



CITY COUNCIL MEETING
BACK-UP MATERIALS
FOR
OCTOBER 19, 2020



Interoffice Memorandum

TO: Mayor and City Council

FROM: Jim Clifford, City Administrator

DATE: October 16, 2020

SUBJECT: Regular City Council Meeting of October 19, 2020

REGULAR COUNCIL MEETING

ITEM 5. PERSONNEL: Employee of the Quarter – July, August, September 2020- Andi Hogg, Public Safety Officer

The City of North Augusta Employee Recognition Committee would like to recognize the employee of the quarter for July, August, September 2020, Andi Hogg, Public Safety Officer with the Department of Public Safety.

Andi started her employment with the City of North Augusta on May 2, 2018 as a dispatcher. She excelled as a dispatcher displaying her skills as a great communicator and decision maker.

Andi made the decision to become a Public Safety officer in 2019 because she wanted to be able to provide hands on help and see things from start to finish instead of just being the calm voice on the phone. Andi has exemplified herself as a Public Safety officer by producing quality cases, being a dependable shift member, and treating the public with dignity and respect. She also offers a different perspective to the public by being a woman in law enforcement in a male dominated profession. She is described as top notch, very calm, cool, and collective.

Andi has also distinguished herself as a firefighter by completing multiple rigorous firefighter certifications and she serves as a volunteer on the Long Branch Fire Department on her days off. Andi's goal is to continue helping people as a Public Safety Officer, developing her skills through advanced training, and eventually be assigned to the Investigations Division.

Andi is a tremendous asset to the Public Safety Department and the City of North Augusta workforce.

ITEM 6. ANNEXATION: Ordinance No. 2020-24 – To Change the Corporate Limits of the City of North Augusta by Annexing a Portion of ±0.32 Acres of Property Located at 645 Crestlyn Drive and Owned by Shirley B. Peterson and Gregory Peterson; Ordinance-final Reading

An ordinance has been prepared for Council's consideration on final reading to change the corporate limits of the City of North Augusta by annexing a portion of ±0.32 acres of property located at 645 Crestlyn Drive and owned by Shirley B. Peterson and Gregory Peterson.

Please see ATTACHMENT #6 for a copy of the proposed ordinance and Exhibit B.

ITEM 7. ANNEXATION: Ordinance No. 2020-25 – To Change the Corporate Limits of the City of North Augusta by Annexing a Portion of ±0.28 Acres of Property Located at 655 Hutchinson Drive and Owned by Brandi L. Lamothe; Ordinance-Final Reading

An ordinance has been prepared for Council's consideration on final reading to change the corporate limits of the City of North Augusta by annexing a portion of ±0.28 acres of property located at 655 Hutchinson Drive and owned by Brandi L. Lamothe and Joel L. Lamothe.

Please see ATTACHMENT #7 for a copy of the proposed ordinance and Exhibit B.

ITEM 8. ANNEXATION: Ordinance No. 2020-26 – To Change the Corporate Limits of the City of North Augusta by Annexing a Portion of ±0.26 Acres of Property Located at 705 Mae Street and Owned by Jose B. Rodriguez and Maria I. Serrano; Ordinance-Final Reading

An ordinance has been prepared for Council's consideration on final reading to change the corporate limits of the City of North Augusta by annexing a portion of ±0.26 acres of property located at 705 Mae Street and owned by Jose B. Rodriguez and Maria I. Serrano.

Please see ATTACHMENT #8 for a copy of the proposed ordinance and Exhibit B.

ITEM 9. ANNEXATION: Ordinance No. 2020-27 – To Change the Corporate Limits of the City of North Augusta by Annexing a Portion of ±0.25 Acres of Property Located at 711 Mae Street and Owned by Lila M. Santiago; Ordinance-Final Reading

An ordinance has been prepared for Council's consideration on final reading to change the corporate limits of the City of North Augusta by annexing a portion of ±0.25 acres of property located at 711 Mae Street and owned by Lila M. Santiago.

Please see ATTACHMENT #9 for a copy of the proposed ordinance and Exhibit B.

ITEM 10. FINANCE: Resolution No. 2020-45 – A Resolution Appointing a Member to the Accommodations Tax Advisory Committee to Make State Accommodations Tax Expenditure Recommendations for Council's Consideration

- A. Remove from Table**
- B. Motion to Consider**

A resolution has been prepared for Council's consideration to appoint a member to the Accommodations Tax Advisory Committee to make State Accommodations Tax expenditure recommendations for Council's consideration. This resolution was tabled at the October 5, 2020 regular City Council meeting. A motion to remove the item from the table is required.

Please see [ATTACHMENT #10](#) for a copy of the proposed resolution.

ITEM 11. FINANCE: Ordinance No. 2020-28 – Adopting a Budget for Fiscal Year 2021 Containing Estimates of Proposed Revenues and Expenditures by the City of North Augusta, South Carolina, for the Budget Year Beginning January 1, 2021, and Declaring That Same Shall Constitute the Budget of the City of North Augusta for Such Budget Year; Ordinance – First Reading

An ordinance has been prepared for Council's consideration on first reading to adopt a budget for the fiscal year 2021 containing estimates of proposed revenues and expenditures by the City of North Augusta, South Carolina, for the budget year beginning January 1, 2021, and declaring that same shall constitute the budget of the City of North Augusta for such budget year.

Please see [ATTACHMENT #11](#) for a copy of the proposed ordinance.

ITEM 12. FINANCE: Ordinance No. 2020-29 – Levying the Annual Tax on Property in the City of North Augusta, South Carolina for the Fiscal Year Beginning January 1, 2021, and Ending December 31, 2021; Ordinance – First Reading

An ordinance has been prepared for Council's consideration on first reading to levy the annual tax on property in the City of North Augusta, South Carolina for the fiscal year beginning January 1, 2021, and ending December 31, 2021.

Please see [ATTACHMENT #12](#) for a copy of the proposed ordinance.

ITEM 13. PLANNING AND DEVELOPMENT: Ordinance No. 2020-30 – To Amend the Zoning Map of the City of North Augusta, South Carolina by Rezoning ±0.45 Acres of Land Owned by Jeffrey S. Martin, Aiken County Tax Parcel #007-15-01-001, 1132 Frances Street from R-10, Medium Lot, Single Family Residential, to GC General Commercial; Ordinance – First Reading

An ordinance has been prepared for Council's consideration on first reading to amend the zoning map of the City of North Augusta, South Carolina by rezoning ±0.45 acres of land owned by Jeffrey S. Martin, Aiken County Tax Parcel #007-15-01-001, 1132 Frances Street from R-10, Medium Lot, Single Family Residential, to GC General Commercial.

