110.02 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed herein:

BUSINESS. A calling, occupation, profession, or activity engaged in with the object being gain, benefit or advantage, either directly or indirectly.

CHARITABLE PURPOSE. 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. 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 Municipal Council.

CONSTRUCTION MANAGER. Any self employed individual, firm, partnership, corporation or group which supervises or coordinates construction of any building, highway, sewer, grading, improvement, re-improvement, structure, or part thereof, when the cost of the undertaking is thirty thousand dollars or more. Notwithstanding payment by fixed price, commission, fee or wage, said Aconstruction manager@ shall be classified in the category of Aconstruction contractors@ for purposes of this chapter and shall pay a license fee based upon the total cost of the undertaking supervised or coordinated.

GROSS INCOME. The total income of a business, received or accrued, for one calendar year collected or to be collected from business done within the Municipality, excepting there from income from business done wholly outside of the Municipality on which a license tax is paid to some other municipality or a county and fully reported to the Municipality. ***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. ***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 government agency.

ITINERANT BUSINESS. Any business not permanently located inside city limits.

LICENSE INSPECTOR. A person designated to administer this chapter.

MUNICIPALITY. The City of Bennettsville, South Carolina.

PERSON. 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.

(Ord. 10-11-002, passed 11-6-10)

' 110.03 PURPOSE AND DURATION.

The business license levied by this chapter 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. Each license shall be issued for one calendar year ending April 30. The provisions of this chapter and the rates herein shall remain in effect from year to year as amended by Council.

(Ord. 10-11-002, passed 11-6-10)

' 110.04 LICENSE FEE.

(A) The required license fee shall be paid for each business subject hereto according to the applicable rate classification on or before the 1st day of May 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. Gross income verification for each license will be required at the time of renewal. If gross income cannot be separated for classifications at one location, the license fee shall be computed on the combined gross income for the classification requiring the highest rate. A license fee based on gross income shall be computed on the gross income for the proceeding calendar or fiscal year or during the most recent year that work was performed in the city. The fee for a new permanently established business inside the City shall be the base rate determined by their classification. No refund shall be made for a business that is discontinued.

(Ord. 10-11-002, passed 11-6-10)

' 110.05 REGISTRATION REQUIRED.

(A) The owner, agent or legal representative of every business subject to this chapter, 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; May 1, a new business shall be required to have a business license prior to operation within the Municipality. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State ABC 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 business deemed appropriate to carry out the purpose of this chapter by the License Inspector. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income 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 and personal property taxes on business property 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.

(Ord. 10-11-002, passed 11-6-10)

' 110.06 FIREWORK SALES.

Any establishment desiring to sell fireworks must first acquire the Annual State Board of Pyrotechnic Safety License and must meet all regulations pursuant to the provisions of Regulation 19-405, S.C. Code of Laws for 1976.

(Ord. 10-11-002, passed 11-6-10)

' 110.07 PEDDLERS .

Any person desiring to peddle goods anywhere in the City of Bennettsville must be in compliance with the zoning and building codes.

(Ord. 10-11-002, passed 11-6-10)

' **110.08 MISCELLANEOUS SALES (ANTIQUÉ MALLS, FLEA MARKETS OR LEASED SPACE SALES).**

Any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Furthermore, it shall be the responsibility of the lessor of the spaces to advise the business license office of persons leasing space.

(Ord. 10-11-002, passed 11-6-10)

' **110.09 GROUP EVENT LICENSE FOR SHOWS.**

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

(A) *Trade shows.*

(1) For purposes of this section, the term **TRADE SHOW** means an exhibition or show:

(a) To which the public generally is not invited;

(b) Where those participating as exhibitors or observers generally have a common business or other interest;

(c) Where registration of exhibitors and observers is structured and admission is restricted; and

(d) Where on-floor-sales are not the primary purpose.

(2) Neither the producer or sponsor of nor an exhibitor or participant in a trade show is required to acquire any city business license.

(B) *Public shows.*

(1) For purposes of this section, the term **Apublic show@** means any type of consumer-oriented show (exhibition) to which the public is invited and admitted, with or without charge, and at which exhibitors present goods, wares, merchandise or services for sale, rent or promotional purposes.

(2) The producer, promoter or sponsor of a public show shall obtain a city business license prior to the opening of the show. The license shall be for a period not to exceed seven consecutive days.

(a) To obtain a license for a public 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.

