



**THE IRMO TOWN COUNCIL WILL HOLD A PUBLIC HEARING ON TUESDAY,
JULY 20, 2021, BEGINNING AT 7:00 P.M. IN THE MUNICIPAL BUILDING,
7300 WOODROW STREET, IRMO SOUTH CAROLINA 29063 TO RECEIVE COMMENTS
ON ORDINANCE 21-06 TO SELL ROAD RIGHT-OF-WAY**

A REGULAR COUNCIL MEETING WILL FOLLOW THE PUBLIC HEARING

AGENDA

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Reading of the Minutes: June 15, 2021, June 21, 2021 and June 29, 2021
- V. Report of Standing
 - A. Administrative Briefing
 - B. New In-Town Businesses

Arrangements for all seasons	333 English Legend Dr
Beyond Candles and Gifts	10 Stanford Ridge Ct
Black Forest Bratwurst	130 Hunter Village Dr, Ste A
Hair by Megan	100-A Hunter Village Dr
Heather Johnson	100-A Hunter Village Dr
JA Signings	121 Whitby Rd
Kelly's Trucking	220 Trinity Three Rd
Nails by Jotanna	7971 Woodrow St
Palmetto Asphalt Sealing	10019 Broad River Rd
Parkinglot Medic	7911 Broad River Rd, Ste C
Rhema Healing and Wellness	10415 Broad River Rd
Speak it into Existence	420 London Pride Rd
The Amelia Robinson Team	7803 St Andrews Rd, Ste C-9
- VI. Amendments to the Agenda
- VII. Consideration of Communications
 - A. Recognition of Sergeant Hugue, Corporal Larabee and Senior Patrolman Neivel for their professionalism and community service during a recent incident (Mayor)

- B. Recognition of Okra Strut Scholarship winners Landon Williams and Ferguson Stroman receiving \$2,000 each (Okra Strut Commission)

VIII. Presentation by Citizens (Agenda Items IX, and X Only)

IX. **UNFINISHED BUSINESS**

- A. SECOND AND FINAL READING of Ordinance 21-06 for the sale of Town right-of-way along Lexington Avenue and adjacent to St Andrews Road to Ms. Misti Raman for \$1,500.00. (Mayor)

X. **NEW BUSINESS**

- A. FIRST READING of Ordinance 21-07 amending the Irmo Town Code, Chapter 10, Businesses; Article II, Licenses: pursuant to the South Carolina Business License Tax Standardization Act, Chapter 7, Title 5 of the 1976 State Code (Staff)
- B. FIRST READING of Ordinance 21-08 amending the Irmo Town Code, Appendix A Zoning and Land Development Regulations; Article 3, Zoning Regulations for use of Lots; Section 3-8 – Accessory Buildings and Uses (Busch) [adding mandatory requirement for pools and spas to have fencing around them](#)
- C. Approval to award contract to Suncoast Construction in the amount not to exceed \$14,400 to repair (31) 5x8x4 damaged sidewalks in the Lexington County portion of town with “C” funds approved by the County (Staff) [County funded \(reimbursable\)](#)
- D. Approval to contract with Gattis Pro Audio, Inc in the amount of \$10,125.96 to repair and upgrade entire sound system in the municipal building (Staff) [will replace damaged signal processor, amplifier, and speakers: will also add speakers.](#)
- E. Approval to transfer the remaining \$125,000 obligated to the Irmo Future Growth Corporation (Danielson) [this is the second and final disbursement of funds previously approved by the Council.](#)
- F. Approval to award contract to Candace Glover as entertainment at the Okra Strut Festival not to exceed \$4,400 (Okra Strut Commission)
- G. Approval to award contract to TC Pro Audio not to exceed \$6,800 for the stage and sound set-up for the Okra Strut Festival (Okra Strut Commission) [Contractor to set-up manage and remove sound, lights, and stage items for entertainers](#)
- H. Approval to authorize the Mayor to bid up to \$500 on a Blowfish / County themed baseball jersey to support the Dickerson Children’s Advocacy Center (Mayor)
- I. Approval to purchase property at 1071 Lake Murray Boulevard, Lexington County TMS# 001925-03-009 from the Stoneridge, LLC for a sum of \$5.00 (Staff) [this parcel is approximately .02-acre \(between oil change and Anchor Lanes\) Donation](#)
- J. Approval to close portions of St Andrews Road, Church Street, and Eastview Drive during the annual Okra Strut Festival from September 25-26, 2021 (Staff)
- K. Hearing to revoke Business License #7284 “*Spring Foot and Body Massage*” located at 7534 Woodrow Street, Irmo, SC 29063 due to unlawful activity (Staff)