Please see [ATTACHMENT #13](#) for a copy of the proposed ordinance.

ITEM 14. PLANNING AND DEVELOPMENT: Ordinance No. 2020-31 – To Amend the Zoning Map of the City of North Augusta, South Carolina by Rezoning ±2.02 Acres of Land Owned by Hardy Land, LLC Aiken County Tax Parcel #005-19-06-005, from PD, Planned Development, to R-5, Mixed Residential; Ordinance – First Reading

An ordinance has been prepared for Council’s consideration on first reading to amend the zoning map of the City of North Augusta, South Carolina by rezoning ±2.02 acres of land owned by Hardy Land, LLC Aiken County Tax Parcel #005-19-06-005, from PD, Planned Development, to R-5, Mixed Residential.

Please see ATTACHMENT #14 for a copy of the proposed ordinance.

ITEM 15. FINANCE: Ordinance No. 2020-32 – An Ordinance to Amend Section 15 Articles I and V Related to Business Licensing

An ordinance has been prepared for Council’s consideration on first reading to amend Section 15 Articles I and V of the City of North Augusta Code of Ordinances Related to Business Licensing.

Please see ATTACHMENT #15 for a copy of the proposed ordinance.

ATTACHMENT #6

ORDINANCE NO. 2020-24
TO CHANGE THE CORPORATE LIMITS OF THE CITY OF
NORTH AUGUSTA BY ANNEXING A PORTION OF ± 0.32 ACRES OF
PROPERTY LOCATED AT 645 CRESTLYN DRIVE
AND OWNED BY SHIRLEY B. PETERSON AND GREGORY PETERSON

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina provides that: "Notwithstanding the provisions of subsections (1) and (2) of this section, any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete"; and

WHEREAS, the Mayor and City Council of the City of North Augusta, by adoption of Resolution No. 2020-48 dated October 5, 2020, accepted a Petition for Annexation and wish to annex the below described properties; and

WHEREAS, the zoning classification recommended for the properties proposed for annexation has been reviewed for consistency with the Future Land Use Classification of the properties as specified in the Land Use Element of the North Augusta 2017 Comprehensive Plan;

WHEREAS, Shirley B. Peterson and Gregory Peterson, the current owners of record of the property, have submitted a Petition for annexation, dated July 9, 2020, requesting the City annex the described property;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof that:

- I. A portion of the following described property shall be annexed into the City of North Augusta:

Block 4, Lot 9 Summerfield

Tax Map & Parcel No.: 013-09-02-005

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated June 26, 2020, and prepared by the City of North Augusta.

The property to be annexed shall be zoned R-10, Medium Lot, Single-Family Residential as shown on a map identified as "Exhibit B" titled "Zoning of Property Sought to be Annexed to the City of North Augusta." Said map is dated June 26, 2020 and prepared by the City of North Augusta.

- II. All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III. This Ordinance shall become effective immediately upon its adoption on second and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

First Reading: _____

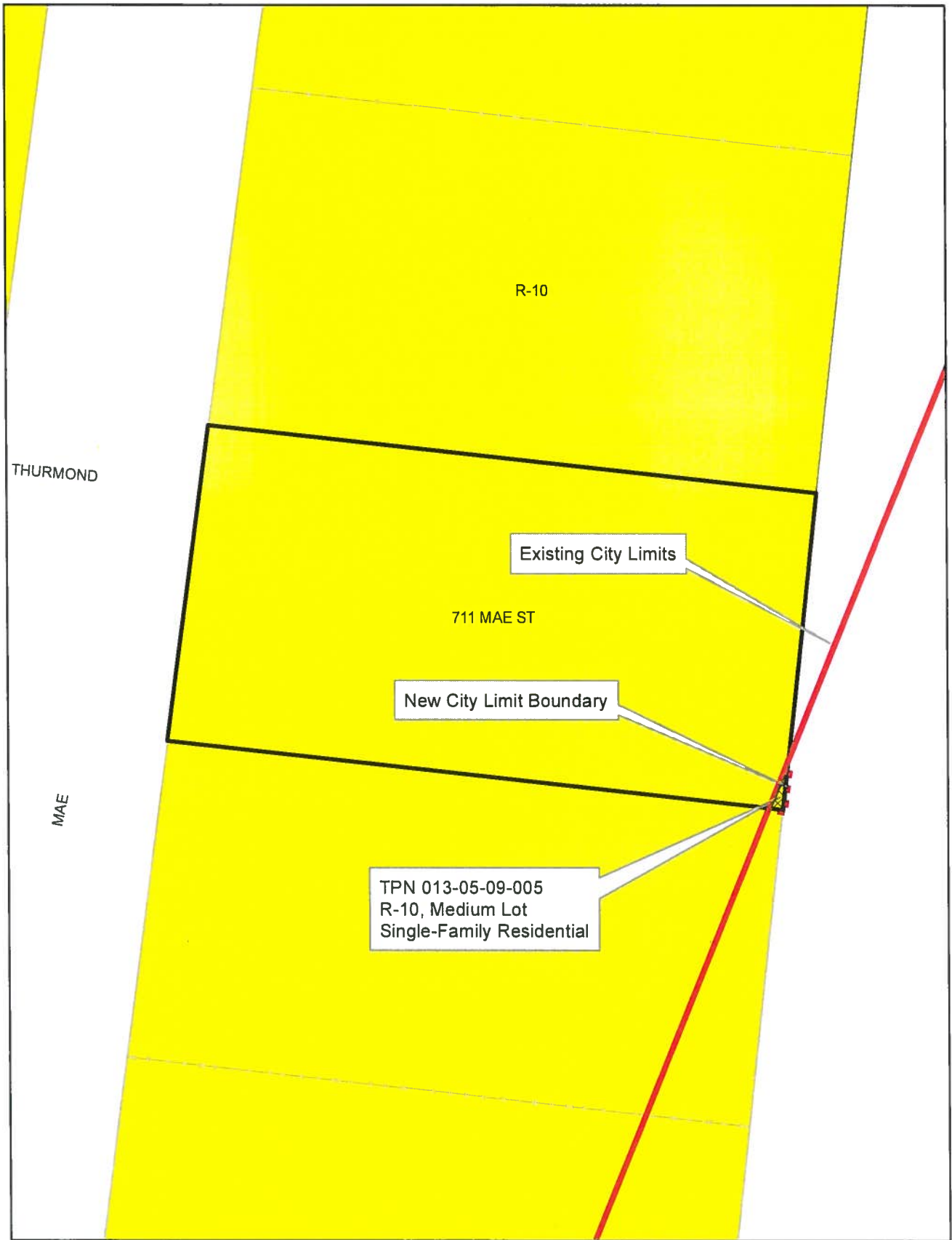
Second Reading: _____

Robert A. Pettit, Mayor

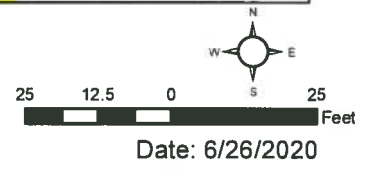
ATTEST:

Sharon Lamar, City Clerk

EXHIBIT B



**ZONING OF PROPERTY
SOUGHT TO BE ANNEXED TO
THE CITY OF NORTH AUGUSTA**



ATTACHMENT #7

ORDINANCE NO. 2020-25
TO CHANGE THE CORPORATE LIMITS OF THE CITY OF
NORTH AUGUSTA BY ANNEXING A PORTION OF ± 0.28 ACRES OF
PROPERTY LOCATED AT 655 HUTCHINSON DRIVE
AND OWNED BY BRANDI L. LAMOTHE AND JOEL J. LAMOTHE

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina provides that: "Notwithstanding the provisions of subsections (1) and (2) of this section, any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete"; and

WHEREAS, the Mayor and City Council of the City of North Augusta, by adoption of Resolution No. 2020-49 dated October 5, 2020, accepted a Petition for Annexation and wish to annex the below described properties; and

WHEREAS, the zoning classification recommended for the properties proposed for annexation has been reviewed for consistency with the Future Land Use Classification of the properties as specified in the Land Use Element of the North Augusta 2017 Comprehensive Plan;

WHEREAS, Brandi L. Lamothe and Joel J. Lamothe, the current owners of record of the property, have submitted a Petition for annexation, dated August 14, 2020, requesting the City annex the described property;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof that:

- I. A portion of the following described property shall be annexed into the City of North Augusta:

Block 4, Lot 14 Summerfield

Tax Map & Parcel No.: 013-05-15-008

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated June 26, 2020, and prepared by the City of North Augusta.

The property to be annexed shall be zoned R-10, Medium Lot, Single-Family Residential as shown on a map identified as "Exhibit B" titled "Zoning of Property Sought to be Annexed to the City of North Augusta." Said map is dated June 26, 2020 and prepared by the City of North Augusta.

- II. All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III. This Ordinance shall become effective immediately upon its adoption on second and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

First Reading: _____

Second Reading: _____

Robert A. Pettit, Mayor

ATTEST:

Sharon Lamar, City Clerk

EXHIBIT B



ATTACHMENT #8

ORDINANCE NO. 2020-26
TO CHANGE THE CORPORATE LIMITS OF THE CITY OF
NORTH AUGUSTA BY ANNEXING A PORTION OF ± 0.26 ACRES OF
PROPERTY LOCATED AT 705 MAE STREET
AND OWNED BY JOSE B. RODRIGUEZ AND MARIA I. SERRANO

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina provides that: "Notwithstanding the provisions of subsections (1) and (2) of this section, any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete"; and

WHEREAS, the Mayor and City Council of the City of North Augusta, by adoption of Resolution No. 2020-50 dated October 5, 2020, accepted a Petition for Annexation and wish to annex the below described properties; and

WHEREAS, the zoning classification recommended for the properties proposed for annexation has been reviewed for consistency with the Future Land Use Classification of the properties as specified in the Land Use Element of the North Augusta 2017 Comprehensive Plan;

WHEREAS, Jose B. Rodriguez and Maria I. Serrano, the current owners of record of the property, have submitted a Petition for annexation, dated August 23, 2020, requesting the City annex the described property;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof that:

- I. A portion of the following described property shall be annexed into the City of North Augusta:

Block 13, Lot 46, Plat 4 of Summerfields Subdivision

Tax Map & Parcel No.: 013-05-09-008

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated June 26, 2020, and prepared by the City of North Augusta.

The property to be annexed shall be zoned R-10, Medium Lot, Single-Family Residential as shown on a map identified as "Exhibit B" titled "Zoning of Property Sought to be Annexed to the City of North Augusta." Said map is dated June 26, 2020 and prepared by the City of North Augusta.

- II. All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III. This Ordinance shall become effective immediately upon its adoption on second and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

