

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Tara S. Almond
Phil Carter
Eva Corley

City Manager
Brian Watkins



**City of Cayce
Special Council Meeting
Wednesday, September 19, 2018
5:00 p.m. – Cayce City Hall – 1800 12th Street
www.caycesc.gov**

I. Call to Order

- A. Invocation and Pledge of Allegiance

II. Public Comment Regarding Items on the Agenda

III. Ordinances and Resolutions

- A. Discussion and Approval of Ordinance 2018-10 Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act – Second Reading
- B. Discussion and Approval of Ordinance 2018-11 Amending Article II (“Licenses”) of Chapter 12 (“Businesses”) of the City Code (The Business License Ordinance) – First Reading
- C. Consideration and Approval of Resolution Supporting a Grant Application from the City of Cayce to the Municipal Association of South Carolina

IV. Other

- A. Consideration and Approval of Second Amendment to Agreement for Completion of a Subdivision and for Providing of a Surety Bond or Letter of Credit (Congaree Bluff)
- B. Consideration and Approval of Statewide Mutual Aid Agreement for Emergency Disaster/Response Recovery
- C. Consideration and Approval of Agreement Concerning Electric Service Rights Between Mid-Carolina Electric Cooperative Inc. and South Carolina Electric and Gas Company

V. City Manager’s Report

VI. Council Comments

VII. Executive Session

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

B. Discussion of employment of employee regulated by a public body

VIII. Reconvene

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

X. Adjourn

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

Memorandum

To: Mayor and Council

From: Kay Hutchinson, Customer Accounts Manager

Date: September 11, 2018

Subject: Adopt an Ordinance in order to continue participation in the Municipal Association of South Carolina's (MASC) Setoff Debt program and to allow MASC to act on the City's behalf

Issue

MASC recently conducted a thorough review of the Setoff Debt Ordinance and made some contextual changes needed for participants to stay compliant with the Setoff Debt Collection Act and allow the association to act on their behalf to submit debts to the South Carolina Department of Revenue.

Discussion

The City of Cayce is an ongoing participant in the program and wishes to continue. The program allows the City to recoup some utility and court debts. In order to do so, the City must adopt the Ordinance which was updated by MASC and the Ordinance must be approved as written. The City Attorney has reviewed the document and approved it as written.

Recommendation

Staff recommends Council adopt the Municipal Association of South Carolina's updated ordinance.

TO: Setoff Debt Collection Program Main Contacts and Coordinators
FROM: Wayne George, Executive Director
DATE: August 2018
SUBJECT: 2018 Setoff Debt Collection Program

New Year Processing has been performed in the Setoff Debt application. You may begin adding and editing claim and bill information for the 2018 Tax Year. You may download the 2018 Participant User's Guide from the Setoff Debt system under Administration, Download Resources & Forms.

NOTE: The Association recently conducted a thorough review of the Setoff Debt ordinance, agreement and resolution and made some contextual changes needed for participants to stay complainant with the Setoff Debt Collection Act and allow the Association to act on their behalf to submit debts to the South Carolina Department of Revenue.

In order to continue to participate, it is imperative your entity adopts the enclosed ordinance, resolution and agreement **exactly as written**. These documents can be found on the Association's website (www.masc.sc – keyword: collections ordinance) in Word or PDF format.

The Association must have a copy of your amended ordinance to recover collection costs, and the original signed agreement and resolution by Thursday, November 15, 2018. We will send you a signed copy of the agreement for your file. If you require an original signed agreement for your files, provide two signed agreements to the Association.

Enclosed are the following documents to assist you with the 2018 Tax Year:

- Participation Form
- Steps to Participate in the 2018 Setoff Debt Collection Program
- Timeline
- Initial Letter Certification Form
- Agreement, Resolution to participate in the program, Ordinance to recover collection costs
- Methods for Identifying Social Security Numbers
- Appeal Procedures/Process
- SC Department of Revenue Forms
- Information on Records Retention
- Information on Disabling Pop-up Blocker

If you have questions concerning this request or the documents, contact Caitlin Cothran, Manager of Collection Programs at 803.354.4786.

Encl: as

<p>STATE OF SOUTH CAROLINA</p> <p>COUNTY OF LEXINGTON</p> <p>CITY OF CAYCE</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>ORDINANCE 2018-10</p> <p>Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act</p>
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WHEREAS, the City of Cayce is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the City of Cayce;

WHEREAS, “delinquent debt” is defined in the Act to include “collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;”

WHEREAS, the City of Cayce has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the SC Department of Revenue pursuant to the Act;

WHEREAS, the Municipal Association of South Carolina charges an administrative fee for the services it provides pursuant to the Act;

WHEREAS, the administrative fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the City of Cayce that arises through contract, and is therefore properly considered as a part of the delinquent debt owed to the City of Cayce as that term is defined in the Act;

WHEREAS, the City of Cayce also incurs internal costs in preparing and transmitting information to the Municipal Association, which costs are also collection costs that are a part of the delinquent debt owed to the City of Cayce;

WHEREAS, the City of Cayce may desire to recover its internal costs of collection by adding such costs to the delinquent debt;

NOW, THEREFORE, BE IT ENACTED by the Mayor and Council of the City of Cayce, in Council, duly assembled, as follows:

1. The City of Cayce may impose a collection cost of up to \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-5610 et. seq. This cost is hereby declared to be a collection cost that arises by operation of law and shall

be added to the delinquent debt and recovered from the debtor.

2. The City of Cayce hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the City, which shall also be added to the delinquent debt and recovered from the debtor.

3. All Ordinances in conflict with this Ordinance are hereby repealed.

4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

This Ordinance shall be effective from the date of second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2018.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Memorandum

To: Mayor and Council

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

Date: September 17, 2018

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

Issue

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

Discussion

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

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

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

Recommendation

Staff recommends City Council adopt the revised Business License Article on First Reading.

Sec. 12-36. - License Required

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the City of Cayce, South Carolina ("the City"), is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Sec. 12-37. – Definitions

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

"Business" means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

"Charitable Organization" means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 (c) (3), (4), (6), (7), (8), (10) or (19).

"Charitable Purpose" means a benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization.

"Classification" means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

"Gross Income" means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the City, excepting there from income earned outside of the City on which a license tax is paid to some other city or a county and fully reported to the City. Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other government agencies.

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

“Licensee” means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

“Municipality” means the City of Cayce, South Carolina.

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

Sec. 12-38. - Purpose and Duration

The business license levied by this article is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The 2019-2020 license will run for a sixteen month period beginning January 1, 2019 and ending April 30, 2020. Each subsequent yearly license shall be issued for the twelve month period of May 1 to April 30. The provisions of this article and the rates herein shall remain in effect from year to year as amended by the council.

Sec. 12-39. - License Tax

A. The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the thirtieth day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial tax for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

Sec. 12-40. - Registration Required

A. The owner, agent or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

B. Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this article by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.

C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments, personal property taxes on business property and other monies due and payable to the Municipality have been paid.

D. Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by a company shall be licensed as a broker.

Sec. 12-41. - Deductions, Exemptions, and Charitable Organizations

A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid to some other municipality or a county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

B. No person shall be exempt from the requirements of the article by reason of the lack of an established place of business within the Municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget. No person shall be exempt from this article

by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this article.

C. A Charitable Organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A Charitable Organization or any for-profit affiliate of a Charitable Organization, that reports income from for-profit activities, or unrelated business income, for Federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business tax on the part of its gross income from such for-profit activities or unrelated business income.

A Charitable Organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this article, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this article. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Sec. 12-42. - False Application Unlawful

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

Sec. 12-43. - Display and Transfer

A. All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or nonresident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.

B. A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be

transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Sec. 12-44. - Administration of Article

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

Sec. 12-45. - Inspection and Audits

A. For the purpose of enforcing the provisions of this article, the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this article to make inspections, examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.

B. The License Official shall have the authority to make inspections and conduct audits of businesses within the Municipality to insure compliance with the article. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this article, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

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

A. If a person fails to obtain a business license or to furnish the information required by this article or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

B. A notice of assessment shall be served by certified mail or personal service. An application for adjustment of the assessment may be made to the License Official within five (5) days after the notice is mailed or personally served or the assessment will become final. The License Official shall establish a uniform procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

C. A final assessment may be appealed to the Council only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this article relating to appeals to Council.

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

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

B. Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Sec. 12-48. - Notices.

The License Official may, but shall not be required to, mail written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Sec. 12-49. - Denial of License.

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

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

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

(3) The applicant, Licensee or prior Licensee or the person in control of the business has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

(4) The applicant, Licensee or prior Licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction; or

(5) The applicant, Licensee or prior Licensee or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee; or

(6) The license for the business or for a similar business of the Licensee in the Municipality or another jurisdiction has been denied, suspended or revoked in the previous license year.

A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

Sec. 12-50. - Suspension or Revocation of License

When the License Official determines:

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

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

(3) A Licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

(4) A Licensee has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

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

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

the License Official shall give written notice to the Licensee or the person in control of the business within the Municipality by personal service or mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked.

The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.