XI. Presentation by Citizens

XII. Discussion

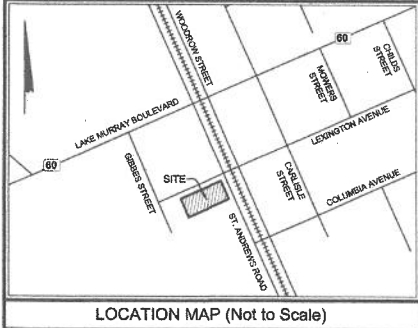
- A. Discussion on annexation / partnership of property located at 6354 St Andrews Road as shown on Lexington County TMS #02799-01-01 (Danielson)

XIII. Executive Session

(Council may act on items discussed in executive session after returning from the executive session).

XIV. Adjournment

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Irmo will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities. If you need an accommodation to attend the meeting, please contact the Town Administrator for assistance at (803)781-7050, M-F between the hours of 8:30 – 5:00 (closed most Federal and State Holidays).



PARCEL 1
NOW OR FORMERLY
School District Five, Lexington
& Richland Counties
TMS# 001920-02-008

PARCEL "C"
(Per Ref. #6)

NOW OR FORMERLY
Garrett Family Trust
TMS# 001920-02-008

PARCEL 2
0.29 ACRE

PROPOSED
PARCEL 2-A
0.05 ACRE /
2,266 S.F.

ST. ANDREWS ROAD
(SC Highway No. 36)
(72' R/W)

THE ADDRESS OF THE SUBJECT PROPERTY IS
#7335 ST. ANDREWS ROAD

LAND DESCRIPTION:

Beginning at a 1/2" Rebar (a) at the intersection of the western right-of-way of St. Andrews Road and the southern right-of-way of Lexington Avenue, this being the POINT OF BEGINNING (P.O.B.); thence turning and running S 23°31'30" E along the western right-of-way of St. Andrews Road (SC Highway No. 36) for a distance of 78.03 feet to a PK Nail (o); thence turning and running S 66°10'43" W along the property now or formerly of Garrett Family Trust for a distance of 153.90 feet to a 5/8" Rebar w/Cap (o); thence turning and running N 22°48'52" W along the property now or formerly of School District Five, Lexington & Richland Counties (Parcel "C") for a distance of 51.79 feet to a PK Nail & Cap (o); thence turning and running N 33°28'35" W along the property now or formerly of School District Five, Lexington & Richland Counties (Parcel "C") for a distance of 23.00 feet to a PK Nail (o); thence turning and running N 66°18'48" E along the southern right-of-way of Lexington Avenue for a distance of 15.47 feet to a 1/2" Rebar (n); thence turning and running N 23°31'30" W within the right-of-way of Lexington Avenue for a distance of 14.52 feet to a 1/2" Rebar (n); thence turning and running N 65°05'23" E within the right-of-way of Lexington Avenue for a distance of 135.76 feet to a 1/2" Rebar (n); thence turning and running S 56°21'17" E within the right-of-way of Lexington Avenue for a distance of 20.70 feet to a 1/2" Rebar (n); thence turning and running N 66°18'48" E along the southern right-of-way of Lexington Avenue for a distance of 7.16 feet to a 1/2" Rebar (n), this being the POINT OF BEGINNING (P.O.B.).