First Reading: _____

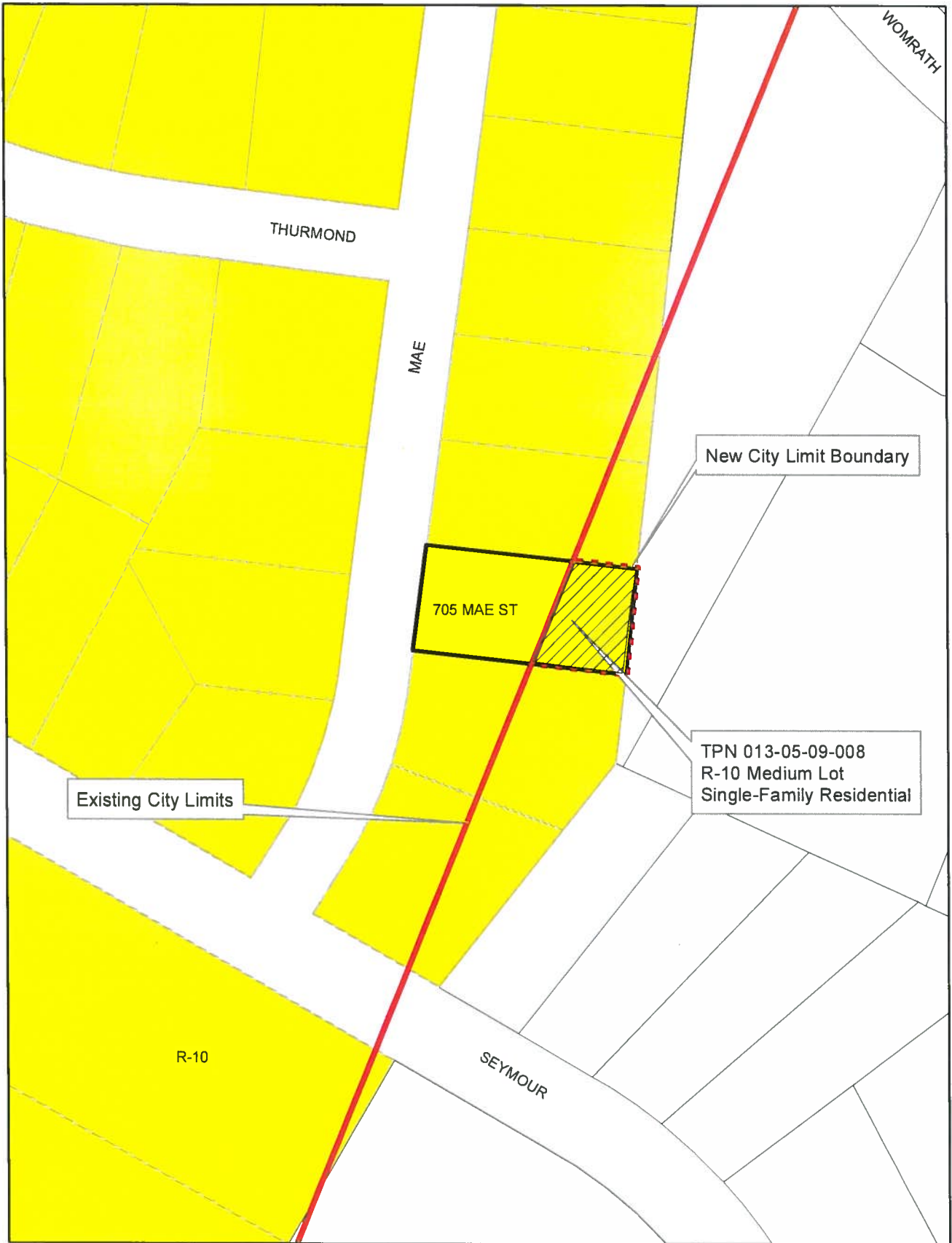
Second Reading: _____

Robert A. Pettit, Mayor

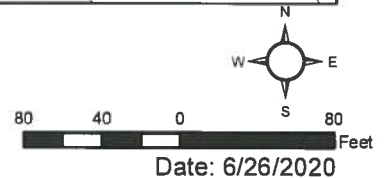
ATTEST:

Sharon Lamar, City Clerk

EXHIBIT B



**ANX20-019
ZONING OF PROPERTY
SOUGHT TO BE ANNEXED TO
THE CITY OF NORTH AUGUSTA**



ATTACHMENT #9

ORDINANCE NO. 2020-27
TO CHANGE THE CORPORATE LIMITS OF THE CITY OF
NORTH AUGUSTA BY ANNEXING A PORTION OF ± 0.25 ACRES OF
PROPERTY LOCATED AT 711 MAE ST
AND OWNED BY LILA M. SANTIAGO

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina provides that: "Notwithstanding the provisions of subsections (1) and (2) of this section, any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete"; and

WHEREAS, the Mayor and City Council of the City of North Augusta, by adoption of Resolution No. 2020-51 dated October 5, 2020, accepted a Petition for Annexation and wish to annex the below described properties; and

WHEREAS, the zoning classification recommended for the properties proposed for annexation has been reviewed for consistency with the Future Land Use Classification of the properties as specified in the Land Use Element of the North Augusta 2017 Comprehensive Plan;

WHEREAS, the Betty Jane Daniel, the current owner of record of the property, has submitted a Petition for annexation, dated August 31, 2020, requesting the City annex the described property;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof that:

- I. A portion of the following described property shall be annexed into the City of North Augusta:

Block 13, Lot 49, Plat 4, Summerfield Subdivision

Tax Map & Parcel No.: 013-05-09-005

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated June 26, 2020, and prepared by the City of North Augusta.

The property to be annexed shall be zoned R-10, Medium Lot, Single-Family Residential as shown on a map identified as "Exhibit B" titled "Zoning of Property Sought to be Annexed to the City of North Augusta." Said map is dated June 26, 2020 and prepared by the City of North Augusta.

- II. All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III. This Ordinance shall become effective immediately upon its adoption on second and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