Sec. 12-51. - Appeals to Council

A. Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Council by written request stating the reasons therefor, filed with the License Official within ten (10) days after service by mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

B. An appeal or a hearing on revocation or denial shall be held by the Council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be the final decision of the Municipality.

Sec. 12-52. - Permission to use streets required.

It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees and conditions for use.

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

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

Sec. 12-54. - Confidentiality

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the business license article.

Sec. 12-55. - Violations.

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

Sec. 12-56. – Severability.

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

Sec. 12-57. - Classification and Rates.

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

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

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

Appendix A

Classification and Rates.

RATE SCHEDULE

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

NONRESIDENT RATES

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

DECLINING RATES

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

CLASS 8 RATES

Business Type	Class	INCOME: 0 - \$2,000 MINIMUM TAX	INCOME OVER \$2,000 Rate per Thousand or fraction thereof	
Power company	8	\$60	\$1.45	
Contractor	8.1	\$30	\$1.25	Non-resident Rates Apply
8B railroad	8.2	\$410		
Taxi	8.21	\$30	\$1.25	Non-resident Rates Apply
Telephone	8.3	\$30	\$1.25	
Cable	8.4	\$50	\$1.45	
Junk/scrap	8.41	\$60	\$2.45	Non-resident Rates Apply
Pawn	8.42	\$400	\$1.70	
Auto/motor	8.5	\$20	\$0.95	
Peddlers	8.6	\$135	\$3.05	Non-resident Rates Apply
Peddlers seasonal	8.61	\$20	\$3.05	Non-resident Rates Apply
Insurance	8.7			
Coin operated per machine	8.8	\$12.50		
Coin machine gross receipts	8.81	\$35	\$1.30	Non-resident Rates Apply
Amusement per machine	8.82	\$12.50		
Amusement gross receipts	8.83	\$35	\$1.30	Non-resident Rates Apply
Bingo	8.9	\$300	\$3.05	
Carnivals / circus	8.91	\$200	\$5.05	
Drinking place	8.92	\$265	\$5.55	
Special events	8.93	\$200		
Pool hall	9	\$25	\$1.80	

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

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

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

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

A. Having permanent place of business within the municipality

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

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

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

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

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

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

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000.00 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year.

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

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

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

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

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

8.3 NAICS 5171, 5172 - Telephone Companies:

A. Notwithstanding any other provisions of the business license article, the business license tax for "retail telecommunications services", as defined in S. C. Code section 58-9-2200, shall be at the maximum rate authorized by S. C. Code section 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

B. In conformity with S.C. Code section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the Municipality and which are charged to a service address within the Municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the Municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

C. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

D. The delinquent penalty shall be five (5%) percent of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license article for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

F. Nothing in this article shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this article.

H. As authorized by S.C. Code section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code section 58-9-2200 shall continue in effect.

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8.4 NAICS 517110 – Television: Cable or Pay

Services using public streets.....See Franchise

Cable television services not using public

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

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

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

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

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

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

8.42 NAICS 522298 - Pawn Brokers - All Types

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

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

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

(except auto supply stores - see 4413)

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

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

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

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

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

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

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

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

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

8.61 Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]

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

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

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

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owner to use the intended location.

8.7 NAICS 5241 – Insurance Companies:

Except as to fire insurance, “gross premiums” means gross premiums written for policies for property or a risk located within the Municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the Municipality, (2) the insurance company’s employee conducting business within the Municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the Municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the Municipality, regardless of whether or not an office is maintained in the Municipality.

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

Gross premiums shall include all business conducted in the prior calendar year.

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

Declining rates shall not apply.

NAICS 52411 – Life, Health and Accident.....0.75% of Gross Premiums

NAICS 524126 – Fire and Casualty (Licensed in SC).....2% of Gross Premiums

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

Notwithstanding any other provisions of this article, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the business license article for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for

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every business subject to a business license tax.

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina, by agreement with the Municipality, is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 shall remain in effect.

[The South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195. The act establishes a blended broker's premium tax rate of 6 percent comprised of a 4 percent state broker's premium tax and a 2 percent municipal broker's premium tax. The act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums.]

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

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

- 1. **8.8** Operator of machine.....\$12.50/machine PLUS
.....\$12.50 business license for
operation of all machines (not on gross income). [§ 12-21-2746]
- 2. **8.81** Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12- 21-2728) - [Nonresident rates apply.] - Minimum on first \$2,000.00\$35.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.30

NAICS 713200 - Amusement Machines, coin operated, non-payout

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) - **[Type III]**

- 1. **8.82** Operator of machine (owner of business)\$12.50 business
license for operation of all machines (not on gross income). **[§12-21-2720(B)]**
- 2. **8.83** Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12- 21-2728) - [Nonresident rates apply.] - Minimum on first \$2,000.....\$35.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.30

8.9 NAICS 713290 - Bingo halls, parlors -

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

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8.91 NAICS 711190 - Carnivals and Circuses -

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

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

(Alcoholic beverages consumed on premises)

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

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

8.93 NAICS 711310, 711320 Special Events

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

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

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

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
110000	Agriculture, forestry, hunting and fishing	2
210000	Mining	6
221100	Electric Power Generation, Transmission and Distribution	8.0
221200	Natural Gas Distribution	8.0
220000	Utilities	1
230000	Construction	8.1
31-33	Manufacturing	2
311000	Food manufacturing	2
313000	Textile and textile product mills	1
315000	Apparel	2
316000	Leather and allied products	2
321000	Wood products	1
322000	Paper products	2
323000	Printing and related support activities	2
324000	Petroleum and coal products	2
325000	Chemical manufacturing	3
327000	Nonmetallic mineral products	2
331000	Primary metal industries	1
332000	Fabricated metal products	2
333000	Machinery	2
334000	Computer and electronic products	4
335000	Electrical equipment, appliances, and components	2
336000	Transportation equipment	2
337000	Furniture and related products	2
339000	Other miscellaneous manufacturing	3
420000	Wholesale trade	1
423930	Recyclable Material Merchant Wholesalers (Junk)	8.41
44-45	Retail trade	1
441000	Motor vehicle and parts dealers	1
441100	Automobile Dealers	8.5
441200	Other Motor Vehicle Dealers	8.5
442000	Furniture and home furnishing stores	2
443000	Electronic and appliance stores	1
444000	Building material and garden equipment and supplies dealers	2
445000	Food and beverage stores	1
446000	Health and personal care stores	2
447000	Gasoline stations	1
448000	Clothing and accessories stores	2
451000	Sporting goods, hobby, book, and music stores	1

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
452000	General merchandise stores	1
453000	Miscellaneous store retailers	2
454000	Nonstore retailers	1
454390	Other Direct Selling Establishments (Peddlers)	8.6
454390	Other Direct Selling Establishments (Peddlers Seasonal)	8.61
48-49	Transportation and warehousing	2
482000	Rail Transportation	8.2
486000	Pipeline transportation	2
493000	Warehousing and storage facilities	2
510000	Information	3
511000	Publishing industries (except internet)	4
512000	Motion picture and sound recording	3
515000	Broadcasting (except internet) and telecommunications	3
517000	Telecommunications	3
517100	Wired Telecommunications Carriers	8.3
517110	Cable, DSL, VoIP, etc.	8.4
517200	Wireless Telecommunications Carriers (except Satellite)	8.3
518000	Internet service providers, web search portals, and data processing	4
519000	Other Information Services	5
520000	Finance and insurance	7
522000	Credit intermediation and related activities	5
522298	Pawnshops	8.42
523000	Securities, commodity contracts, and other financial investments	7
524000	Insurance agents, brokers, and related activities	2
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance Carriers	8.7
525000	Funds, trusts and other financial vehicles	7
530000	Real estate and rental and leasing	5
531000	Real estate	6
531100	Lessors of real estate (including miniwarehouses and self-storage)	7
532000	Rental and leasing services	2
540000	Professional, scientific, and technical services	5
541600-541900	Other professional, scientific, and technical services	7
550000	Management of companies	5
560000	Administrative and support and waste management and remediation services	3
561000	Administrative and support services	3
562000	Waste management and remediation services	2
610000	Educational services	5
620000	Health care and social assistance	4

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
623000	Nursing and Residential Care Facility	1
710000	Arts, entertainment, and recreation	3
711190	Other Performing Arts Companies (Carnivals and Circuses)	8.91
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities	8.93
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities	8.93
712000	Museums, Historical Sites and similar institutions	3
713100	Amusement Parks and Arcades	8.8
713120	Amusement Arcades (distributor selling or leasing machines)	8.83
713200	Nonpayout Amusement Machines	8.82
713290	Bingo Halls	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	9
721000	Accommodation	1
722000	Food services and drinking places	2
722330	Mobile Food Services	2
722410	Drinking Places (Alcoholic Beverages)	8.92
810000	Other services	4
811000	Repair and maintenance	2
811100	Auto repair and maintenance	2
812000	Personal and laundry services	5
813000	Religious, grantmaking, civic, professional, and similar organizations	5

Note: Class Schedule is based on 2010 IRS data.

