

## Chapter 9

### LICENSES AND BUSINESS REGULATIONS\*

#### Article L In Genera]

- Sec. 9-1. Musical devices—Regulation.
- Sec. 9-2. Same—Hours of businesses having amusement machines.
- Sec. 9-3. Same— Loud operation.
- Sec. 9-4. Carnivals and street shows prohibited.
- Secs. 9-5-9-20. Reserved.

#### Article IL Business Licenses

- Sec. 9-21. Requirements and time of payment.
- Sec. 9-22. Late penalties.
- Sec. 9-23. Fees based on gross income.
- Sec. 9-24. Required for each business.
- Sec. 9-25. Unenumerated businesses.
- Sec. 9-26. Failure to acquire.
- Sec. 9-27. Exhibition and inspection of.
- Sec. 9-28. Change of business location.
- Sec. 9-29. Refusal to grant.
- Sec. 9-30. Revocation.
- Sec. 9-31. Council not liable when license revoked.
- Sec. 9-32. Adoption of schedule.
- Sec. 9-33. Schedule of rates.

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\*Cross references—Administration, Ch. 2; noise regulations generally, § 11-41 et seq.; junkyards, § 11-76 et seq.

State law reference—Municipal authority to regulate businesses, S.C. Code 1976, § 5-7-30.

ARTICLE I. IN GENERAL

Sec. 9-1. Musical devices—Regulation.

It shall be unlawful for any person to operate any coin-operated mechanical device for making music in any place of business between the hours of 12:00 midnight and 8:00 a.m. or to operate such device between the hours of 12:00 midnight on Saturday night and 8:00 a.m. on the following Monday  
(Code 1979, § 11-201)

Cross reference—Noise, § 11-41 et seq.

Sec. 9-2. Same—Hours of businesses having amusement machines.

It shall be unlawful for any place of business having in its possession for use or sale any piccolo, nickelodeon, radio, television, or other music-making machine, to be open between the hours of 12:00 midnight and 5:00 a.m. the following day.  
(Code 1979, § 11-202)

Sec. 9-3. Same—Loud operation.

It shall be unlawful to operate, after 12:00 midnight and prior to 8:00 a.m., or at any time during Sunday, any musical device of any nature, however operated, that is operated loudly so as to make a loud noise; provided, this section shall not be construed to prohibit the operation of a radio or other musical instrument in the home, which is so operated as not to disturb the peace.  
(Code 1979, § 11-203)

Sec. 9-4. Carnivals and street shows prohibited.

All carnivals or street shows or any business of the like are hereby forbidden to show, parade, or otherwise engage in business without the written permission of the town council. The permit is to specify the date, time, place, length of show, duration of appearance, and all other details as shall be required by the town council.  
(Code 1979, § 11-205)

Secs. 9-5-9-20. Reserved.

ARTICLE II. BUSINESS LICENSES'

Sec. 9-21. Requirements and time of payment.

(a) Every person engaged or intending to engage in any business, trade, or profession, who maintains an office or offices, who acts as an agent for another in whole or in part, within the limits of the town, except those businesses exempted bylaw, shall obtain and pay for a license.

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\*State law reference--Business license fees authorized for municipalities, S.C. Code 1976, § 6-7-30; imposition or increase of license tax, S.C. Code 1976, § 6-1-315.

License fees are due on January 1 and are payable on or before April 30 of each year, without penalty, except in cases where a person shall inaugurate or start a new business or enterprise or shall, purchase from another business in which case the license from the same shall be due and payable on the day such business is begun.

(b) No license shall be issued for less than one-half year, and licenses issued between January 1 and April 1 shall be for the full year. After April 1, the license shall be one-half of base fee for first year.

(c) New businesses which shall apply for a license on or after October 1 shall pay the minimum fee as stated in this chapter for its classification. At the end of the license year, the total license payment based on the annual gross business done shall be due and payable with a credit allowed for the amount which shall have been paid previously.

(Ord. of 9-10-84, § 1)

**See. 9-22. Late penalties.**

Any business failing to pay all taxes when due pursuant to this chapter shall pay, in addition to the regular amount of tax due, ten percent thereof for each month or fraction of a month that payment of such tax is delinquent, provided that the aggregate amount of additional tax payable under this section in event of delinquency shall not exceed 25 percent of the regular tax.