(b) The exhibitors in any such public show shall not be required to obtain 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 business license for the show before opening of the show, each exhibitor in the show shall acquire a peddler's city business license.
(Ord. 10-11-002, passed 11-6-10)

' 110.10 DEDUCTIONS, EXEMPTIONS, AND CHARITABLE ORGANIZATIONS.

(A) No deductions from gross income shall be made except income from business done wholly outside of the Municipality on which a license tax is paid to some other municipality or a county, 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 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 North American Classification System (NAICS). No person shall be exempt from this chapter 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 by reason of application of this chapter.

(C) Charitable organizations which have exemptions from state and federal income taxes shall be exempt from a business license tax only in cases where the sponsors, organizers, directors, trustees, or persons who exercise ultimate control of the organization receive no part of the proceeds of operation, and all proceeds are devoted to charitable purposes as defined by this chapter. Payment of necessary costs of operation and wages to non-management employees will not disqualify a charitable organization from exemption.
(Ord. 10-11-002, passed 11-6-10)

' 110.11 FALSE APPLICATION UNLAWFUL.

It shall be unlawful for any person subject to the provisions of this chapter 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 fee required by this chapter.

(Ord. 10-11-002, passed 11-6-10) Penalty, see ' 110.23

' 110.12 DISPLAY AND TRANSFER.

(A) All persons shall display the license issued to them on the original form provided by the License Inspector 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 city.

(B) A change of address must be reported to the License Inspector 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 Inspector and compliance with zoning and building codes. Failure to obtain the approval of the License Inspector 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.

(Ord. 10-11-002, passed 11-6-10)

' 110.13 ADMINISTRATION.

The License Inspector shall administer the provisions of this chapter, collect license fees, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this chapter, and perform such other duties as may be duly assigned.

(Ord. 10-11-002, passed 11-6-10)

' 110.14 INSPECTION AND AUDITS.

(A) For the purpose of enforcing the provisions of this chapter the License Inspector or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this chapter 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 fee and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license fee shall constitute a separate offense.

(B) The License Inspector shall make systematic inspections and 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 Inspector 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. Statistics compiled by classifications are public records.

(Ord. 10-11-002, passed 11-6-10)

' 110.15 ASSESSMENTS, PAYMENT UNDER PROTEST, APPEAL.

(A) If a person fails to obtain a business license or to furnish the information required by this chapter or the License Inspector, the License Inspector 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 Inspector may deem appropriate to assess a license tax and penalties as provided herein.

(B) A notice of assessment shall be served by certified mail. An application for adjustment of the assessment may be made to the License Inspector within five (5) days after the notice is mailed or the assessment will become final. The License Inspector shall establish by regulation the 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 Municipal 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 chapter relating to appeals to Council.

(Ord. 10-11-002, passed 11-6-10)

' 110.16 DELINQUENT LICENSE FEES, PARTIAL PAYMENT.

(A) For non payment of all or any part of the correct license fee, the License Inspector shall levy and collect a late penalty of five (5%) percent of the unpaid fee for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license fee remains unpaid for sixty (60) days after its due date, the License Inspector shall report it to the municipal attorney for appropriate legal action.

(B) Partial payment may be accepted by the License Inspector 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.

(Ord. 10-11-002, passed 11-6-10)

' 110.17 NOTICES.

The License Inspector will mail written notices that license fees are due. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties. (Ord. 10-11-002, passed 11-6-10)

' 110.18 DENIAL OF LICENSE.

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

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

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

(C) The applicant or prior licensee or the person in control of the business has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or

(D) The applicant or prior licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business; or

(E) The applicant 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

(F) The license for the business has been suspended or revoked in the previous license year. A decision of the License Inspector shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

(Ord. 10-11-002, passed 11-6-10)

' 110.19 SUSPENSION OR REVOCATION OF LICENSE.

When the License Inspector determines:

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

(B) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this chapter; or

Bennettsville - Business Regulations

(C) 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

(D) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or

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

The License Inspector 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 chapter.

(Ord. 10-11-002, passed 11-6-10)

' 110.20 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 Inspector may appeal the decision to the Municipal Council by written request stating the reasons therefore, filed with the License Inspector within ten (10) days after the payment of the assessment under protest or notice of denial is received. Payment under protest shall be a condition precedent to appeal.

(B) An appeal or a hearing on proposed revocation shall be held by the Municipal 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 final unless appealed to a court of competent jurisdiction within ten (10) days after service.