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Sec. 12-36. - License Required

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the City of Cayce, South Carolina (“the City”), is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Sec. 12-37. – Definitions

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

“*Business*” means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

“*Charitable Organization*” means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 (c) (3), (4), (6), (7), (8), (10) or (19).

“*Charitable Purpose*” means a benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization.

“*Classification*” means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

“*Gross Income*” means the gross receipts or gross revenue ~~total income~~ of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the eCity, excepting there from income earned—outside of the eCity on which a license tax is paid to some other city or a county and fully reported to—the eCity. Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are the property of a third party. The value of bartered goods or trade—in merchandise shall be included in gross income. The gross ~~income receipts or gross revenues~~ for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other government agencies.

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

“*Licensee*” means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

“*Municipality*” means the City of Cayce, South Carolina.

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

Sec. 12-38. - Purpose and Duration

The business license levied by this article is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. ~~The 2019-2020 license will run for a sixteen month period beginning January 1, 2019 and ending April 30, 2020. Each subsequent yearly license shall be issued for the twelve month period of May 1 to April 30. Each license shall be issued for one year and shall expire on December 31.~~ The provisions of this article and the rates herein shall remain in effect from year to year ~~as amended~~as amended by the council.

Sec. 12-39. - License Tax

A. The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the ~~fifteenth~~thirtieth day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

~~**B.**~~A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a ~~12~~twelve-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial tax for an annexed business shall be

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

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Sec. 12-40. - Registration Required

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A. The owner, agent or legal representative of every business subject to this ordinance/article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the ~~m~~Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

B. Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this article by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross ~~income~~ receipts and gross revenue figures.

C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments, personal property taxes on business property and other monies due and payable to the ~~m~~Municipality have been paid.

D. Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by a company shall be licensed as a broker.

Sec. 12-41. - Deductions, Exemptions, and Charitable Organizations

A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid to some other municipality or a county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

B. No person shall be exempt from the requirements of the article by reason of the lack of an established place of business within the ~~m~~Municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States

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

~~ordinance~~article

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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 article.

C. A Charitable Organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A Charitable Organization or any for-profit affiliate of a Charitable Organization, that reports income from for-profit activities, or unrelated business income, for Federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business tax on the part of its gross income from such for-profit activities or unrelated business income.

A Charitable Organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this ordinance article, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this ordinance article. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Sec. 12-42. - False Application Unlawful

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

Sec. 12-43. - Display and Transfer

A. All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or nonresident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.

B. A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be

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transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Sec. 12-44. - Administration of Article

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

Sec. 12-45. - Inspection and Audits

A. For the purpose of enforcing the provisions of this ~~ordinance~~article, the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this article to make inspections, examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.

B. The License Official shall ~~have the authority to~~ make ~~systematic~~inspections and ~~conduct random~~ audits of ~~all~~businesses –within the Municipality to insure compliance with the ~~ordinance~~article. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ~~ordinance~~article, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

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

A. If a person fails to obtain a business license or to furnish the information required by this ~~ordinance~~article or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

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B. A notice of assessment shall be served by certified mail or personal service. An application for adjustment of the assessment may be made to the License Official within five (5) days after the notice is mailed or personally served or the assessment will become final. The License Official shall establish a uniform procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

C. A final assessment may be appealed to the Council only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this [article](#) relating to appeals to Council.

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

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

B. Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Sec. 12-48. - Notices.

The License Official may, but shall not be required to, mail written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Sec. 12-49. - Denial of License.

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

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

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

(3) The applicant, Licensee or prior Licensee or the person in control of the business has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

(4) The applicant, Licensee or prior Licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction; or

(5) The applicant, Licensee or prior Licensee or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee; or

(6) The license for the business or for a similar business of the Licensee in the Municipality or another jurisdiction has been denied, suspended or revoked in the previous license year.

A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

Sec. 12-50. - Suspension or Revocation of License

When the License Official determines:

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

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

(3) A Licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

(4) A Licensee has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

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

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

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The License Official shall give written notice to the Licensee or the person in control of the business within the Municipality by personal service or ~~certified~~-mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked.

The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ~~ordinance~~article.

Sec. 12-51. - Appeals to Council

A. Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Council by written request stating the reasons therefore, filed with the License Official within ten (10) days after service by ~~certified~~ mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

B. An appeal or a hearing on revocation or denial shall be held by the Council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be the final decision of the Municipality.

Sec. 12-52. - Permission to use streets required.

It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the ~~m~~Municipality any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees and conditions for use.

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

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

Sec. 12-54. - Confidentiality

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the business license ordinance article.

Sec. 12-55. - Violations.

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

Sec. 12-56. – Severability.

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

Sec. 12-57. - Classification and Rates.

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

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~~The Class Structure Model by the North American Industry Classification System code, designated as Appendix B to this ordinance, and the Class Structure Model by rate class, designated as Appendix C to this ordinance, may be amended by the Council from time to time, and~~

B.A.

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

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

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Appendix A

Classification and Rates.

RATE SCHEDULE

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

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NONRESIDENT RATES

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

DECLINING RATES

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

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CLASS 8 RATES

<u>Business Type</u>	<u>Class</u>	<u>Minimum on first \$2000</u>	<u>Each additional \$1000</u>	
Power company	8	\$60	\$1.45	
Contractor	8.1	\$30	\$1.25	Non-resident Rates Apply
8B railroad	8.2	\$410		
taxi	8.21	\$30	\$1.25	Non-resident Rates Apply
telephone	8.3	\$30	\$1.25	
cable	8.4	\$50	\$1.45	
junk/scrap	8.41	\$60	\$2.45	Non-resident Rates Apply
pawn	8.42	\$400	\$1.70	
auto/motor	8.5	\$20	\$0.95	
peddlers	8.6	\$135	\$3.05	Non-resident Rates Apply
peddlers seasonal	8.61	\$20	\$3.05	Non-resident Rates Apply
insurance	8.7			
coin operated per machine	8.8	\$12.50		
coin machine gross receipts	8.81	\$35	\$1.30	Non-resident Rates Apply
amusement per machine	8.82	\$12.50		
amusement gross receipts	8.83	\$35	\$1.30	Non-resident Rates Apply
bingo	8.9	\$300	\$3.05	
carnivals / circus	8.91	\$200	\$5.05	
drinking place	8.92	\$265	\$5.55	
Special events	8.93	\$200	\$5.05	
pool hall	9	\$25	\$1.80	

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

8.1 NAICS 230000 - Contractors, Construction, All Types

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

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

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

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

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

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000.00 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a calendar-license year.

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

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

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

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

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

8.3 NAICS 5171, 5172 - Telephone Companies:

A. Notwithstanding any other provisions of the ~~B~~business ~~L~~license ~~Ordinance~~article, the business license tax for "retail telecommunications services", as defined in S. C. Code section 58-9-2200, shall be at the maximum rate authorized by S. C. Code section 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

B. In conformity with S.C. Code section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the ~~m~~Municipality and which are charged to a service address within the ~~m~~Municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the ~~m~~Municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

C. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

D. The delinquent penalty shall be five (5%) percent of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license ~~ordinance~~article for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

F. Nothing in this article shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

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G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this ordinance [article](#).

H. As authorized by S.C. Code section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code section 58-9-2200 shall continue in effect.

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

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

8.4 NAICS 517110 – Television: Cable or Pay

Services using public streets.....See Franchise

Cable television services not using public streets:

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

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

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

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

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

8.42 NAICS 522298 - Pawn Brokers - All Types

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

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

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

(except auto supply stores - see 4413)

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

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

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

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

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

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

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

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- 2. 2. 8.61 Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]
Minimum on first \$2,000.....\$20.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$3.05

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

8.7 NAICS 5241 – Insurance Companies:

Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the mMunicipality. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the mMunicipality, (2) the insurance company's employee conducting business within the mMunicipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the mMunicipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the mMunicipality, regardless of whether or not an office is maintained in the mMunicipality.

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

Gross premiums shall include all business conducted in the prior calendar year.

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

Declining rates shall not apply.

NAICS 52411 – Life, Health and Accident.....0.75% of Gross Premiums

NAICS 524126 – Fire and Casualty (Licensed in SC).....2% of Gross Premiums

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

Notwithstanding any other provisions of this ordinancearticle, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

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

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina, by agreement with the mMunicipality, is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 shall remain in effect.

[The South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195. The act establishes a blended broker's premium tax rate of 6 percent comprised of a 4 percent state broker's premium tax and a 2 percent municipal broker's premium tax. The act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums.]

