

ORDINANCE NO. 2023-10

AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY REVISING CHAPTER 9, BUSINESS LICENSE ORDINANCE, TO ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE IN ACCORDANCE WITH THE BUSINESS LICENSE STANDARDIZATION ACT (2020 ACT NO. 176).

WHEREAS, on December 14, 2021, the Mayor and City Council of the City of Forest Acres enacted Ordinance No. 2021-30 providing for adoption of a Business License Ordinance (the “Current Business License Ordinance”) in compliance with the requirements of the South Carolina Business License Tax Standardization Act (2020 Act No. 176), now codified at S.C. Code Sections 6-1-400 to 6-1-420 (the “Act”); and,

WHEREAS, the Current Business License Ordinance adopted pursuant to City of Forest Acres Ordinance 2021-30 included a business license class schedule appended thereto as Exhibit B; and,

WHEREAS, the Act requires that “[b]y December thirty-first of every odd year, a taxing jurisdiction levying a business license tax shall adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the Revenue and Fiscal Affairs Office”, S.C. Code Ann. § 6-1-400(G)(1); and,

WHEREAS, the Mayor and Council of the City of Forest Acres now wish to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Act, and to make other minor amendments as recommended by the Municipal Association of South Carolina; and,

WHEREAS, the Mayor and Council of the City of Forest Acres find that the classifications and subclassifications of businesses provided for in Appendix B to the Business License Ordinance, as amended, restated, and carried forward as set forth hereinbelow, are necessary and justified based on provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates; and,

WHEREAS, the Mayor and Council find there exists a rational basis for the subclassifications set forth in “Class 9” in Appendix B to the Business License Ordinance, as amended, restated, and carried forward as set forth hereinbelow, including but not limited to the bases that (1) separate subclassification of Lawn and Garden Services businesses with three or fewer employees is desirable in order to provide economic stimulus for such small businesses typically operating out of a single vehicle and providing desirable services within the City; and (2) separate subclassification of Lessors of Residential Buildings and Dwellings leasing three or more rental units is desirable in order to account for the reduced burden that lessors of fewer than three residential dwellings place on municipal services and infrastructure and in order to provide

economic stimulus for the rental, occupancy, and maintenance of dwellings owned by owners of fewer than three such units;

NOW, THEREFORE, pursuant to the power vested in the Council of the City of Forest Acres by virtue of Sections 5-7-30 of the Code of Laws of South Carolina, 1976, as amended, and the Act;

BE IT ORDAINED BY THE CITY COUNCIL, City of Forest Acres:

Section 1. Appendix A to the Current Business License Ordinance, the “Business License Rate Schedule,” is hereby amended as follows:

- (a) Class 8.3 is hereby amended by deleting the NAICS Codes and replacing them with “NAICS 517111, 517112, 517122 – Telephone Companies.”
- (b) Class 8.6 is hereby amended and restated in its entirety to read as follows: “8.6 NAICS Code Varies – Billiard or Pool Tables. A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that.”
- (c) Classes 9.41 and 9.42, and the corresponding reference to “NAICS 454390 – Peddlers, Solicitors, Canvassers, Door-to-Door Sales”, are hereby deleted. The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

Section 2. Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” is hereby amended as follows:

- (a) Appendix B to the Current Business License Ordinance is hereby amended as set forth on “Appendix B – Business License Class Schedule by NAICS Code”, attached hereto as **Exhibit A**, which amended Appendix B is hereby adopted, such amendment being for the purpose of:
 - i. Adopting the latest Standardized Business License Class Schedule for Classes 1 through 8;
 - ii. Deleting Classes 9.41 and 9.42 (“Other Direct Selling Establishments (Peddlers)”, NAICS 454390); and
 - iii. Carrying forward all other Class 9 Classifications and Subclassifications provided for in the Current Business License Ordinance.

Section 3. Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 4. All ordinances in conflict with this ordinance are hereby repealed. The repeal provided for herein shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance.

Section 5. This Ordinance shall not affect any previous or pending prosecution or civil action for enforcement of the repealed provisions or City Code sections, or for collection of any business license taxes or penalties or interest arising from the repealed provisions or City Code sections, and neither shall the repeal prevent such a prosecution or civil action from being commenced for any violation occurring prior to the repealing of the provisions or City Code sections.

Section 6. This ordinance shall be effective with respect to the business license year beginning on **May 1, 2024.**

ORDAINED AND ADOPTED under the Corporate Seal of the City of Forest Acres, State of South Carolina, this 12th day of December, 2023.


MAYOR


COUNCILPERSON


COUNCILPERSON


COUNCILPERSON


COUNCILPERSON

ATTEST: , City Clerk

Approval of City Attorney as to Form: 

Person Requesting Ordinance: City Administrator

First Reading: November 14, 2023

Second Reading: December 12, 2023

EXHIBIT A

Amended

APPENDIX B: BUSINESS LICENSE
CLASS SCHEDULE BY NAICS CODE

APPENDIX B: BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

CLASSES 1 – 8

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1
21	Mining	2
22	Utilities	1
31 - 33	Manufacturing	3
42	Wholesale trade	1
44 - 45	Retail trade	1
48 - 49	Transportation and warehousing	1
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	7
54	Professional, scientific, and technical services	5
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	4
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	4
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6

CLASS 9

NAICS Sector/Subsector	Industry Sector	Class
423940	Precious Metals Wholesaler	9.10
4411	Automobile Dealers	9.3
4412	Other Motor Vehicle Dealers	9.3
522298	Pawn Brokers (all types)	9.2
531110	Lessors of Residential Buildings and Dwellings (three or more rental units)	9.9
561730	Lawn and Garden Services (Three or fewer employees)	9.8
711190	Carnivals and Circuses	9.6
713290	Bingo Halls, Parlors	9.5