(C) No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.

(Ord. 10-11-002, passed 11-6-10)

' 110.21 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 Municipal 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 fees unless specifically provided by the franchise or consent agreement.

(Ord. 10-11-002, passed 11-6-10) Penalty, see ' 110.23

' 110.22 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 chapter. 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 license ordinance.

(Ord. 10-11-002, passed 11-6-10) Penalty, see ' 110.23

' 110.23 VIOLATIONS.

Any person violating any provision of this chapter shall be deemed guilty of an offense and shall be subject to a fine of up to \$500 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.

(Ord. 10-11-002, passed 11-6-10)

' 110.24 CLASSIFICATION AND RATES.

(A) The sectors of businesses included in each Rate Class are listed with the United States North American Classification System (NAICS). The alphabetical index in this chapter, filed in the office of the City clerk, is a tool for classification, not a limitation on businesses subject to a license tax. The

Bennettsville - Business Regulations

License Inspector shall determine the proper class for a business according to the applicable NAICS manual, whether or not the business is listed in the alphabetical index.

(B) The license fee for each Class of businesses subject to this chapter shall be computed in accordance with the following classification rate schedule filed in the office of the City clerk. A copy of the license ordinance text, business classifications and rates shall be made available to the public in booklet form.

RATES

<i>RATE CLASS</i>	<i>INCOME: 0 - \$2000 MINIMUM FEE</i>	<i>ALL OVER \$2000 Rate per Thousand or fraction thereof</i>
1	\$25.00	\$.90
2	\$35.00	\$1.00
3	\$45.00	\$1.10
4	\$55.00	\$1.20
5	\$65.00	\$1.30
6	\$75.00	\$1.40
7	\$100.00	\$1.50
8.1	\$55.00	\$.90
8.1A	\$110.00	\$1.80
8.2	\$ set by State statute	
8.3	MASC Telecommunications	
8.4	\$45.00	\$1.00
8.5	\$40.00	\$1.10
8.6	\$200.00	\$3.00
8.6A	\$50.00	\$3.00
8.7	MASC Insurance	
8.8	\$12.50 + \$12.50 per machine	
8.9	\$100.00	\$1.50
8.10	\$45 .00 + \$12.50 per table	\$1.10

NON-RESIDENT RATES

Unless otherwise specifically provided, all minimum fees and rates shall be doubled for non-residents and itinerants having no fixed principal place of business within the municipality.

DECLINING RATES

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

<i>Gross Income in \$ Millions</i>	<i>Percent of Class Rate for each additional \$1,000</i>
0 - 1	100%
1 - 2	95%
2 - 3	90%
3 - 4	85%
OVER 4	80%

CLASS 8 RATES

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

NAICS 230000 - Contractors, Construction, All Types

- 8.1 -** Having permanent place of business within the municipality

 - Minimum on first \$2,000.....\$ 55.00 PLUS
 - Each additional 1,000.....\$.90

- 8.1A -** Not having permanent place of business within the municipality

 - Minimum on first \$2,000.....\$ 110.00 PLUS
 - Each additional \$1,000.....\$ 1.80
 - (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 chapter.

The total fee for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An

amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base fee shall be paid in a calendar year.

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

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

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

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

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

For the first 1000 inhabitants of the City	\$25.00
For each additional 1000 inhabitants according to the last US census	\$30.00
[2000 census population: 9,425. Fee = \$ 240.00]	

8.3 - NAICS 5171, 5172 - Telephone Companies:

a. Notwithstanding any other provisions of the Business License Ordinance, the business license tax for Aretail telecommunications services@, as defined in S. C. Code ' 58-9-2200, shall be at the maximum rate authorized by S. C. Code ' 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. The rate for the 2005 business license tax year shall be the maximum rate allowed by State law in effect on February 1, 2005. Declining rates shall not apply.

b. In conformity with S.C. Code ' 58-9-2220, the business license tax for Aretail 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. For the year 2005, the business license tax for Aretail telecommunications services@ shall be due on February 1, 2005, and payable by February 28, 2005, without penalty. For years after 2005, the business license tax for Aretail 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 chapter 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 chapter.
- h. As authorized by S. C. Code ' 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 ' 58-9-2200 shall continue in effect. Notwithstanding the provisions of the Agreement, for the year 2005, the Municipal Association of South Carolina is authorized to collect current and delinquent license taxes, in conformity with the due date and delinquent date for 2005 as set out in this chapter and is further authorized, for the year 2005, to disburse business license taxes collected, less the service agreed charge, to this municipality on or before April 1, 2005, and thereafter as remaining collections permit.