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

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

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

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

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NAICS ~~713290~~ 713200 - Amusement Machines, coin operated, non-payout

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

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

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

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8.9 NAICS 713290 - Bingo halls, parlors -

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

8.91 NAICS 711190 - Carnivals and Circuses -

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

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

(Alcoholic beverages consumed on premises)

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

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

8.93 NAICS 711310, 711320 Special Events

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

NAICS 711190 - Carnivals and Circuses -

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

NAICS 722410 - Drinking Places, bars, lounges, cabarets

(Alcoholic beverages consumed on premises)

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

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~~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.~~

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

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
110000	Agriculture, forestry, hunting and fishing	2
210000	Mining	6
221100	Electric Power Generation, Transmission and Distribution	8.0
221200	Natural Gas Distribution	8.0
220000	Utilities	1
230000	Construction	8.1
31-33	Manufacturing	2
311000	Food manufacturing	2
313000	Textile and textile product mills	1
315000	Apparel	2
316000	Leather and allied products	2
321000	Wood products	1
322000	Paper products	2
323000	Printing and related support activities	2
324000	Petroleum and coal products	2
325000	Chemical manufacturing	3
327000	Nonmetallic mineral products	2
331000	Primary metal industries	1
332000	Fabricated metal products	2
333000	Machinery	2
334000	Computer and electronic products	4
335000	Electrical equipment, appliances, and components	2
336000	Transportation equipment	2
337000	Furniture and related products	2
339000	Other miscellaneous manufacturing	3
420000	Wholesale trade	1
423930	Recyclable Material Merchant Wholesalers (Junk)	8.41
44-45	Retail trade	1
441000	Motor vehicle and parts dealers	1
441100	Automobile Dealers	8.5
441200	Other Motor Vehicle Dealers	8.5
442000	Furniture and home furnishing stores	2
443000	Electronic and appliance stores	1
444000	Building material and garden equipment and supplies dealers	2
445000	Food and beverage stores	1
446000	Health and personal care stores	2
447000	Gasoline stations	1
448000	Clothing and accessories stores	2
451000	Sporting goods, hobby, book, and music stores	1

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
452000	General merchandise stores	1
453000	Miscellaneous store retailers	2
454000	Nonstore retailers	1
454390	Other Direct Selling Establishments (Peddlers)	8.6
454390	Other Direct Selling Establishments (Peddlers Seasonal)	8.61
48-49	Transportation and warehousing	2
482000	Rail Transportation	8.2
486000	Pipeline transportation	2
493000	Warehousing and storage facilities	2
510000	Information	3
511000	Publishing industries (except internet)	4
512000	Motion picture and sound recording	3
515000	Broadcasting (except internet) and telecommunications	3
517000	Telecommunications	3
517100	Wired Telecommunications Carriers	8.3
517110	Cable, DSL, VoIP, etc.	8.4
517200	Wireless Telecommunications Carriers (except Satellite)	8.3
518000	Internet service providers, web search portals, and data processing	4
519000	Other Information Services	5
520000	Finance and insurance	7
522000	Credit intermediation and related activities	5
522298	Pawnshops	8.42
523000	Securities, commodity contracts, and other financial investments	7
524000	Insurance agents, brokers, and related activities	2
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance Carriers	8.7
525000	Funds, trusts and other financial vehicles	7
530000	Real estate and rental and leasing	5
531000	Real estate	6
531100	Lessors of real estate (including miniwarehouses and self storage)	7
532000	Rental and leasing services	2
540000	Professional, scientific, and technical services	5
541600-541900	Other professional, scientific, and technical services	7
550000	Management of companies	5
560000	Administrative and support and waste management and remediation services	3
561000	Administrative and support services	3
562000	Waste management and remediation services	2
610000	Educational services	5
620000	Health care and social assistance	4

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
623000	Nursing and Residential Care Facility	1
710000	Arts, entertainment, and recreation	3
711190	Other Performing Arts Companies (Carnivals and Circuses)	8.91
<u>711310</u>	<u>Promoters of Performing Arts, Sports, and Similar Events with Facilities</u>	<u>8.93</u>
<u>711320</u>	<u>Promoters of Performing Arts, Sports, and Similar Events without Facilities</u>	<u>8.93</u>
712000	Museums, Historical Sites and similar institutions	3
713100	Amusement Parks and Arcades	8.8
<u>713120</u>	<u>Amusement Arcades (distributor selling or leasing machines)</u>	<u>8.83</u>
713200	Nonpayout Amusement Machines	8.82
713290	Bingo Halls	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	<u>8.99</u>
721000	Accommodation	1
722000	Food services and drinking places	2
<u>722330</u>	<u>Mobile Food Services</u>	<u>2</u>
722410	Drinking Places (Alcoholic Beverages)	8.92
810000	Other services	4
811000	Repair and maintenance	2
811100	Auto repair and maintenance	2
812000	Personal and laundry services	5
813000	Religious, grantmaking, civic, professional, and similar organizations	5

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Note: Class Schedule is based on 2010 IRS data.

APPENDIX C
2013 BUSINESS LICENSE CLASS SCHEDULE BY RATE CLASS

NAICS Code	Industry Sector	Class
220000	Utilities	1
313000	Textile and textile product mills	1
321000	Wood products	1
331000	Primary metal industries	1
420000	Wholesale trade	1
441000	Motor vehicle and parts dealers	1
443000	Electronic and appliance stores	1
445000	Food and beverage stores	1
447000	Gasoline stations	1
451000	Sporting goods, hobby, book, and music stores	1
452000	General merchandise stores	1
454000	Nonstore retailers	1
623000	Nursing and Residential Care Facility	1
721000	Accommodation	1
44-45	Retail trade	1
110000	Agriculture, forestry, hunting and fishing	2
311000	Food manufacturing	2
315000	Apparel	2
316000	Leather and allied products	2
322000	Paper products	2
323000	Printing and related support activities	2
324000	Petroleum and coal products	2
327000	Nonmetallic mineral products	2
332000	Fabricated metal products	2
333000	Machinery	2
335000	Electrical equipment, appliances, and components	2
336000	Transportation equipment	2
337000	Furniture and related products	2
442000	Furniture and home furnishing stores	2
444000	Building material and garden equipment and supplies dealers	2
446000	Health and personal care stores	2
448000	Clothing and accessories stores	2
453000	Miscellaneous store retailers	2
486000	Pipeline transportation	2
493000	Warehousing and storage facilities	2
524000	Insurance agents, brokers, and related activities	2

APPENDIX C
2013 BUSINESS LICENSE CLASS SCHEDULE BY RATE CLASS

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

APPENDIX C
2013 BUSINESS LICENSE CLASS SCHEDULE BY RATE CLASS

NAICS Code	Industry Sector	Class
531100	Lessors of real estate (including miniwarehouses and self storage)	7
541600-541900	Other professional, scientific, and technical services	7
221100	Electric Power Generation, Transmission and Distribution	8.0
221200	Natural Gas Distribution	8.0
230000	Construction	8.1
482000	Rail Transportation	8.2
517100	Wired Telecommunications Carriers	8.3
517200	Wireless Telecommunications Carriers (except Satellite)	8.3
423930	Recyclable Material Merchant Wholesalers (Junk)	8.4
517110	Cable, DSL, VoIP, etc.	8.4
522298	Pawnshops	8.4
441100	Automobile Dealers	8.5
441200	Other Motor Vehicle Dealers	8.5
454390	Other Direct Selling Establishments (Peddlers)	8.6
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance Carriers	8.7
713100	Amusement Parks and Arcades	8.8
713200	Nonpayout Amusement Machines	8.8
711190	Other Performing Arts Companies (Carnivals and Circuses)	8.9
713290	Bingo Halls	8.9
722410	Drinking Places (Alcoholic Beverages)	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	8.10

Note: Class Schedule is based on 2010 IRS data.

SUMMARY OF CHANGES- Business License Ordinance

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

Non Resident Rates

- From MASC model ordinance: Deleted “minimum”

10. Page 13

Appendix A Class 8 Rates

- Added column headings
- Added Special Events row with a new fee to match existing Carnivals/Circus fee

11. Page 14

Appendix A Class 8 Rates NAICS 230000- Contractors, Construction, All Types

- From MASC model ordinance: Deleted “calendar”, added “License”

12. Page 20

Appendix A Class 8 Rates

- Deleted “713290” Added “713200”

13. Page 20

Appendix A Class 8 Rates

- **Added “NAICS 711310. 711320 Special Events**

Minimum on first \$2,000.....\$200.00

PLUS Per \$1,000, or fraction, over \$2,000.....\$5.05”

- Reordered the classes on this page; no additional changes (cleanup)

14. Pages 21-23

Appendix B

- Cleaned up classes to accurately match Appendix A
- Added Classes for Special Events and Mobile Food Services

15. From MASC model ordinance: Deleted Appendix C

Memorandum

To: Mayor and Council

From: Rachele Moody, Assistant to the City Manager

Date: September 19, 2018

Subject: Resolution in support of a grant application from the City of Cayce to the Municipal Association of South Carolina

Issue

The City of Cayce plans to submit a grant application to the Municipal Association of South Carolina (MASC) for the Hometown Economic Development Grant opportunity. As part of the grant application, the City is required to include a resolution of council in support of the application.

Discussion

MASC has a grant opportunity for cities and towns in South Carolina to implement economic development projects that will make a positive impact on the quality of life in their communities. The City of Cayce plans to apply for a grant and request \$25,000 in funding. Grant funds would be used for establishment of an arts and culture district. Establishment of an arts district will benefit both the city and stores/artists. The arts district will include:

- Allowing Live/Work uses throughout the district for properties
- Flexibility in design – front setbacks will be greatly reduced
- Parking requirements will be reduced and flexible parking options will be available

This grant requires a 15% match by the City. The total project will be \$28,750 to implement, of which \$25,000 would be grant funds and \$3,750 would be City match. The grant application is currently in development and will be submitted by the due date of September 28, 2018.