First Reading: _____

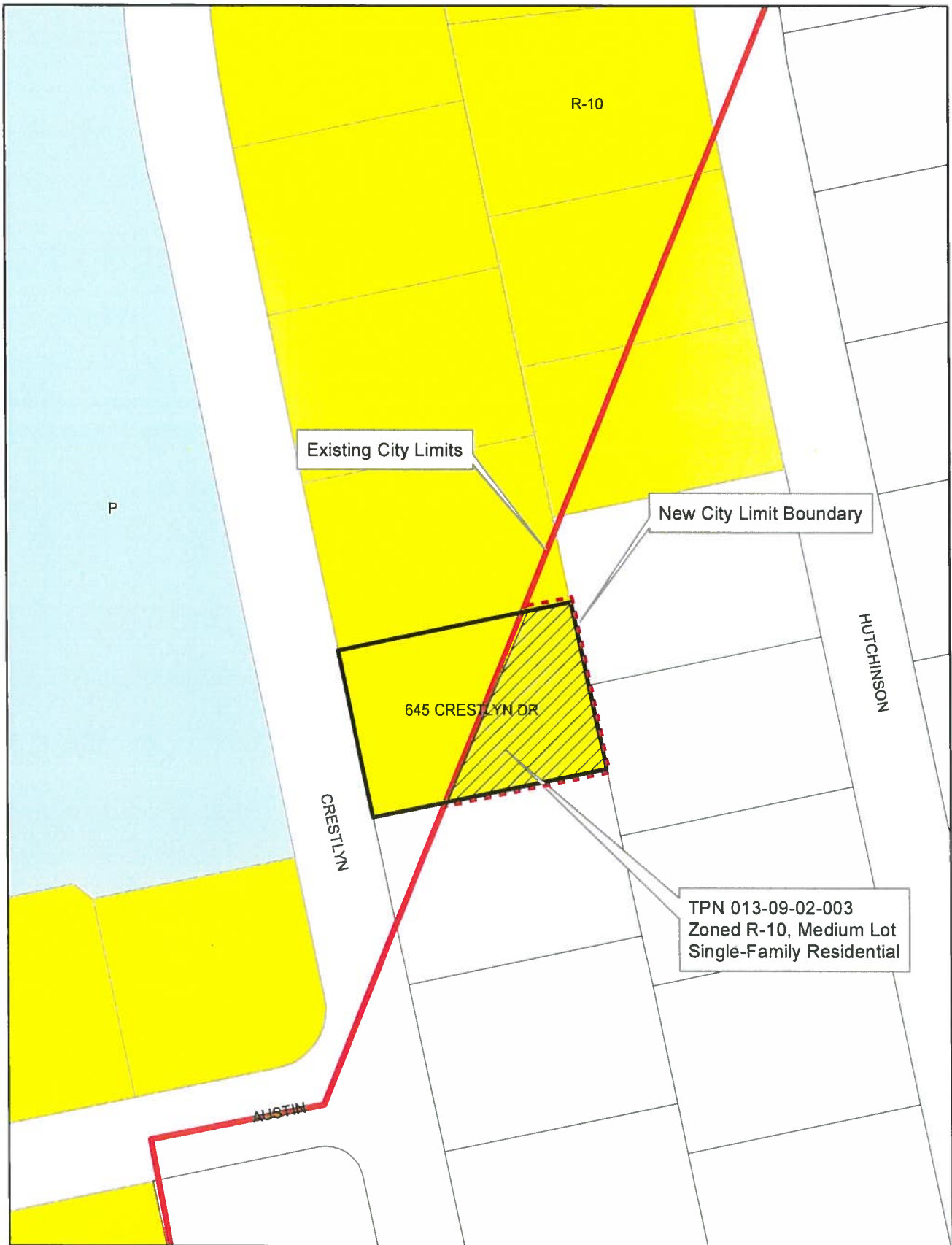
Second Reading: _____

Robert A. Pettit, Mayor

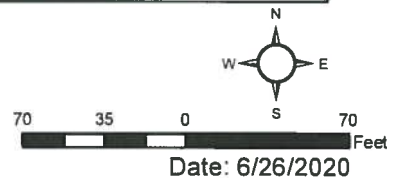
ATTEST:

Sharon Lamar, City Clerk

EXHIBIT B



**ANX20-009
ZONING OF PROPERTY
SOUGHT TO BE ANNEXED TO
THE CITY OF NORTH AUGUSTA**



ATTACHMENT #10

RESOLUTION NO. 2020-45
A RESOLUTION APPOINTING A MEMBER TO THE ACCOMMODATIONS TAX
ADVISORY COMMITTEE TO MAKE STATE ACCOMMODATIONS TAX
EXPENDITURE RECOMMENDATIONS FOR COUNCIL'S CONSIDERATION

WHEREAS, the City of North Augusta receives state accommodations tax funding in excess of fifty thousand dollars from the state of South Carolina, and

WHEREAS, pursuant to Section 6-4-25, Code of Laws of South Carolina, a local advisory committee consisting of seven members with majority of these members selected from the hospitality industry and at least two members from the lodging industry and one representing the cultural organizations was previously appointed by Council, and

WHEREAS, advisory committee member at large Suzanne Fanning no longer operates a City hospitality business and consideration is requested of a new member appointment to serve in the at large capacity, and

WHEREAS, state accommodations tax funds must be used to attract and provide for tourists, and must be spent on tourism-related expenditures.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of North Augusta in meeting duly assembled and by the authority thereof that advisory committee member at large Suzanne Fanning be removed from the committee and Jon Dawkins be appointed to the advisory committee to serve in the at large capacity.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS 5TH DAY OF OCTOBER 2020.

Robert A. Pettit, Mayor

ATTEST:

Sharon Lamar, City Clerk

Tabled 10.5.2020

ATTACHMENT #11

ORDINANCE NO. 2020-28
ADOPTING A BUDGET FOR FISCAL YEAR 2021
CONTAINING ESTIMATES OF PROPOSED REVENUES AND EXPENDITURES
BY THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA,
FOR THE BUDGET YEAR BEGINNING JANUARY 1, 2021,
AND DECLARING THAT SAME SHALL CONSTITUTE THE BUDGET
OF THE CITY OF NORTH AUGUSTA FOR SUCH BUDGET YEAR

WHEREAS, in accordance with the Laws of South Carolina, and the Ordinance of the City of North Augusta, the City Administrator must prepare and submit to the City Council a Balanced Budget for the next budget year to begin on January 1, 2021, and end on December 31, 2021; and

WHEREAS, a public hearing has been held on said budget, as required by law.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

- Section I. The City Council hereby adopts the 2021 Fiscal Year Budget, incorporated by reference as though it were set out herein in its entirety, for the conduct of the business of the municipal government of North Augusta for the budget year, January 1, 2021, to December 31, 2021.
- Section II. The transfer of budgeted amounts between functional areas of expenditures or expenses shall be approved by City Council; however, transfers of budgeted line items within the functional areas of expenditures or expenses not to exceed \$5,000, may be approved by the City Administrator as long as total expenditures or expenses do not exceed appropriations in the functional area. Management can also over expend appropriations, with the City Administrator's approval, at the line item and department level, as long as the total expenditures or expenses do not exceed appropriations of the functional area. Functional areas are: General Government; Public Safety; Public Works; Parks, Recreation, and Tourism; Sanitation Services; Stormwater Utility; and Water and Wastewater.
- Section III. The Mayor or City Administrator may authorize the expenditure of an amount not to exceed \$500 at any one time from the Council Contingencies Account without prior approval of the City Council provided that any such expenditure is reported in the minutes of the next Council meeting.
- Section IV. The City Council must approve expenditures from the following funds: Sales Tax I, Sales Tax II, Sales Tax III, Sales Tax IV, Street Improvements, Transportation Improvement, Capital Projects, Riverfront/Central Core Development, Depreciation, Contingent, Construction, Tax Increment Financing, and the North Augusta Public Facilities Corporation unless otherwise previously budgeted.
- Section V. The City Administrator may execute all necessary documents relating to the lease purchase financing of equipment specifically authorized and identified in the 2021 Budget. The financial institution selected for 2021 lease purchase financing shall be selected based upon competitive bidding in conformance with the City's purchasing procedures.

Section VI. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section VII. This Ordinance shall become effective immediately upon its adoption on second reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS __ DAY OF _____, 2020.

First Reading _____

Second Reading _____

Robert A. Pettit, Mayor

ATTEST:

Sharon Lamar, City Clerk

ATTACHMENT #12

ORDINANCE NO. 2020-29
LEVYING THE ANNUAL TAX ON PROPERTY
IN THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA,
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021,
AND ENDING DECEMBER 31, 2021

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

- Section I. The annual tax for the fiscal year (budget year) 2021, beginning January 1, 2021, and ending December 31, 2021, is hereby imposed and levied for general corporate purposes upon all the taxable property of the City of North Augusta.
- Section II. The period for which the tax levy is due on all taxable property, except for motorized vehicles, shall be from January 1, 2020, to December 31, 2020.
- Section III. The period for which the tax levy is due for all motorized vehicles which are required to be licensed by Section 53-3-110, Code of Laws of South Carolina, shall be from January 1, 2021, to December 31, 2021.
- Section IV. The tax levy imposed upon all taxable property shall be 72.00 mills to the General Fund and 1.5 mills to the Capital Projects Fund for a total tax levy of 73.5 mills.
- Section V. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- Section VI. This Ordinance shall become effective January 1, 2021.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

First Reading _____

Robert A. Pettit, Mayor

Second Reading _____

ATTEST:

Sharon Lamar, City Clerk

ATTACHMENT #13

ORDINANCE NO. 2020-30
TO AMEND THE ZONING MAP OF THE CITY OF NORTH AUGUSTA,
SOUTH CAROLINA BY REZONING ± .45 ACRES OF LAND
OWNED BY JEFFREY S. MARTIN, AIKEN COUNTY TAX PARCEL
#007-16-01-001, 1132 FRANCES STREET FROM R-10, MEDIUM LOT, SINGLE
FAMILY RESIDENTIAL, TO GC, GENERAL COMMERCIAL

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code and a citywide Zoning Map which is consistent with the City's North Augusta 2017 Comprehensive Plan; and

WHEREAS, pursuant to Section 5.3, North Augusta Development Code, the North Augusta Planning Commission may recommend amendments to the Zoning Map, provided such amendments are consistent with the City's North Augusta 2017 Comprehensive Plan; and

WHEREAS, the North Augusta Planning Commission, following an August 20, 2020, public hearing, reviewed and considered a request by WTC of Martintown, LLC, to amend the Official Zoning Map of North Augusta from Medium Lot, Single-Family Residential (R-10) to General Commercial (GC). The staff report and results of this hearing have been provided to City Council.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

- I. A parcel consisting of ±.45 acres owned by Jeffrey S. Martin, is hereby rezoned from R-10, Medium Lot, and Single-Family Residential to GC, General Commercial. Said property is Aiken County tax map parcel # 007-16-01-001 located at 1132 Frances Street and specifically identified on Exhibit "A" attached hereto.
- II. The Official Zoning Map for the City of North Augusta is hereby amended to reflect this rezoning.
- III. All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- IV. This Ordinance shall become effective immediately upon its adoption on second and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

First Reading_____

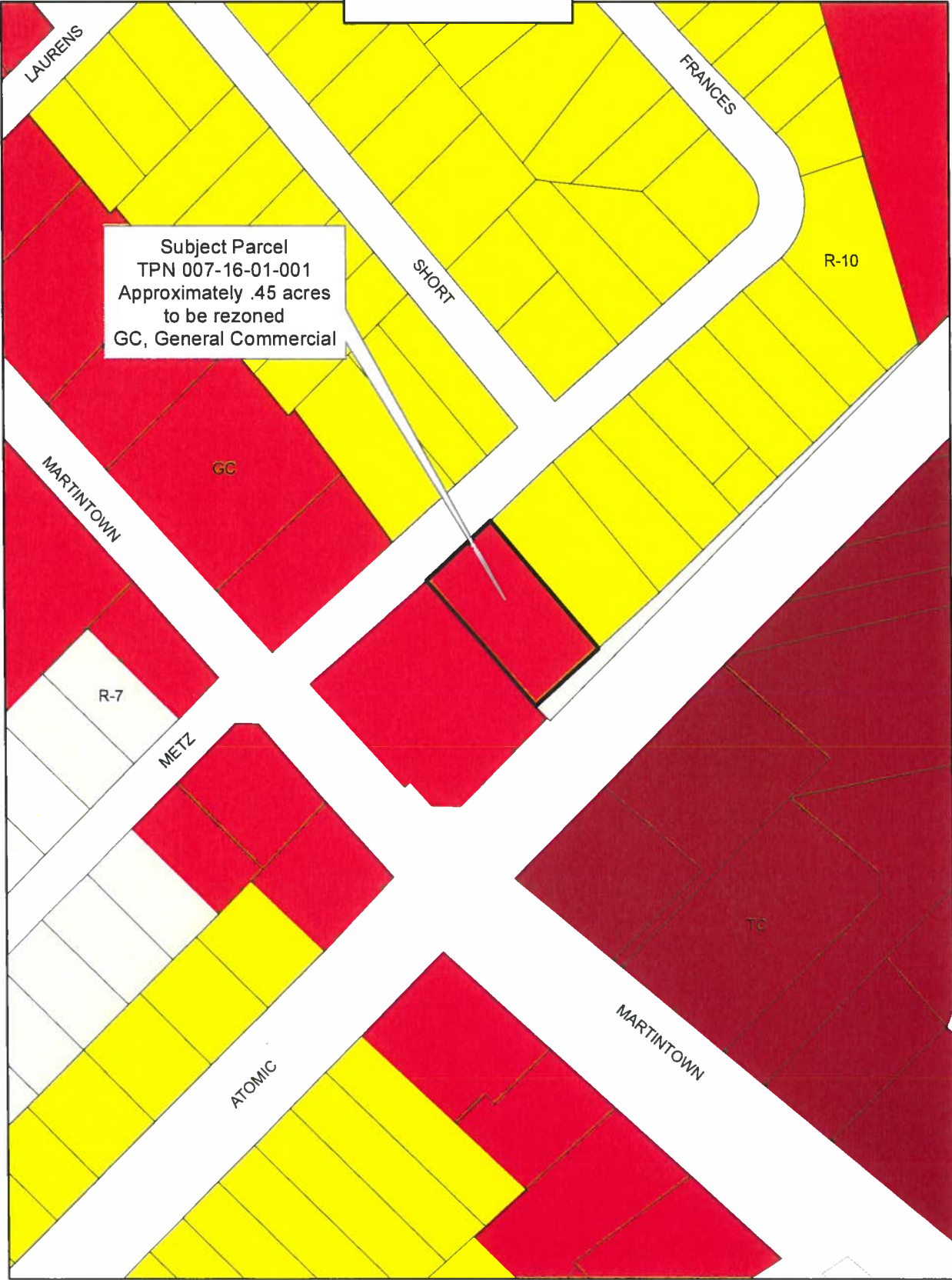
Second Reading_____

Robert A. Pettit, Mayor

ATTEST:

Sharon Lamar, City Clerk

EXHIBIT A



Subject Parcel
 TPN 007-16-01-001
 Approximately .45 acres
 to be rezoned
 GC, General Commercial

North Augusta
 South Carolina's Riverfront
 Date: 9/21/2020

Application RZM20-003
 Tax Parcel Number 007-16-01-001
 1132 Frances St



A request to rezone approximately .45 acres
 from R-10, Medium Lot, Single-Family Residential
 to GC, General Commercial

ATTACHMENT #14

ORDINANCE NO. 2020-31
TO AMEND THE ZONING MAP OF THE CITY OF NORTH AUGUSTA,
SOUTH CAROLINA BY REZONING ± 2.02 ACRES OF LAND
OWNED BY HARDY LAND, LLC, AIKEN COUNTY TAX PARCEL #005-19-06-005,
FROM PD, PLANNED DEVELOPMENT, TO R-5, MIXED RESIDENTIAL

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code and a citywide Zoning Map which is consistent with the City's North Augusta 2017 Comprehensive Plan; and