NAICS 22112 - Electric Power DistributionSee Consent or Franchise

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

NAICS 517110 Television, Cable or Pay
 Services using public streets..... See Franchise

8.4 - NAICS 423930 - Junk or Scrap Dealers (Non resident rates apply)
 Minimum on first \$2,000.....\$45.00 PLUS
 Per \$1,000, or fraction, over \$2,000.....\$1.00

8.4 - NAICS 522298 Pawn Brokers - All Types
 Minimum on first \$2,000.....\$110.00 PLUS
 Per \$1,000, or fraction, over \$2,000.....\$.90

8.5 - NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery, Retail -
(except auto supply stores)

Minimum on first \$2,000.....	\$40.00	PLUS
Per \$1,000, or fraction, over \$2,000.....		\$1.10

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

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

NAICS 454390 - Vendors, 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.....	\$200.00	PLUS
Per \$1,000, or fraction, over \$2,000.....		\$3.00

8.6A - 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.....	\$50.00	PLUS
Per \$1,000, or fraction, over \$2,000.....		\$ 3.00

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

8.7 - NAICS 5241 Insurance Companies:

Except as to fire insurance, Agross premiums@ means gross premiums collected on policies on property or risks located in the municipality, or on policies, wherever the insured property or risk is located, that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by the insurance company=s office located in the municipality or by the insurance company=s employee doing business within the municipality or by the office of the insurance company=s licensed or appointed producer (agent) located in the municipality or by the insurance company=s licensed or appointed producer (agent) doing business within the municipality. As to fire insurance, Agross premiums@ means gross premiums collected through an office or agent located in the municipality, wherever the risk is located, or realized from risks located within the limits of the municipality, wherever the premiums are collected.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

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 doing business within the municipality whether or not an office is maintained therein. A premium collected on property or a risk located within the municipality shall be deemed to have been collected within the municipality. 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

NAICS 52410 - Brokers for Fire & Casualty Insurers non admitted:

As to brokers for non-admitted fire and casualty insurers, Agross premiums@ means gross premiums collected by or for fire and casualty insurers not licensed in South Carolina (1) on policies on property or risks located in the municipality and/or (2) on policies, wherever the insured property or risk is located, that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by a broker located in or doing business within the municipality. Brokers shall provide, with their payment of the tax, a copy of a report showing the locations of the property or risks insured 2% of Gross Premiums [Premiums for non-admitted business are not included in broker=s gross commissions for other business.]

Notwithstanding any other provisions of this chapter, license taxes for insurance companies and brokers for non-admitted fire and casualty insurers shall be payable on or before April 30 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

The Agreement with the Municipal Association of South Carolina, pursuant to S.C. Code ' 5-7-30, for collection of current and delinquent license taxes from insurance companies and brokers for non-admitted fire and casualty insurers shall continue in effect.

NAICS 713120 Amusement Machines, coin operated (except gambling) -

Music machine, juke boxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play feature license by SC Department of Revenue pursuant to S.C. Code ' 12-21-2720(A)(1) and (A)(2) - **Type I and Type II**

Bennettsville - Business Regulations

8.8A - Operator of machine \$12.50/machine, PLUS
 \$12.50 business license
 (not on gross income)
 [' 12-21-2746]

8.8B - 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.....\$45.00 PLUS
 Per \$1,000, or fraction, over \$2,000\$1.10

NAICS 713290 - Amusement Machines, coin operated, nonpayout

Amusement machines of the nonpayout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code '12-21-2720(A)(3) - Type III

8.8C - Operator of machine (owner of business)..... \$12.50 business license
 for operation of all machines
 (not on gross income). ' 12-21-2720(B)

8.9 - NAICS 713290 - Bingo halls, parlors

Minimum on first \$2,000\$100.00 PLUS
 Per \$1,000, or fraction, over \$2,000.....\$5.00

8.9 - NAICS - 711190 - Carnivals and Circuses - PROHIBITED

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

Such establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor, and other alcoholic beverages for consumption on the premises. The sale of food frequently accounts of portion of the receipts of these establishments. License must be issued in the name of the individual who has been issued a State ABC license and will have actual control and management of the business. (Alcoholic beverages consumed on premises)