Recommendation

Staff recommends Council approves the resolution in support of the City's grant application to MASC for the Hometown Economic Development Grant opportunity.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

**RESOLUTION
COMMITTING THE CITY OF CAYCE
TO PROVIDE A LOCAL MATCH
FOR A MUNICIPAL ASSOCIATION
OF SOUTH CAROLINA
HOMETOWN ECONOMIC
DEVELOPMENT GRANT**

WHEREAS, this Resolution is made regarding the submission of an application for Hometown Economic Development Grant funds to the Municipal Association of South Carolina on or before September 28, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Cayce, in Council, duly assembled, that:

The City of Cayce (“City”) commits to provide a local match of \$3,750, which exceeds the maximum 15% local match required by the Municipal Association of South Carolina, to support the City of Cayce’s application for a \$25,000 Hometown Economic Development Grant. These grant and local matching funds will be used for the establishment of an arts and culture district.

APPROVED this _____ day of _____, 2018.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

Memorandum

To: Mayor and Council

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

Date: September 4, 2018

Subject: City Council approval is needed to Amend an Agreement for Completion of a Subdivision and for Providing of a Surety Bond or Letter of Credit

Issue

The developer of the Congaree Bluff neighborhood is requesting City Council approve an amendment to the current subdivision agreement to cover the cost for the completion of the required infrastructure in the subdivision.

Discussion

City of Cayce Land Development Regulations require all developers to provide a surety bond or letter of credit to the City for the cost of construction for any infrastructure in new subdivisions. This requirement protects the City by ensuring money is available to complete critical infrastructure if the developer pulls out of the project or in any way fails to satisfy the terms of the agreement.

Specifically, Congaree Bluff LLC is requesting a one year extension to September 30, 2019. All other aspects of the agreement, including the amount of the surety bond, will remain unchanged.

Recommendation

Staff recommends Council approve the amendment to the agreement.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

SECOND AMENDMENT TO
AGREEMENT FOR COMPLETION OF A
SUBDIVISION AND FOR PROVIDING
OF A SURETY BOND OR LETTER OF
CREDIT

THIS SECOND AMENDMENT is entered into this ___ day of August 2018, by and between **Congaree Bluff, LLC** (the “Developer”) and the **City of Cayce** (the “City”).

WHEREAS, the Developer and the City entered into that certain Agreement for Completion of a Subdivision and for Providing of a Surety Bond or Letter of Credit dated October 19, 2016, as amended September, 2017 (collectively, the “Agreement”); and

WHEREAS, the Developer and the City are desirous of amendment of the Agreement as set forth herein; and

WHEREAS, the Developer has provided the City with an acceptable Bond/LOC that will expire on September 30, 2019 (a copy of which is attached as Exhibit A to this Amendment),

NOW, THEREFORE, FOR AND IN CONSIDERATION of the above recitals, the receipt and sufficiency of which is acknowledged by the parties hereto, it is agreed that the Agreement is hereby amended as follows:

1. The references to the date of September 20, 2018 in Sections 2 and 5 of the Agreement are amended to the date of September 20, 2019.
2. The Bond/LOC referenced in Section 3 of the Agreement is replaced and supplemented by a Bond/LOC, acceptable to the City, in the same amount as the Bond/LOC attached to the Agreement, that will expire on September 30, 2019. A copy of the replacement Bond/LOC is attached as Exhibit A to this Amendment.
3. All other terms and provisions of the Agreement shall remain in effect.

[Remainder of page intentionally left blank – signature page follows]

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Amendment as of the date entered above.

ATTEST:


Secretary *Witness*


Witness

ATTEST:

Municipal Clerk

Witness

DEVELOPER:

Congaree Bluff, LLC

By: B. Welter

Its: Vice-President
(Title)

City of Cayce

By: _____

Its: City Manager



IRREVOCABLE LETTER OF CREDIT NUMBER
LOAN NUMBER 7090000448-201

August 30, 2018

BENEFICIARY

City of Cayce
1800 12th Street
Cayce, SC 29033

APPLICANT

Congaree Bluff, LLC
1213 Lady Street
Columbia, SC 29201

AMOUNT

U.S. One Hundred Sixty-Eight Thousand, One Hundred,
Sixty-Three Dollars and 17/100 (\$ 168,163.17)

EXPIRY

September 30, 2019

Ameris Bank does hereby issue this Irrevocable Letter of Credit in your favor City of Cayce, South Carolina, in the amount of One Hundred Sixty-Eight Thousand, One Hundred, Sixty-Three Dollars and 17/100 Dollars (\$ 168,163.17) to secure a Bonded Plat of Congaree Bluff assuring completion of Roadway, Signage, Engineering and Surveying as well as all maintenance required until Roadway is accepted by the City of Cayce, South Carolina. This Letter of Credit will expire on September 30, 2019.

This is to further advise that reductions will be allowed from the Letter of Credit only as improvements are completed. All reductions will have to be approved in writing by the City of Cayce Engineering Department.

Except as otherwise expressly stated herein, this Letter of Credit is subject to the "Uniform Customs and Practice for Documentary Credits", (1993 Revision) International Chamber of Commerce (ICC) Publication No. 500.

Joseph C. Reynolds, Senior Vice President

Joseph C. Reynolds
Print Name

Joseph C Reynolds
Signature

August 30, 2018
Date

Memorandum

To: Mayor and Council

From: Rachele Moody, Assistant to the City Manager

Date: September 13, 2018

Subject: Approval to sign a Statewide Mutual Aid Agreement for Emergency Disaster/Response Recovery

Issue

In June 2006, the City of Cayce and the other municipalities, counties and special districts in the State of South Carolina signed the South Carolina Statewide Mutual Aid Agreement. This agreement assists local governments and special districts in receiving aid following a disaster from the South Carolina Emergency Management Division (SCEMD) and the Federal Emergency Management Agency (FEMA). The agreement has recently been updated and all prior signatories have been requested to sign. This agreement is most effective if all state entities sign on. Cayce was a signatory of the previous agreement.

Discussion

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

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

Attached is a copy of the updated Statewide Mutual Aid Agreement. The agreement has been reviewed and approved by the City Manager, Public Safety Director and City Attorney.

Recommendation

Staff recommends Council approves the statewide mutual aid agreement for emergency disaster/response recovery and authorize the City Manager to sign.

STATE OF SOUTH CAROLINA
STATEWIDE MUTUAL AID AGREEMENT
FOR
EMERGENCY AND DISASTER RESPONSE/RECOVERY

THIS AGREEMENT IS ENTERED INTO BETWEEN THE STATE OF SOUTH CAROLINA AND BY AND AMONG EACH COUNTY, MUNICIPALITY, POLITICAL SUBDIVISION, STATE AGENCY, AND EMERGENCY SERVICE ENTITY THAT EXECUTES AND ADOPTS THE TERMS AND CONDITIONS CONTAINED HEREIN, BASED UPON THE FOLLOWING FACTS:

WHEREAS, the South Carolina Constitution, Article VIII, Section 13, provides that any county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof; and

WHEREAS, the South Carolina Code of Laws, Section 25-1-450, requires that State, county, and municipal governments shall cooperate in developing and maintaining a plan for mutual assistance in emergencies; and

WHEREAS, the South Carolina Code of Laws, Section 6-11-1810, provides that any municipality, fire district, fire protection agency, or other emergency service entity may provide mutual aid assistance, upon request, from any other municipality, fire district, fire protection agency, or other emergency service delivery system in South Carolina at the time of a significant incident such as fire, earthquake, hurricane, flood, tornado, hazardous material event, or other such disaster; and

WHEREAS, the State of South Carolina is geographically vulnerable to hurricanes, tornadoes, flooding, other natural disasters, and technological or other hazards that in the past have caused severe disruption of essential human services and severe property damage to public roads, utilities, buildings, parks, and other government-owned facilities; and

WHEREAS, the Parties to this Agreement recognize that additional personnel and equipment may be needed to mitigate further damage and restore vital services to the citizens of the affected community should such disasters occur; and

WHEREAS, to provide the most effective mutual aid possible, each Participating Government intends to foster communications with the personnel of the other Participating Government by visits, compilation of asset inventories, exchange of information, and development of plans and procedures to implement this Agreement;

NOW, THEREFORE, the Parties hereto agree as follows:

SECTION 1. DEFINITIONS

A. AGREEMENT - the Statewide Mutual Aid Agreement for emergency and disaster response/recovery. Counties, municipalities, political subdivisions, state agencies, and emergency service entities of the State of South Carolina may become a party to this Agreement by executing a copy of this Agreement and providing a copy with original signatures and, when necessary, the authorizing resolution(s) to the State of South Carolina Emergency Management Division (hereinafter referred to as "SCEMD"). Copies of the Agreement with original signatures shall be filed and maintained at SCEMD in West Columbia, South Carolina.

B. REQUESTING PARTY - the Participating Government entity requesting aid in the event of an emergency.

C. ASSISTING PARTY - the Participating Government entity furnishing equipment, services, and/or personnel to the Requesting Party.