UNDERGROUND UTILITIES:

COX AND DINKINS, INC. HAS ATTEMPTED TO LOCATE BURIED SANITARY SEWER LINES, STORM DRAINAGE PIPES, STRUCTURES AND OTHER UNDERGROUND UTILITIES OF WHICH WE HAVE KNOWLEDGE. SOME ADDITIONAL UNDERGROUND UTILITIES MAY EXIST ON THE SUBJECT PARCEL OF WHICH THE LOCATION IS NOT KNOWN TO COX AND DINKINS, INC.; IF A MORE DETAILED ANALYSIS OF THE UNDERGROUND PIPES AND/OR UTILITIES IS NEEDED, COX AND DINKINS, INC. STRONGLY RECOMMENDS THAT AN INDEPENDENT THIRD PARTY UNDERGROUND UTILITY LOCATOR BE CONSULTED TO LOCATE THESE UTILITIES.

FLOOD STATEMENT:

THE SUBJECT PROPERTY APPEARS IN FLOOD ZONE "X" ON FLOOD INSURANCE RATE MAP (F.I.R.M.), PANEL 4508300133 J WITH AN EFFECTIVE DATE OF JULY 5, 2018; THEREFORE, THE SUBJECT PARCEL IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.

PARKING:

- ♿ REPRESENTS HANDICAPPED ACCESSIBLE PARKING SPACE.
- # REPRESENTS THE NUMBER OF PAINTED PARKING SPACES.

NOTE REGARDING EXISTING PARKING EASEMENT AND NEW PARCEL 2-A:

AN EASEMENT AGREEMENT EXISTS FOR 8 PARKING SPOTS LOCATED PARTIALLY WITHIN THE ROAD RIGHTS-OF-WAY OF LEXINGTON AVENUE AS SHOWN HEREON AND RECORDED IN DEED BOOK 16232, PG. 2. THIS PLAT SHOWS A NEW PARCEL "2-A" (0.05 ACRE/2,266 S.F.) WHICH IS TO BE CONVEYED AND COMBINED WITH THE EXISTING PARCEL "2" (0.29 ACRE), TO FORM A NEW PARCEL TOTALING 0.34 ACRE. THE INTERIOR PROPERTY LINE BETWEEN THESE PARCELS WILL BE ABANDONED AND THE NEW PROPERTY LINES WITHIN THE EXISTING LEXINGTON AVENUE ROAD RIGHTS-OF-WAY ARE SHOWN AND ILLUSTRATED HEREON.

CERTIFICATION:

To Columbia Eye Clinic,

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and does not include any items of Table A thereof. The fieldwork was completed on June 18, 2021.

Date of Plat or Map: June 18, 2021

I hereby certify that to the best of my professional knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown.

JUNE 18, 2021

PROF. LAND SURVEYOR NO. 24278
 GENE L. DINKINS, JR.



REFERENCES:

- 1) PLAT PREPARED FOR BUILDINGS AND LANDS PARTNERSHIP, BY COX AND DINKINS, INC., DATED MAY 30, 1985.
- 2) PLAT PREPARED FOR BUILDINGS AND LANDS PARTNERSHIP, BY COX AND DINKINS, INC., DATED JULY 16, 1984.
- 3) PLAT PREPARED FOR THOMAS R. GARRETT, BY COX AND DINKINS, INC., DATED OCTOBER 7, 1988, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR LEXINGTON COUNTY IN PLAT BOOK 226, PAGE 198.
- 4) LEXINGTON COUNTY DEED BOOK 437, PAGE 119.
- 5) PLAT PREPARED FOR BUILDINGS AND LANDS PARTNERSHIP, BY COX AND DINKINS, INC., DATED AUGUST 20, 2003.
- 6) PLAT PREPARED FOR SCHOOL DISTRICT 5 OF LEXINGTON AND RICHLAND COUNTIES, BY URS CORPORATION, DATED MAY 28, 2015, REVISED JULY 13, 2015, AND RECORDED IN RECORD BOOK 17770, PAGE 321.
- 7) PLAT PREPARED FOR BUILDINGS AND LANDS PARTNERSHIP, BY COX AND DINKINS, INC., DATED AUGUST 11, 2005.
- 8) LEXINGTON COUNTY DEED BOOK 16232, PAGE 2.
- 9) EASEMENT AGREEMENT RECORDED IN BOOK 16232, PAGE 2.