Minimum on first \$2,000.....\$200.00 PLUS
 Per \$1,000, or fraction, over \$2,000.....\$ 1.50

8.10 - NAICS 713990 Billiard or Pool Rooms, all types

..... \$12.50 stamp/table PLUS
 Minimum on first \$2,000.....\$45.00 PLUS
 Per \$1,000, or fraction, over \$2,000\$1.10

8.11 EVENT LICENSE FOR PUBLIC SHOW

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

Estimated gross revenues from space rentals/tickets sales up to \$10,000 or up to 25 exhibitors, whichever is greater.	\$100.00
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Estimated additional revenue of each \$10,000 or portion thereof up to \$1,000,000 or each additional five exhibitors or portion thereof, whichever is greater.	\$ 30.00
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(Ord. 10-11-002, passed 11-6-10)

APPENDIX A: RATE CLASS INDEX

RATE CLASS 1	
<i>NAICS</i>	<i>Business Sector</i>
2213	Water and sewerage systems
42	Wholesale trade, all types
4413	Automotive parts, tire stores
442	Furniture and home furnishing stores
443	Electronics and appliance stores
444	Building material, garden equipment and supply
445	Food and beverage stores
446	Health and personal care stores
447	Gasoline stations and convenience stores
451	Sporting goods, hobby, book, music stores
452	General merchandise stores
453	Miscellaneous store retailers
454	Nonstore retailers, except peddlers [class 8]
712	Museums, historical sites, zoos, gardens
713	Amusement and recreation, except coin-operated machines, gambling, bingo and billiards [Class 8]
721	Accommodation, hotel, motel, inn, camp
722	Eating places, food services, restaurants, caterers, except drinking places [class 8]

Bennettsville - Business Regulations

RATE CLASS 2	
<i>NAICS</i>	<i>Business Sector</i>
11	Agriculture, forestry, fishing and hunting
31-33	Manufacturing
448	Clothing and accessory stores
48	Transportation, except rail
515	Radio and television broadcasting
517	Internet service providers and data processing services, on line
811	Repair and maintenance services

RATE CLASS 3	
<i>NAICS</i>	<i>Business Sector</i>
49	Warehousing and couriers
511	Information, newspapers, publishers
512	Motion pictures, theaters, production
5179	Other telecommunications, specialized services
56	Administrative and support, waste management and remediation services

RATE CLASS 4	
<i>NAICS</i>	<i>Business Sector</i>
21	Mining
523	Security and commodity brokers
711	Arts, sports and promoters of events, except carnivals and circuses [class 8]
812	Personal care, barber, beauty, laundry

RATE CLASS 5	
<i>NAICS</i>	<i>Business Sector</i>
522	Consumer finance, mortgage brokers, credit card issuing, except banks [exempt] and pawnshops [Class 8]
5242	Insurance agencies, except brokers for non-admitted insurers
54	Professional, scientific, and technical services
61	Education services
62	Health care and social assistance

RATE CLASS 6	
<i>NAICS</i>	<i>Business Sector</i>
519	Internet publishers

RATE CLASS 7	
<i>NAICS</i>	<i>Business Sector</i>
53	Real estate and rental and leasing
55	Management of companies and enterprises
813	Membership organizations

RATE CLASS 8	
[SEE INDIVIDUAL SUBCLASSIFICATION RATES FOR CLASSES 8.1 THROUGH 8.10.]	
<i>NAICS</i>	<i>Business Sector</i>
2211	Electric utilities [franchise]
2212	Gas utilities [franchise]
23	Construction, all types
423930	Recyclable material, junk

Bennettsville - Business Regulations

RATE CLASS 8 (Cont=d)	
<i>NAICS</i>	<i>Business Sector</i>
4411	Automobile dealers
4412	Other motor vehicle dealers; boats; farm machinery
45439	Peddlers, direct selling
482	Rail transportation
5171	Telecommunications, wired
5172	Telecommunications, cellular
517110	Cable television
522298	Pawnshops
5241	Insurance carriers
52421	Brokers for non-admitted insurance carriers
71119	Carnivals, circuses - prohibited
7131	Amusement arcades, except gambling [Type I and Type II]
7132	Nonpayout amusement machines [Type III]
713290	Bingo halls, parlors
71399	Billiard parlor, pool tables
72241	Drinking places, bars (alcoholic)