D. AUTHORIZED REPRESENTATIVE - an employee of a Participating Government who is authorized in writing by that government to request, offer, or provide assistance under the terms of this Agreement. The list of Authorized Representatives for the Participating Government executing this Agreement shall be attached as Exhibit A and shall be updated as needed by each Participating Government.

E. SCEMD - the South Carolina Emergency Management Division, Office of the Adjutant General.

F. EMERGENCY - any occurrence, or threat thereof, whether natural or caused by man, in war or in peace, which results in or which may result in, substantial injury or harm to the population, or substantial damage to or loss of property.

G. DISASTER - any natural, technological, or civil emergency that causes or threatens damage of sufficient severity and magnitude that exceeds the capabilities of the local, county, or state governments.

H. PARTICIPATING GOVERNMENT - any county, municipality, political subdivision, state agency, or emergency service entity of the State of South Carolina which executes this Agreement and supplies a complete executed copy, as stated herein, to SCEMD.

I. PERIOD OF ASSISTANCE - the period of time beginning with the departure of any personnel of the Assisting Party, from any point, for the purpose of traveling to the Requesting Party in order to provide assistance, and ending upon the return of all personnel and equipment of the Assisting Party, after providing the assistance requested, to their residence or regular place of work, whichever occurs first. The Period of Assistance shall not include any portion of the trip to the Requesting Party or the return trip from the Requesting Party, during which the personnel of the Assisting Party are engaged in a course of conduct not reasonably necessary for their safe arrival at, or return from, the Requesting Party.

J. WORK OR WORK-RELATED PERIOD - any period of time in which both the personnel or equipment of the Assisting Party is being used by the Requesting Party to provide assistance and for which the Requesting Party will reimburse the Assisting Party. Specifically included within such periods of time are rest breaks after which the personnel of the Assisting Party shall return to active work within a reasonable time. Specifically excluded from such periods of time are breakfast, lunch, and dinner breaks.

SECTION 2. PROCEDURES

When a Participating Government either becomes affected by or is under imminent threat of a disaster or emergency, it may invoke emergency-related mutual aid assistance either by: 1) submitting, in writing, a request for mutual aid to the Assisting Party, 2) by orally communicating a request for mutual aid assistance to the Assisting Party or to SCEMD, followed as soon as practicable by written confirmation of said request, or 3) by submitting a resource request to SCEMD with the intent for SCEMD to facilitate coordination of mutual aid by matching available resources to the Requesting Party. Mutual aid shall not be requested by any Participating Government unless resources available within the stricken area are deemed inadequate by that Participating Government. Requests for State or Federal emergency response assistance shall be made in accordance with the State Emergency Operations Plan. All requests for mutual aid shall be transmitted by the Authorized Representative or the Director of the County Emergency Management Agency. Requests for assistance may be communicated either to SCEMD or directly to an Assisting Party.

A. REQUESTS DIRECTLY TO ASSISTING PARTY: The Requesting Party may directly contact the Authorized Representative of the Assisting Party and shall provide them with the information in Paragraph C below. All communications shall be conducted directly between Requesting Party and Assisting Party. Each party shall be responsible for keeping SCEMD advised of the status of the response activities.

B REQUESTS ROUTED THROUGH, OR ORIGINATING FROM SCEMD: The Requesting Party may directly contact SCEMD, in which case it shall provide SCEMD with the information in Paragraph C below. SCEMD may then contact other Participating Governments on behalf of the Requesting Party and coordinate the provision of mutual aid. SCEMD shall not be responsible for costs associated with such indirect requests for assistance, unless SCEMD so indicates in writing at the time it transmits the request to the Assisting Party. In no event shall SCEMD or the State of South Carolina be responsible for costs associated with assistance in the absence of appropriated funds. In all cases, the party receiving the mutual aid shall be solely responsible for the costs incurred by any Assisting Party providing assistance pursuant to the provisions of this Agreement.

C. REQUIRED INFORMATION: Each request for assistance shall be accompanied by the following information to the extent known:

1. A general description of the current situation;
2. Identification of the function for which assistance is needed (e.g., fire, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and other medical services, search and rescue, etc.) and the type of assistance needed;
3. Identification of the public infrastructure system for which assistance is needed (e.g., sanitary sewer, potable water, streets, or storm water systems) and the type of work assistance needed;
4. The amount and type of personnel, equipment, materials, and supplies needed, and a reasonable estimate of the length of time they will be needed;
5. The need for sites, structures or buildings outside the Requesting Party's jurisdictional boundaries to serve as relief centers or staging areas for incoming emergency goods and services;
6. An estimated time and a specific place for a representative of the Requesting Party to meet the personnel and equipment of any Assisting Party; and
7. An estimate of expected costs from the Assisting Party to include any incidental expenses the Assisting Party expects to recoup from the Requesting Party.

This information may be provided on the form attached as Exhibit B, or by any other available means. SCEMD may revise the format of Exhibit B subsequent to the execution of this Agreement.

D. ASSESSMENT OF AVAILABILITY OF RESOURCES AND ABILITY TO RENDER ASSISTANCE: When contacted by a Requesting Party or SCEMD, the Authorized Representative of any Participating Government agrees to assess and determine availability of personnel, equipment, and other resources to render assistance. All Participating Governments shall render assistance to the extent that personnel, equipment, and resources are available. Each Participating Government agrees to render assistance in accordance with the terms of this Agreement to the fullest extent possible. When the Authorized Representative determines that his/her Participating Government has available personnel, equipment, or other resources, the Authorized Representative shall so notify the Requesting Party or SCEMD, whichever communicated the request, and provide the information below. SCEMD shall, upon response from sufficient Participating Governments to meet the needs of the Requesting Party, notify the Authorized Representative of the Requesting Party and provide him/her with the following information to the extent known:

1. A complete description of the personnel, equipment, and materials to be furnished to the Requesting Party;
2. The estimated length of time the personnel, equipment, and materials will be available;
3. The areas of experience and abilities of the personnel and the capability of the equipment to be furnished;
4. The name of the person or persons to be designated as supervisory personnel; and
5. The estimated time when the assistance provided will arrive at the location designated by the Authorized Representative of the Requesting Party.

E. SUPERVISION AND CONTROL: The personnel, equipment, and resources of any Assisting Party shall remain under operational control of the Requesting Party for the area in which they are serving. Direct supervision and control of said personnel, equipment and resources shall remain with the designated supervisory personnel of the Assisting Party. Representatives of the Requesting Party shall provide work tasks to the supervisory personnel of the Assisting Party.

The designated supervisory personnel of the Assisting Party shall have the responsibility and authority for assigning work and establishing work schedules for the personnel of the Assisting Party, based on task or mission assignments provided by the Requesting Party and SCEMD. The designated supervisory personnel of the Assisting Party shall:

1. Maintain daily personnel time records, material records, and a log of equipment hours;
2. Be responsible for the operation and maintenance of the equipment and other resources furnished by the Assisting Party; and
3. Report work progress to the Requesting Party.

The Assisting Party's personnel and other resources shall remain subject to recall by the Assisting Party at any time, subject to reasonable notice to the Requesting Party and SCEMD. At least twenty-four (24) hour advance notification of intent to withdraw personnel or resources shall be provided to the Requesting Party, unless such notice is not practicable, in which case such notice as is reasonable shall be provided.

F. FOOD, HOUSING, AND SELF-SUFFICIENCY: Unless specifically instructed otherwise, the Requesting Party shall have the responsibility of providing food and housing for the personnel of the Assisting Party from the time of their arrival at the designated location until the time of their departure. However, Assisting Party personnel and equipment should be, to the greatest extent possible, self-sufficient for operations in areas stricken by emergencies or disasters. The Requesting Party may specify only self-sufficient personnel and resources in its request for assistance.

G. COMMUNICATIONS: Unless specifically instructed otherwise, the Requesting Party shall have the responsibility for coordinating communications between the personnel of the Assisting Party and the Requesting Party. Assisting Party personnel should be prepared to furnish communications equipment sufficient to maintain communications among their respective operating units.

H. RIGHTS AND PRIVILEGES: Whenever the employees of the Assisting Party are rendering aid pursuant to this Agreement, such employees shall have the powers, duties, rights, privileges, and immunities, and shall receive the compensation accruing to their employment.

I. WRITTEN ACKNOWLEDGMENT: The Assisting Party shall complete a written acknowledgment regarding the assistance to be rendered, setting forth the information transmitted in the request, and shall transmit it by the quickest practical means to the Requesting Party or SCEMD, as applicable, for approval. The form to serve as this written acknowledgment is attached as Exhibit C. The Requesting Party/Division shall respond to the written acknowledgment by executing and returning a copy to the Assisting Party by the quickest practical means. The Requesting Party/Division shall retain a copy of this acknowledgement for its own records.

SECTION 3. REIMBURSABLE EXPENSES

A. PROCEDURES FOR REIMBURSEMENT: Unless the Assisting Party states otherwise in writing, the ultimate responsibility for the reimbursement of costs incurred under this Agreement shall rest with the Requesting Party, subject to the following conditions and exceptions:

1. An Assisting Party shall bill the Requesting Party as soon as practicable, but not later than forty-five (45) calendar days after the Period of Assistance has closed. Upon the request of any of the concerned Participating Governments, the time frame may be extended as agreed upon by the two parties.