WHEREAS, pursuant to Section 5.3, North Augusta Development Code, the North Augusta Planning Commission may recommend amendments to the Zoning Map, provided such amendments are consistent with the City's North Augusta 2017 Comprehensive Plan; and

WHEREAS, the North Augusta Planning Commission, following an August 20, 2020, public hearing, reviewed and considered a request by Glynn Bruker, to amend the Official Zoning Map of North Augusta from Planned Development (PD) to Mixed Residential (R-5) The staff report and results of this hearing have been provided to City Council.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

- I. A parcel consisting of ±.45 acres owned by Hardy Land, LLC, is hereby rezoned from PD, Planned Development to R-5, Mixed Residential. Said property is Aiken County tax map parcel # 005-19-06-005 and specifically identified on Exhibit "A" attached hereto.
- II. The Official Zoning Map for the City of North Augusta is hereby amended to reflect this rezoning.
- III. All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- IV. This Ordinance shall become effective immediately upon its adoption on second and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

First Reading _____

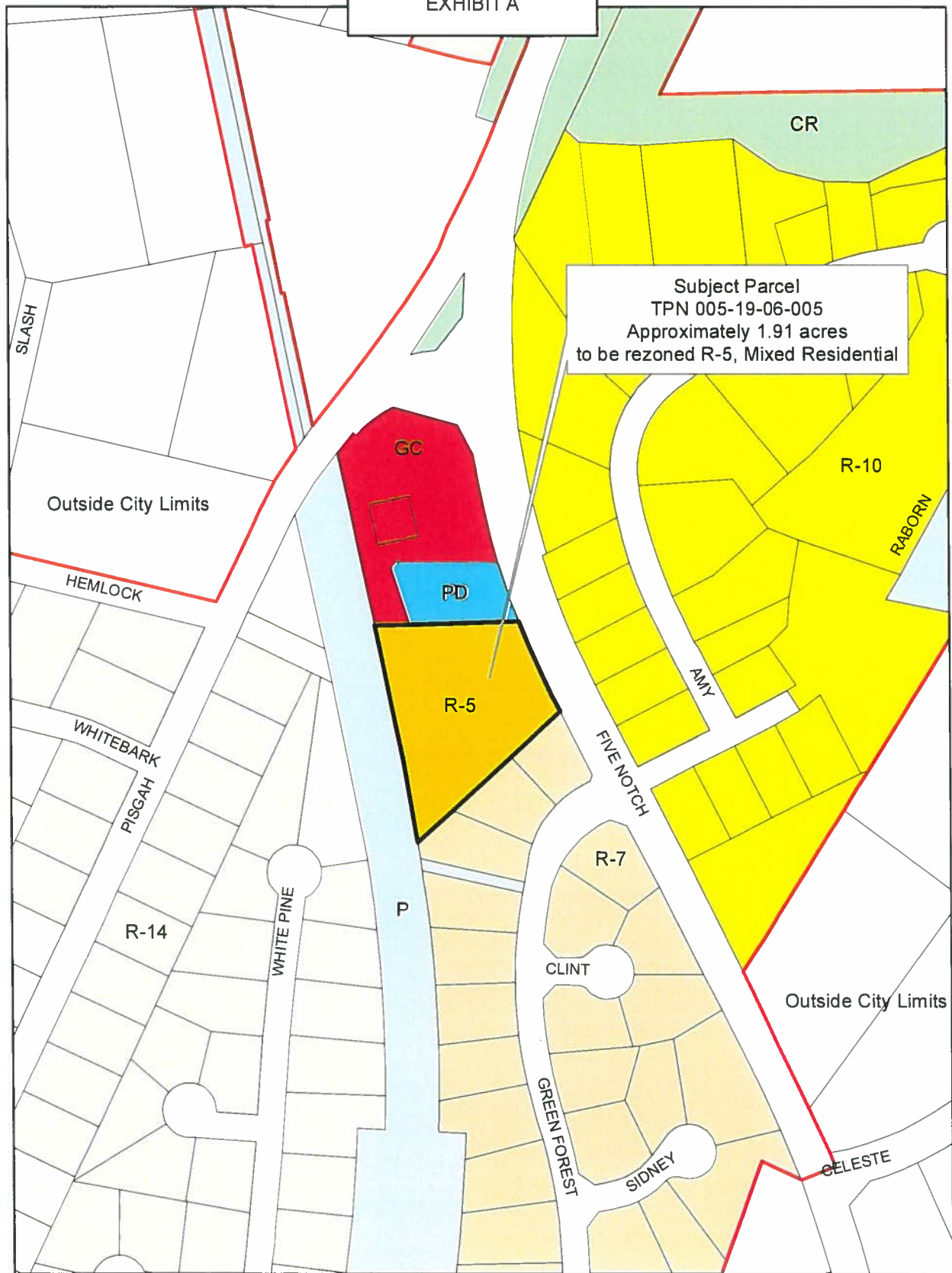
Second Reading _____

Robert A. Pettit, Mayor

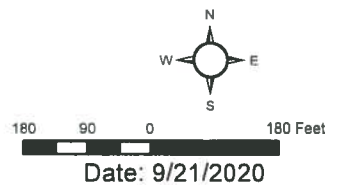
ATTEST:

Sharon Lamar, City Clerk

EXHIBIT A



Application RZM20-004
Tax Parcel Number 005-19-06-005
A request to rezone approx 1.91 acres
from PD, Planned Development to
R-5, Mixed Residential



ATTACHMENT #15

ORDINANCE NO. 2020-32 AN ORDINANCE TO AMEND SECTION 15 ARTICLES I AND V RELATED TO BUSINESS LICENSING

WHEREAS, Chapter 15, Article I of the City of North Augusta Code of Ordinances provides for matters related to obtaining a business license with the City of North Augusta; and,

WHEREAS, this Article was codified in 2008 with no revisions since then; and,

WHEREAS, the Municipal Association of South Carolina developed a “model business license ordinance” that is in compliance with state and federal law and other best practices of business licensing; and,

WHEREAS, the “model business license ordinance” provides standardization of business licensing among municipalities across South Carolina; and,

WHEREAS, Mayor and City Council believe that it is appropriate for the City of North Augusta to revise this Ordinance concerning business licensing in conformity with the “model business license ordinance” as put forth by the Municipal Association of South Carolina; and,

WHEREAS, Mayor and City Council believe the deletion of the current Article I in its entirety and replacement of same with a revised version is appropriate.