NAICS NUMERICAL INDEX		
<i>NAICS Code</i>	<i>Rate Class</i>	<i>NAICS Sector Description</i>
11	2	Agriculture, forestry, fishing and hunting
21	4	Mining
2211	8	Electric utilities [franchise]
2212	8	Gas utilities [franchise]

Appendix A: Rate Class Index

20G

<i>NAICS Code</i>	<i>Rate Class</i>	<i>NAICS Sector Description</i>
2213	1	Water and sewerage systems
23	8.1	Construction, all types
31-33	2	Manufacturing, all types
42	1	Wholesale trade, all types except junk
423930	8.4	Recyclable material, junk
44 - 45		Retail trade (see type below)
4411	8.5	Automobile dealers
4412	8.5	Other motor vehicle dealers and farm machinery
4413	1	Automotive parts, tire stores
442	1	Furniture and home furnishing stores
443	1	Electronics and appliance stores
444	1	Building material, garden equipment and supply
445	1	Food and beverage stores
446	1	Health and personal care stores
447	1	Gasoline stations and convenience stores
448	2	Clothing and accessory stores
451	1	Sporting goods, hobby, book, music stores
452	1	General merchandise stores
453	1	Miscellaneous store retailers
454	1	Nonstore retailers, except peddlers
45439	8.6	Peddlers, direct selling
48	2	Transportation, except rail
482	8.2	Rail transportation
49	3	Warehousing and couriers

Bennettsville - Business Regulations

<i>NAICS Code</i>	<i>Rate Class</i>	<i>NAICS Sector Description</i>
511	3	Information, newspapers, publishers
512	3	Motion pictures, theaters, production, music, recording
515	2	Radio and television broadcasting
517	2	Internet service providers and data processing services, on line
5171	8.3	Telecommunications, wired
5172	8.3	Telecommunications, cellular
517110	8.4	Cable television
5179	3	Other telecommunications, specialized services
519	6	Internet publishers
522	5	Consumer finance, mortgage brokers, credit card issuing, except banks and pawnshops
522298	8.4	Pawnshops
523	4	Security and commodity brokers
5241	8.7	Insurance carriers
5242	5	Insurance agencies, except brokers for non-admitted insurers
52421	8.7	Brokers for non-admitted insurance carriers
53	7	Real estate and rental
54	5	Professional, scientific, and technical services
55	7	Management of companies and enterprises
56	3	Administrative and support, waste management and remediation services
61	5	Education services
62	5	Health care and social assistance
711	4	Arts, sports and promoters of events, except carnivals and circuses
71119	8.9	Carnivals, circuses - PROHIBITED
712	1	Museums, historical sites, zoos, gardens

Appendix A: Rate Class Index

<i>NAICS Code</i>	<i>Rate Class</i>	<i>NAICS Sector Description</i>
713	1	Amusement and recreation, except coin-operated machines, gambling, bingo and billiards
7131	8.8	Amusement arcades, except gambling [' 12-21-2720(A)(1) and (2)]
7132	8.8	Nonpayout Amusement Machines [' 12-21-2720(A)(3)]
713290	8.9	Bingo halls, parlors
713990	8.10	Billiard parlor, pool tables
721	1	Accommodation, hotel, motel, inn, camp
722	1	Eating places, food services, restaurants, caterers, except drinking places
72241	8.9	Drinking places, bars (alcoholic)
811	2	Repair and maintenance services
812	4	Personal care, barber, beauty, laundry
813	7	Membership organizations

(Ord. 10-11-002, passed 11-6-10)

APPENDIX B: 2016 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

<i>NAICS Sector/Subsector</i>	<i>Industry Sector</i>	<i>Class</i>
11	Agriculture, forestry, hunting and fishing	2
113	forestry and logging (including forest nurseries, timber tracts)	1
115	Support activities for agriculture and forestry	1
21	Mining	3
2211	Electric power generation, transmission and distribution	Franchise
2212	Natural gas distribution	Franchise
22	Utilities	1
23	Construction	8.1
31-33	Manufacturing	1
311	Food manufacturing	1
313	Textile and textile product mills	1
315	Apparel	1
316	Leather and allied products	1
321	Wood products	1
322	Paper products	2
323	Printing and related support activities	1
324	Petroleum and coal products	1
325	Chemical manufacturing	2
327	Nonmetallic mineral products	1
331	Primary metal industries	1
332	Fabricated metal products	1