2. If the Requesting Party protests any bill or item on a bill from an Assisting Party, it shall do so in writing as soon as practicable, but in no event later than forty-five (45) calendar days after the bill is received. Failure to protest any bill or billed item in writing within forty-five (45) calendar days shall constitute agreement to the bill and the items on the bill and waiver of the right to contest the bill.

B. COSTS ELIGIBLE FOR REIMBURSEMENT: The costs incurred by the Assisting Party under this Agreement shall be reimbursed as requested in order to make the Assisting Party whole to the fullest extent practicable.

1. The Assisting Party shall only be reimbursed for those expenses incurred in the performance of such work specified in a written request as approved by the Requesting Party.

2. Expenses incurred in support of work not specified in an approved written request shall be the sole responsibility of the Assisting Party.

3. Travel-related expenses (meals, lodging, and transportation) shall be reimbursed in accordance with the terms of the Assisting Party's pay and travel policies.

4. The Requesting Party shall reimburse the Assisting Party for employment costs of personnel who render assistance under this Agreement to Requesting Party, including wages, salaries, and any and all other compensation for mobilization, hours worked, and demobilization. Such compensation shall include any and all contributions for insurance and retirement, and such employees shall continue to accumulate seniority at the usual rate. Employees of the Assisting Party shall retain all the duties, responsibilities, immunities, rights, interests and privileges incident to their usual employment while providing assistance to the Requesting Party.

5. The costs associated with the equipment supplied by the Assisting Party shall be reimbursed at the rental rate established for like equipment by the regulations of the Federal Emergency Management Agency, or at any other rental rate agreed to by the Requesting Party. The Assisting Party shall pay for fuels, other consumable supplies, and repairs to its equipment as needed to keep the equipment in a state of operational readiness. Rent for the equipment shall be deemed to include the cost of fuel and other consumable supplies, maintenance, service, repairs, and ordinary wear and tear. With the consent of the Assisting Party, the Requesting Party may provide fuels, consumable supplies, maintenance, and repair

services for such equipment at the site. In that event, the Requesting Party may deduct the actual costs of such fuels, consumable supplies, maintenance, and services from the total costs otherwise payable to the Assisting Party. If the equipment is damaged while in use under this Agreement and the Assisting Party receives payment for such damage under any contract of insurance, the Requesting Party may deduct such payment from any item or items billed by the Assisting Party for any of the costs for such damage that may otherwise be payable.

6. The Requesting Party shall pay the total costs for the use and consumption of any and all consumable supplies delivered by the Assisting Party for the Requesting Party under this Agreement. In the case of perishable supplies, consumption shall be deemed to include normal deterioration, spoilage and damage notwithstanding the exercise of reasonable care in its storage and use. Supplies remaining unused shall be returned to the Assisting Party in usable condition upon the close of the Period of Assistance, and the Requesting Party may deduct the cost of such returned supplies from the total costs billed by the Assisting Party for such supplies. If the Assisting Party agrees, the Requesting Party may also replace any and all used consumable supplies with like supplies in usable condition and of like grade, quality and quantity within the time allowed for reimbursement under this Agreement.

7. The Assisting Party shall keep records to document all assistance rendered under this Agreement. Such records shall comply with State audit requirements as specified in applicable State regulations. Upon reasonable notice, the Assisting Party shall make its records available to the Requesting Party for inspection or duplication between 8:00 a.m. and 5:00 p.m. on all weekdays, except for official holidays.

SECTION 4. INSURANCE

Each Participating Government shall bear the risk of its own actions, as it does with its day-to-day operations, and determine for itself what kinds of insurance, and in what amounts, it should carry. If a Participating Government is insured, its file shall contain a letter from its insurance carrier

authorizing it to provide and receive assistance under this Agreement, and indicating that there will be no lapse in its insurance coverage, either on employees, vehicles, or liability. If a Participating Government is self-insured, its file shall contain a copy of a resolution authorizing its self-insurance program. Each Assisting Party shall be solely responsible for determining that its insurance is current and adequate prior to providing assistance under this Agreement. The amount of reimbursement from the Requesting Party shall be reduced by the amount of any insurance proceeds to which the Assisting Party is entitled as a result of losses experienced in rendering assistance pursuant to this Agreement.

SECTION 5. LIABILITY

To the extent permitted by law, and without waiving sovereign immunity, each Party to this Agreement shall be responsible for any and all claims, demands, suits, actions, damages, and causes of action related to or arising out of or in any way connected with its own actions, and the actions of its personnel, in providing mutual aid assistance rendered or performed pursuant to the terms and conditions of this Agreement.

SECTION 6. TERM

This Agreement shall be in effect for one (1) year from the date hereof and is renewed automatically in successive one (1) year terms unless terminated upon sixty (60) days advance written notice by the Participating Government. Notice of such termination shall be made in writing and shall be served personally or by registered mail upon the Director, South Carolina Emergency Management Division, Office of the Adjutant General, West Columbia, South Carolina, which shall provide copies to all other Participating Governments. Notice of termination shall not relieve the withdrawing Participating Government from obligations incurred hereunder prior to the effective date of the withdrawal and shall not be effective until sixty (60) days after notice thereof has been sent by the Director, South Carolina Emergency Management Division, Office of the Adjutant General, to all other Participating Governments. It is the responsibility of the signatory to update the signatures as required.

SECTION 7. EFFECTIVE DATE OF THIS AGREEMENT

This Agreement shall be in full force and effect upon approval by the Participating Government and upon proper execution thereof.

SECTION 8. ROLE OF SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION

SCEMD shall serve as the central repository for executed Agreements, maintain a current listing of Participating Governments with their Authorized Representative and contact information, and provide a listing of the Participating Governments online at the SCEMD website.

SECTION 9. SEVERABILITY: EFFECT ON OTHER AGREEMENTS

Should any portion, section, or subsection of this Agreement be held to be invalid by a court of competent jurisdiction, that fact shall not affect or invalidate any other portion, section or subsection; and the remaining portions of this Agreement shall remain in full force and effect without regard to the section, portion, or subsection or power invalidated.

In the event that any parties to this Agreement have entered into other mutual aid agreements or inter-local agreements, those parties agree that said agreements are superseded by this Agreement only for emergency management assistance and activities performed in major disasters pursuant to this Agreement. In the event that two or more parties to this Agreement have not entered into another mutual aid agreement, and the parties wish to engage in mutual aid, then the terms and conditions of this Agreement shall apply unless otherwise agreed between those parties.

[Intentionally left blank]

**FOR ADOPTION BY A MUNICIPALITY, POLITICAL SUBDIVISION, OR
EMERGENCY SERVICE ENTITY**

IN WITNESS THEREOF, the parties set forth below have duly executed this Agreement on the dates set forth below:

STATE OF SOUTH CAROLINA

By: _____ Date: _____
Director, South Carolina Emergency
Management Division

EXECUTED BY _____ IN _____
COUNTY (attach authorizing resolution or ordinance if necessary).

Authorized Official:

By: _____ Date: _____
Signature
Brian Watkins

Printed Name

Its: City Manager

Title

STATEWIDE MUTUAL AID AGREEMENT
EXHIBIT A: AUTHORIZED REPRESENTATIVES

Date: 9-19-18

Name of Participating Government: City of Cayce

Mailing Address: 1800 12th Street

City, State, Zip Code: Cayce, SC 29033

Authorized Representatives to Contact for Emergency Assistance:

Primary Representative:

Name: Byron Snellgrove

Title: Director of Public Safety

Address: 2 Lavern Jumper Rd., Cayce, SC 29033

Day Phone: 803-794-0456

Night Phone: 803-518-3433

Fax Number: 803-794-2393

Email: bsnellgrove@caycesc.gov

1st Alternate Representative:

Name: Jim Crosland

Title: Deputy Director of Public Safety

Address: 2 Lavern Jumper Dr., Cayce, SC 29033

Day Phone: 803-794-0456

Night Phone: 803-683-2165

Fax Number: 803-794-2393

Email: jcrosland@caycesc.gov

2nd Alternate Representative:

Name: Brian Watkins

Title: City Manager

Address: 1800 12th St., Cayce, SC 29033

Day Phone: 803-550-9522

Night Phone: 850-324-3582

Fax Number: 803-550-9072

Email: bwatkins@caycesc.gov

STATEWIDE MUTUAL AID AGREEMENT

EXHIBIT B: REQUIRED INFORMATION

Each request for assistance shall be accompanied by the following information, to the extent known:

1. General description of the damage sustained;
2. Identification of the emergency service function for which assistance is needed (e.g., fire, law enforcement, emergency medical, transportation, communications, public works and engineering, building, inspection, planning, and information assistance, mass care, resource support, health and other medical services, search and rescue, etc.) and the particular type of assistance needed;
3. Identification of the public infrastructure system for which assistance is needed (e.g., sanitary sewer, portable water, streets, or storm water systems) and the type of work assistance needed;
4. The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed;
5. The need for sites, structures or buildings outside the Requesting Party's jurisdictional boundaries to serve as relief centers or staging areas for incoming emergency goods and services;
6. An estimated time and specific place for a representative of the Requesting Party to meet the personnel and equipment of any Assisting Party;
7. An estimate of expected costs from the Assisting Party to include any incidental expenses they plan to recoup from the Requesting Party;

STATEWIDE MUTUAL AID AGREEMENT
EXHIBIT C: ACKNOWLEDGMENT

To be completed by each Assisting Party.