NOTES:

- 1) THE LOCATION OF OTHER UNDERGROUND UTILITIES AND SERVICES ARE UNKNOWN.
- 2) THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR COMMENT.

LEGEND:

- ⊙ Drainage Manhole
- ⊙ Catch Basin
- ⊙ Catch Basin
- ⊙ Drop Inlet
- ⊙ Trench Drain
- ⊙ Water Meter
- ⊙ Fire Hydrant
- ⊙ Irrigation Valve
- ⊙ Water Valve
- ⊙ Fire Dept.
- ⊙ Connection
- ⊙ Power Meter
- ⊙ Power Unit
- ⊙ Power Unit
- ⊙ Utility Pole
- ⊙ Gas Pit
- ⊙ Gas Valve
- ⊙ Gas Meter
- ⊙ Gas Line Marker
- ⊙ Tele. Manhole
- ⊙ Tele. In.
- ⊙ Sign
- ⊙ Sewer Cleanout
- ⊙ Sewer Manhole
- ⊙ Flapgate (Typ.)
- ⊙ LP Tank
- ⊙ Light Pole
- ⊙ Spot Light
- ⊙ Lamp Post
- ⊙ Conc. Curb & Gutter
- ⊙ S.P.C.P. (Approx. Loc.)
- ⊙ Overhead Utility Line
- ⊙ Guy Wire (Typ.)

Line #	Length	Direction
L1	8.02'	S88°25'16"W
L2	76.43'	N22°31'02"W
L3	51.79'	N22°48'52"W
L4	28.00'	N33°28'35"W
L5	14.52'	N23°31'30"W

REVISIONS	
No.	DATE DESCRIPTION

COX AND DINKINS
 ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS
 724 BELTUNE BLVD.
 COLUMBIA, SC 29206
 803.254.0518
 COXANDINKINS.COM

ALTA/NSPS LAND TITLE SURVEY

PREPARED FOR
COLUMBIA EYE CLINIC

LEXINGTON COUNTY, IRMO, S.C.



BOOK: 358-16; 397-15; N93-82 & 79; 59F-152	TAX MAP NUMBER: 001920-02-012	DATE: JUNE 18, 2021	SCALE: 1" = 20'	CHK: 16	SF NO.: 139-14	DWG: 1P59F-152.dwg	BY: 20
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DRAWER NO.

THIS SURVEY IS NOT VALID WITHOUT AN ORIGINAL SIGNATURE.

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ORDER NO. 54087

Section 10-1. 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 Town of Irmo, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Section 10-2. 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 Town of Irmo, 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.

Section 10-3. 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.

Section 10-4. 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.

Section 10-5. 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.

Section 10-6. 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.

Section 10-7. False Application Unlawful.

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

Section 10-8. Display and Transfer.

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

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

Section 10-9. 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 ensure 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.

Section 10-10. 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 ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

Section 10-11. 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.

Section 10-12. 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.

Section 10-13. 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.

Section 10-14. 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 accidents; 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.

Section 10-15. 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.

Section 10-16. 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 meetings 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.

Section 10-17. Consent, franchise, or license required for use of streets.

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

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

Section 10-18. 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.

Section 10-19. 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.

Section 10-20. Severability.

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

Section 10-21. 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 A) 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 zoning and business license clerk along with the municipal clerk.