Bennettsville - Business Regulations

<i>NAICS Sector/Subsector</i>	<i>Industry Sector</i>	<i>Class</i>
333	Machinery	2
334	Computer and electronic products	2
335	Electrical equipment, appliances, and components	2
336	Transportation equipment	1
337	Furniture and related products	1
339	Other miscellaneous manufacturing	2
42	Wholesale trade	1
423930	Recyclable material merchant wholesalers (junk)	8.4A
44-45	Retail trade	1
441	Motor vehicle and parts dealers	1
4411	Automobile dealers	8.5
4412	Other motor vehicle dealers	8.5
442	Furniture and home furnishing stores	1
443	Electronic and appliance stores	1
444	Building material and garden equipment and supplies dealers	1
445	Food and beverage stores	1
446	Health and personal care stores	1
447	Gasoline stations	1
448	Clothing and accessories stores	1
451	Sporting goods, hobby, book, and music stores	1
452	General merchandise stores	1
453	Miscellaneous store retailers	1
454	Nonstore retailers	1
45439	Other direct selling establishments (peddlers)	8.6

Appendix B: 2016 Business License Class Schedule by NAICS Code

20M

<i>NAICS Sector/Subsector</i>	<i>Industry Sector</i>	<i>Class</i>
48-49	Transportation and warehousing	1
482	Rail transportation	8.2
484	Truck transportation	1
486	Pipeline transportation	1
493	Warehousing and storage facilities	2
51	Information	2
511	Publishing industries (except internet)	2
512	Motion picture and sound recording	2
515	Broadcasting (except internet) and telecommunications	2
517	Telecommunications	2
5171	Wired telecommunications carriers	8.3
5172	Wireless Telecommunications carriers (except satellite)	8.3
518	Internet service providers, web search portals, and data processing	2
519	Other information services	2
52	Finance and insurance	4
522	Credit intermediation and related activities	4
522298	Pawnshops	8.4B
523	Securities, commodity contracts, and other financial investments	7
524	Insurance agents, brokers, and related activities	1
5241	Insurance carriers	8.7
52421	Insurance Brokers for non-admitted Insurance Carriers	8.7
525	Funds, trusts and other financial vehicles	7
53	Real estate and rental and leasing	5
531	Real estate	6

Bennettsville - Business Regulations

<i>NAICS Sector/Subsector</i>	<i>Industry Sector</i>	<i>Class</i>
5311	Lessors of real estate (including miniwarehouses and self storage)	7
532	Rental and leasing services	2
533	Lessors of nonfinancial assets	7
54	Professional, scientific, and technical services	3
5411	Legal services	5
5413	Architectural, engineering and related services	3
5416-9	Other professional, scientific, and technical services	3
55	Management of companies	4
56	Administrative and support and waste management and remediation services	2
561	Administrative and support services	2
562	Waste management and remediation services	1
61	Educational services	2
62	Health care and social assistance	2
623	Nursing and residential care facility	1
71	Arts, entertainment, and recreation	2
71119	Other performing arts companies (carnivals and circuses)	8.9B
712	Museums, historical sites and similar institutions	1
7131	Amusement parks and arcades	8.8
7132	Nonpayout amusement machines	8.8
713290	Bingo halls	8.9A
713990	All other amusement and recreational industries (pool tables)	8.10
721	Accommodation	1
722	Food services and drinking places	1

<i>NAICS Sector/Subsector</i>	<i>Industry Sector</i>	<i>Class</i>
72241	Drinking places (alcoholic beverages)	8.9C
81	Other services	2
811	Repair and maintenance	1
8111	Auto repair and maintenance	1
812	Personal and laundry services	3
813	Religious, grantmaking, civic, professional, and similar organizations	3

(Ord. 17-03-001, passed 3-21-17)

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

- 111.01 Definitions
- 111.02 Jurisdiction of Court
- 111.03 Prior offenses; constitution
- 111.04 Prohibited hours of operation
- 111.05 Prohibited acts on licensed premises
- 111.06 Revocation of license; sales afterward
- 111.07 Additional approval required
- 111.08 Certificates posted
- 111.09 Powers of police officers

' 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOLIC LIQUORS. Any spirituous malt, vinous, fermented, brewed or other liquors or any compound or mixture thereof by whatever name called or known which contains alcohol and used as a beverage. (S.C. Code ' 61-3-20)

NONALCOHOLIC and ***NONINTOXICATING.*** All beers, ales, porter and other similar malt or fermented beverages containing not in excess of 5% of alcohol by weight and all wines containing not in excess of 21% of alcohol by volume. (S.C. Code ' 61-9-10)
(>88 Code, ' 14.101.1)

' 111.02 JURISDICTION OF THE COURT.