(Ord. of 9-10-84, § 2)

**Sec. 9-23. Fees based on gross income.**

No person shall be engaged in any business, either in whole or in part, within the corporate limits of the town, without having paid a license tax to be based on the gross income of such business or profession. Such license fees are subject to revision or change by the council from time to time without notice.

(Ord. of 9-10-84, § 3)

**See. 9-24. Required for each business.**

A separate license shall be required for each place of business and every class of business for which a license tax is required by this chapter. Where two or more kinds of business are conducted in the same place, it shall be the duty of the licensee to keep an accurate account of the affairs of each so that the proper amount of tax imposed and payable on each type of business may be readily ascertained, otherwise the maximum rate applicable to any type of business being operated shall apply to the whole. Where branches of business are conducted in separate buildings, both are to be licensed separately.

(Ord. of 9-10-84, § 4)

**Sec. 9-25. Unenumerated businesses.**

The mayor and clerk and treasurer shall have the power and authority to place a license fee on any and all businesses.

(Ord. of 9-10-84, § 5)

Sec. 9-26. Failure to acquire.

Any person operating a business without first having taken out the required license shall be summoned before the municipal court and, upon conviction, be punished as provided by section 140 of this Code, in addition to being required to pay the license tax.

(Ord. of 9-10-84, § 6)

Sec. 9-27. Exhibition and inspection of.

All businesses are required to exhibit their business licenses in a conspicuous place in the office or place of business. Any authorized agent of the town shall have the right at all reasonable times to enter offices or businesses for the purpose of inspecting the business licenses. Any person failing to exhibit such license prescribed in this chapter, and any person preventing or hindering such authorized agent from entering such office or premises and inspecting such license certificate, on conviction in the municipal court, shall be punished as provided by section 140 of this Code.

(Ord. of 9-10-84, § 7)

Sec. 9-28. Change of business location.

Licenses granted pursuant to this chapter shall not authorize the holder to exercise or carry on the business at any other place than that mentioned in the license.

(Ord. of 9-10-84, § 8)

Sec. 9-29. Refusal to grant.

Whenever it shall appear to the council that the granting of any license for the pursuit or conduct of any trade, business, occupation, or profession would be detrimental to the security, welfare, convenience, health, peace, or good government of the town, it may direct the clerk and treasurer to refuse to issue a license to such business,

(Ord. of 9-10-84, § 9)

Sec. 9-30. Revocation.

(a) The council reserves the right to revoke any license previously granted upon evidence satisfactory to the council that such licensee is engaged in any business activity at the place for which the license was secured which:

- (1) Is detrimental to the security, welfare, convenience, health, peace, or good government of the town;
- (2) Tends to encourage violations of the town's ordinances;
- (3) Tends to create a nuisance within the town;
- (4) Tends to lower the morale or morals of the citizens of the town;
- (5) Tends to encourage lawlessness and disorder in the town;

(6) Permits drunkenness, rowdiness or profane or vulgar language in such place of business.

(b) The fact that such activity as enumerated is carried on at any place of business shall be presumed to be with the knowledge, consent, and approval of the licensee. Before the right of revocation is exercised by the council, the licensee shall be given notice to appear in his behalf before the council.

(Ord. of 940-84, § 10)

Sec. 9-31. Council not liable when license revoked.

Each and every license which may be applied for and issued under the terms of this article shall be upon the express condition that should the license be revoked or canceled; or the trade, business, or profession for the carrying on of which any license is granted under the article shall be interfered with, restrained, prohibited, or declared unlawful by any authority paramount to that of the council, then and in that case, the council shall not be liable to any licensees, those claiming damage arising from such revocation or other interference with such license, or for the restraint or stoppage of the business for which the license was granted.

(Ord. of 9-10-84, § 11)

Sec. 9-32. Adoption of schedule.

The council shall, on or before December 1 of each year, prepare a schedule of license taxes to be charged for the ensuing year, provided that if the council fails to so prepare such schedule in any year, then the schedule for the previous year shall be continued in full force and effect.

(Ord. of 940-84, § 12)

Sec. 9-33. Schedule of rates.

A schedule of the business license rates will be kept on file in the town hall at all times. The schedule is hereby incorporated into and made a part of this chapter.

(Ord. of 9-10-84, § 13)