WHEREAS, Mayor and City Council also believe the deletion of the current Article V in its entirety is appropriate as it is now included in the revised Article I.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that:

- I. Section 15, Article I, entitled **BUSINESS LICENSES** and Section 15, Article V, entitled **RETAIL TELECOMMUNICATIONS SERVICES** are hereby amended by deleting the entire sections as they are currently drawn and inserting in its place the following, so that such Ordinance, when revised, would read as follows:

Sec. 1. 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 North Augusta, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Sec. 2. 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 Municipality, excepting therefrom income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality. Gross income for agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums written. 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 Department of Insurance, or other government agencies.

“*License Official*” means a person designated to administer this ordinance.

“*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 North Augusta, 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. 3. Purpose and Duration.

The business license levied by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each yearly license shall be issued for the twelve-month period of May 1 to April 30. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Sec. 4. License Tax.

A. The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April 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 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. 5. Registration Required.

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

Sec. 6. Deductions, Exemptions, and Charitable Organizations.

A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or 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 ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by State or Federal law. The License Official shall determine the appropriate classification for each business in accordance with the latest issue of 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 ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.

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

Sec. 7. False Application Unlawful.

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

Sec. 8. Display and Transfer.

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

B. A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Sec. 9. 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, and perform such other duties as may be duly assigned.

Sec. 10. Inspection and Audits.

A. For the purpose of enforcing the provisions of this ordinance, the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections, 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 ordinance. 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, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

Sec. 11. Assessments, Payment under Protest, Appeal.

A. If a person fails to obtain a business license or to furnish the information required by this ordinance 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 ordinance relating to appeals to Council.

Sec. 12. Delinquent License Taxes, Partial Payment.

A. For non-payment 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. 13. 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. 14. Denial of License.

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

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

B. The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidens; or

C. 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

D. 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

E. 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

F. 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. 15. Suspension or Revocation of License.

When the License Official determines:

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

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

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

D. A Licensee has been convicted, 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

E. A Licensee has engaged in an unlawful activity or nuisance related to the business;
or

F. A Licensee is delinquent in the payment to the Municipality of any tax or fee,

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.

Sec. 16. 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 mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

B. An appeal or a hearing on proposed revocation 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. 17. Consent, franchise or license required for use of streets.

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

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

Sec. 18. 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. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance.

Sec. 19. Violations.

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

Sec. 20. Severability.

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

Sec. 21. 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. The Business License Class Schedule (Appendix B) is a tool 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 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 ordinance, 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

RATE SCHEDULE

<u>RATE CLASS</u>	<u>INCOME: \$0 - \$2,000</u>	<u>INCOME OVER \$2,000</u>
	<u>BASE RATE</u>	<u>Rate per Thousand or fraction thereof</u>
1	\$ 25.00	\$ 1.10
2	\$ 30.00	\$ 1.25
3	\$ 35.00	\$ 1.40
4	\$ 40.00	\$ 1.55
5	\$ 45.00	\$ 1.70
6	\$ 50.00	\$ 1.85
7	\$ 55.00	\$ 2.00
8.1	\$ 25.00	\$ 1.10
8.2	\$ set by State statute	
8.3	MASC Telecommunications	
8.41	\$ 200.00	\$ 1.60
8.42	\$ 50.00	\$ 1.60
8.5	\$ 25.00	\$ 1.10
8.61	\$ 100.00	\$ 1.60
8.62	\$ 50.00	\$ 1.60
8.7	MASC Insurance	
8.81	\$12.50 + \$12.50 per machine	
8.82	\$ 25.00	\$ 1.60
8.83	\$12.50 + \$12.50 per machine	
8.91	\$ 100.00	\$ 5.10
8.92	\$ 100.00	\$ 2.10
8.93	\$ 50.00	\$ 1.25
8.10	\$ 50.00 + \$5.00 per table	\$ 1.30

NON-RESIDENT RATES

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

CLASS 8 RATES

Each NAICS Number designates a separate 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** [Non-resident rates apply]
Having permanent place of business within the municipality
Minimum on first \$2,000.....\$25.00
PLUS Each additional 1,000.....\$1.10

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

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 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 sub-contractors furnishing labor or materials for each project.

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

- 8.3 NAICS 517311, 517312 - Telephone Companies:**

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

- B. In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply 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 percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.
- E. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.
- F. Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.
- G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.
- H. As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

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

Minimum on first \$2,000\$200.00
 PLUS Per \$1,000, or fraction, over \$2,000
\$1.60

8.42 NAICS 522298 - Pawn Brokers - All Types

Minimum on first \$2,000
 \$50.00 PLUS Per \$1,000, or fraction, over \$2,000
\$ 1.60

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

(except auto supply stores - see 4413)

Minimum on first \$2,000

.....\$25.00 PLUS Per \$1,000, or
fraction, over \$2,000\$1.10

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

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

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

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

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

Minimum on first \$2,000

.....\$100.00 PLUS Per \$1,000, or
fraction, over \$2,000.....\$ 1.60

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

Minimum on first \$2,000

.....\$50.00 PLUS Per \$1,000, or
fraction, over \$2,000.....\$ 1.60

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 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..... 2% of Gross Premiums

NAICS 524127 - Title Insurance 2% of Gross Premiums

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

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

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.

[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, 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]

8.81 Operator of machine

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

8.82 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
\$25.00
PLUS Per \$1,000, or fraction, over \$2,000.....\$1.60

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

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

8.83 Operator of machine

.....\$12.50/machine
PLUS.....\$12.50 business
license
for operation of all machines (not on gross income). [§12-21-2720(B)]

8.82 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
\$25.00
PLUS Per \$1,000, or fraction, over \$2,000.....\$1.60

8.91 NAICS 713290 - Bingo halls, parlors –

Minimum on first \$2,000
\$100.00
PLUS Per \$1,000, or fraction, over \$2,000.....\$5.10

8.92 NAICS 711190 - Carnivals and Circuses -

Minimum on first \$2,000
\$100.00
PLUS Per \$1,000, or fraction, over \$2,000.....\$2.10

8.93 NAICS 722410 - Drinking Places, bars, lounges, cabarets (Alcoholic beverages consumed on premises)
 Minimum on first \$2,000
 \$50.00
 PLUS Per \$1,000, or fraction, over \$2,000.....\$1.25

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.

8.10 NAICS 713990 - Billiard or Pool Rooms, all types \$5.00 or \$12 per table
 Minimum on first \$2,000
 \$50.00
 PLUS Per \$1,000, or fraction, over \$2,000.....\$1.30

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

NAICS 22121 - Natural Gas DistributionSee Consent or Franchise

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

- II. The NAICS Numerical Index is an attachment to this ordinance and incorporated herein.
- III. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- IV. This Ordinance shall become effective immediately upon its adoption on second reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020

First Reading _____

Second Reading _____

 Robert A. Pettit, Mayor

ATTEST:

 Sharon Lamar, City Clerk