NAME OF ASSISTING PARTY: _____

AUTHORIZED REPRESENTATIVE: _____

CONTACT NUMBER/PROCEDURES: _____

1. Assistance to be provided:

<u>Resource Type</u>	<u>Amount</u>	<u>Assignment</u>	<u>Est. Time of Arrival</u>
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2. Availability of additional resources:

3. Time limitations, if any:

Memorandum

To: Mayor and Council

From: Brian Watkins, City Manager

Date: September 17, 2018

Subject: Consideration and Approval of Agreement Concerning Electric Service Rights between Mid-Carolina Cooperative Inc. and SCE&G

ISSUE

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

BACKGROUND/DISCUSSION

In the past there have been disagreements, even lawsuits, over which electric utility has the right to serve particular parcels within municipalities. This is particularly true for parcels annexed prior to February 20, 2004. In an effort to solve these issues, SCE&G and MCEC have worked closely to settle all outstanding electric service territory issues throughout the County; this effort included all parcels within Cayce.

SCE&G and MCEC have reached an agreement that assigns electric service territory rights down to the parcel level; each parcel has been assigned to SCE&G or MCEC based on a number of factors. They believe the agreement will aid future planning for electric utilities, and will reduce uncertainty for property owners and developers. The agreement will also help to minimize duplication of facilities in the future. They are asking the City to adopt the municipal electric service territory map for Cayce through official action by Council. They have established a two-step process that has already been successfully implemented in a number of municipalities (both large and small). The first step will be the adoption of an Electric Service Rights Agreement (ESRA). SCE&G, MCEC and the municipality will all be parties to the ESRA. The ESRA will adopt the new municipal electric service territory map and provide a timeline for the adoption of new franchise agreements with SCE&G and MCEC. The second step will be the adoption of new franchise agreements between SCE&G, MCEC and Cayce. Each new franchise agreement will include the municipal electric service territory map as an exhibit.

RECOMMENDATION

Staff recommends Council Approve the signing of the Electric Service Rights Agreement (ESRA) adopting the electrical service territory map.

**AGREEMENT CONCERNING ELECTRIC SERVICE RIGHTS BETWEEN
MID-CAROLINA ELECTRIC COOPERATIVE, INC. AND SOUTH CAROLINA
ELECTRIC & GAS COMPANY**

This Electric Service Rights Agreement is entered into this ____ day of _____, 2018, by and between South Carolina Electric & Gas Company (“SCE&G”), Mid-Carolina Electric Cooperative, Inc. (“Mid-Carolina”), and the City of Cayce (“City”) (collectively, “Parties”).

WHEREAS, SCE&G has an electric franchise ordinance with the City, which became effective on November 15, 2009, and was amended by Ordinance 2017-08; and

WHEREAS, SCE&G has a natural gas franchise ordinance with the City, which became effective on November 15, 2009, and was amended by Ordinance 2017-09; and

WHEREAS, Mid-Carolina has an electric franchise agreement with the City, which became effective on July 8, 2005; and

WHEREAS, the City desires to avoid electric service rights disputes between Mid-Carolina and SCE&G within the City limits; and

WHEREAS, Mid-Carolina and SCE&G have engaged in a detailed infrastructure and parcel mapping exercise within the City in an effort to allow both companies to have more certainty in planning to provide electric service and to allow both companies to provide electric service more efficiently and effectively; and

WHEREAS, as agreed to by the Parties, the attached Exhibit A is a map of the City of Cayce with the parcels for which Mid-Carolina is to have electric service rights shaded in green and the parcels for which SCE&G is to have electric service rights shaded in red;

NOW THEREFORE, in consideration of the mutual covenants herein contained, the sufficiency of which is acknowledged, the Parties hereby agree as follows:

1. Mid-Carolina and SCE&G shall enter into Franchise Agreements with the City on December 31, 2018, or earlier if the Parties so agree, provided that both Franchise Agreements will be signed on the same day. The Franchise Agreements shall each have the same effective date, shall each be for a specified term of at least thirty (30) years, shall each expire on the same date certain, and shall each omit any provisions allowing for amendment of the term of the Franchise Agreement. Five (5) business days prior to execution of the Franchise Agreements, each Party shall be provided with the final versions of the Franchise Agreements for the purpose of determining compliance with the terms of this Electric Service Rights Agreement. If any Party

determines that either Franchise Agreement does not comply with the terms of this Electric Service Rights Agreement, that Party may terminate this Electric Service Rights Agreement at any time prior to execution of the Franchise Agreements.

2. The Parties agree that Exhibit A is a reasonable assignment of the electric service rights to the parcels located within the City limits and resolves any current and future disputes regarding electric service rights to the parcels. As such, the Franchise Agreements entered into pursuant to Paragraph 1 shall each reference and include as an attachment Exhibit A attached hereto. The Franchise Agreement between SCE&G and the City shall provide that SCE&G has electric service rights to the parcels shaded in red on the attached Exhibit A. The Franchise Agreement between Mid-Carolina and the City shall provide that Mid-Carolina has electric service rights to the parcels shaded in green on the attached Exhibit A. The Franchise Agreements entered into pursuant to Paragraph 1 need not and shall not include any language indicating the possibility of electric service rights disputes.
3. Upon acceptance by City Council of both the Franchise Agreement between Mid-Carolina and the City and the Franchise Agreement between SCE&G and the City, SCE&G shall have electric service rights to the parcels shaded in red on the attached Exhibit A, and Mid-Carolina shall have electric service rights to the parcels shaded in green on the attached Exhibit A. Except as specifically provided in Paragraphs 4, 5, and 6 herein, the service rights designation in the attached Exhibit A shall be the sole determining factor as to whether Mid-Carolina or SCE&G has the right to serve a building or structure within a particular parcel.
4. The Parties further agree that Mid-Carolina may continue to provide electric service to any building or structure to which it is already providing electric service as of the effective date of the Franchise Agreements until such building or structure is removed, torn down, razed to the ground, or demolished, even if Exhibit A provides electric service rights for the parcel on which the building or structure is located to SCE&G; and SCE&G may continue to provide electric service to any building or structure to which it is already providing electric service as of the effective date of the Franchise Agreements until such building or structure is removed, torn down, razed to the ground, or demolished, even if Exhibit A provides electric service rights for the parcel on which the building or structure is located to Mid-Carolina. After any building or structure that is being served by Mid-Carolina or SCE&G pursuant to the terms of this Paragraph 4 is removed, torn down, razed to the ground, or demolished, the service rights designation in the attached Exhibit A shall be the sole determining factor as to whether Mid-Carolina or SCE&G has the right to provide electric service to any future replacement building or structure within that parcel. Each Franchise Agreement entered into pursuant to Paragraph 1 shall contain a provision stating as such.

5. The Parties further agree that, where any new building or structure is constructed so that part of the building or structure resides on a green parcel of the attached Exhibit A and part of the building or structure resides on a red parcel of the attached Exhibit A, the customer, in its sole discretion, may choose whether Mid-Carolina or SCE&G provides electric service to such new building or structure. Each Franchise Agreement entered into pursuant to Paragraph 1 shall contain a provision stating as such.
6. The Parties further agree that, upon any future annexation by the City, Mid-Carolina shall continue to provide electric service to those annexed parcels assigned to it by the Public Service Commission of South Carolina prior to the annexation, and SCE&G shall continue to provide electric service to those annexed parcels assigned to it by the Public Service Commission of South Carolina prior to the annexation. Each Franchise Agreement entered into pursuant to Paragraph 1 shall contain a provision stating as such.
7. The electric service rights delineated in Exhibit A are in compliance with applicable state law.
8. This Electric Service Rights Agreement will not be amended without the express written consent of all Parties.
9. If the City Council does not approve both Franchise Agreements entered into pursuant to Paragraph 1, this Electric Service Rights Agreement shall be considered terminated, null and void. Each Franchise Agreement entered into pursuant to Paragraph 1 shall contain a provision stating as such.
10. The Parties agree that the Franchise Agreement that SCE&G enters into pursuant to Paragraph 1 will be a combination electric and gas Franchise Agreement.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have caused this Electric Service Rights Agreement to be executed on the date first written above.

[SIGNATURE PAGE FOLLOWING]

CITY OF CAYCE

Elise Partin, Mayor

Date

SOUTH CAROLINA ELECTRIC & GAS COMPANY

W. Keller Kissam, President & Chief Operating Officer

Date

MID-CAROLINA COOPERATIVE, INC.

B. Robert Paulling, Chief Executive Officer

Date



Exhibit A - City of Cayce Parcel Assignment