The Municipal Court shall try and determine all cases involving any violation of this chapter occurring within the corporate limits and shall have jurisdiction over criminal cases, with the right and

duty of sending the cases, occurring within the corporate limits but beyond its jurisdiction to try, to the higher courts. Any persons convicted hereunder shall be treated as municipal prisoners.

(>88 Code, ' 14.101.2)

Statutory reference:

Municipal authority, see S.C. Code ' 4-7-30

Municipal court jurisdiction, see S.C. Code " 61-2-210 and 61-6-4500

' 111.03 PRIOR OFFENSES; CONSTITUTION.

A conviction, plea of guilty, plea of nolo contendere or forfeiture of bond for the violation of any of the laws of this state, or of the United States, on or after March 28, 1956, relating to alcoholic liquor shall constitute prior offense for the purpose of any prosecution, or for the purpose of imposition of sentence for any subsequent violation of this chapter.

(S.C. Code ' 61-13-4220) (>88 Code, ' 14.101.3)

' 111.04 PROHIBITED HOURS OF OPERATION.

(A) It shall be unlawful for any person to sell or offer for sale any wine or beer between the hours of 12:00 midnight Saturday night and sunrise Monday morning, except for those establishments licensed by the state to sell alcoholic beverages in containers of two ounces or less during the lawful hours. (S.C. Code ' 61-9-90) (>88 Code, ' 14.103.6)

Penalty, see ' 10.99

Statutory reference:

Applicable statutory provisions, see S.C. Code ' 61-4-120

' 111.05 PROHIBITED ACTS ON LICENSED PREMISES.

(A) No holder of a permit authorizing the sale of beer or wine or any servant, agent or employee of the permittee shall knowingly do any of the following acts upon the licensed premises covered by the holder=s permit:

- (1) Sell beer or wine to any person while the person is in an intoxicated condition;
- (2) Permit gambling or games of chance;
- (3) Permit any lewd, immoral or improper entertainment, conduct or practices;

(4) Permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under local ordinances or the laws of the state; or

(5) Sell, offer for sale or possess any beverage or alcoholic liquor the sale or possession of which is prohibited on licensed premises under the laws of this state.

(B) A violation of any of the foregoing provisions shall be grounds for the revocation or suspension of the holder=s permit by the state.

(S.C. Code ' 61-9-410) (>88 Code, ' 14.103.9) Penalty, see ' 10.99

Statutory reference:

Similar provisions, see S.C. Code ' 61-4-580

' 111.06 REVOCATION OF LICENSE; SALES AFTERWARD.

It shall be unlawful for any licensee, or any holder of a license, to sell beer or wine at wholesale or retail, to sell or offer to sell beer or wine after the license shall have been revoked or canceled or during the period of a suspension of the license.

(>88 Code, ' 14.103.10) Penalty, see ' 10.99

' 111.07 ADDITIONAL APPROVAL REQUIRED.

No person holding a retail permit to sell beer, ale, porter and other similar malt or fermented beverages, issued by the state, shall sell beverages on draft, on tap or from kegs or other containers on the premises described in the permit, unless approved by the rules and regulations of the Department of Health and Environmental Control (DHEC) governing eating and drinking establishments and other retail food establishments.

(S.C. Code ' 61-9-810) (>88 Code, ' 14.103.11) Penalty, see ' 10.99

Statutory reference:

Similar provisions, see S.C. Code ' 61-4-1750

' 111.08 CERTIFICATES POSTED.

Both the permit issued by the state and the certificate of approval issued by the Department of Health and Environmental Control shall be conspicuously posted on the premises.

(S.C. Code ' 61-9-820) (>88 Code, ' 14.103.12)

' 111.09 POWERS OF POLICE OFFICERS.

All municipal police officers are hereby given the power to enforce the provisions of this chapter, in cases arising within the corporate limits and, in addition, shall have all powers to enforce the provisions as they now have to enforce municipal ordinances.

(>88 Code, ' 14.103.13)

