

TOWN OF WHITMIRE, SOUTH CAROLINA

CODE OF ORDINANCES

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§ 10.01 SHORT TITLES.

(A) All ordinances of a permanent and general nature of the municipality as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the Whitmire Town Code, for which designation “codified ordinances” or “code” may be substituted.

(B) All references to codes, titles, chapters, and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “traffic code”. Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01”.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***COUNCIL* or *TOWN COUNCIL*.** The Council of the Town of Whitmire, South Carolina.

***COUNTY, THE COUNTY, or THIS COUNTY*.** The County of Newberry, South Carolina.

***GENDER*.** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

***GOVERNOR*.** The Governor of South Carolina.

IN THE TOWN. Includes any territory, jurisdiction of which, for the exercise of its regulatory power, has been conferred on the town by public or private law.

MAY. The act referred to is permissive.

MAYOR. The Mayor of the Town of Whitmire, South Carolina.

MONTH. A calendar month.

NUMBER. Words used in the singular include the plural, and the plural includes the singular.

OATH, SWEAR, or SWORN. Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICERS AND OFFICIALS OF TOWN. Whenever reference is made to officials, boards, commissions, departments, and the like by title only (e.g., Town Clerk/Treasurer, Chief of the Fire Department, and the like), they shall be deemed to refer to the officials, boards, commissions, and departments of the Town of Whitmire.

OWNER. Applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such property.

PERSON. Extends and applies to firms, partnerships, associations, organizations, and bodies politic and corporate, or any combination thereof, as well as to individuals.

PERSONAL PROPERTY. Includes money, goods, chattels, things in action, and evidences of debt.

PRECEDING; FOLLOWING. Next before and next after, respectively.

PROPERTY. Includes both real and personal property.

REAL PROPERTY; REAL ESTATE. Coextensive with lands, tenements, and hereditaments.

SHALL. The act referred to is mandatory.

SIDEWALK. A strip of land in front or on the side of a lot of land lying between the property line and the street.

SIGNATURE; SUBSCRIPTION. Include a mark when the person cannot write.

STATE, THE STATE, or THIS STATE. The State of South Carolina.

STATE REFERENCES. Whenever reference is made to a title or section of the S.C. Code, it shall be construed to refer to the Code of Laws of South Carolina, 1976, as the same may have been amended, or whatever section is to be cited.

STREET. Embraces streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the town.

TENANT; OCCUPANT. Applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

TENSE. Words used in the present tense include the future as well as the present.

TOWN, THE TOWN, or THIS TOWN. The Town of Whitmire, South Carolina.

WRITTEN; IN WRITING. Include any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year.
(1974 Code, § 1-2)

§ 10.06 RULES OF CONSTRUCTION.

(A) *Generally.* Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(B) *Number; gender; time.* As used in the code, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular;
- (2) Words of one gender include the other genders; and
- (3) Words in the present tense include the future.

(C) *Calendar; computation of time.*

(1) The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

(2) In all cases where the law requires any act to be done in a reasonable time or reasonable notice to be given, such **REASONABLE TIME OR NOTICE** shall mean the time as only may be necessary for the prompt performance of such duty or compliance with such notice.

(D) *Authority*. When the law requires an act to be done, which may by law as well be done by an agent as by the principal, such requirement shall be construed to include such acts when done by an authorized agent.

(E) *Joint authority*. All words purporting to give joint authority to three or more municipal officers, or to other persons, shall be construed as giving such authority to a majority of the officers or other persons, unless it is otherwise expressly declared in the law giving the authority or inconsistent with state statute or other provisions.

(F) *Exceptions*. The rules of construction shall not apply to any law which contains any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

§ 10.07 CONSTRUCTION OF REVISED ORDINANCES.

The provisions of this code, so far as they are consistent with any prior ordinances, shall be construed as continuations of the prior provisions and not as new enactments.

§ 10.08 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the subject matter taken as a whole.

§ 10.09 SEVERABILITY.

If any provision of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

§ 10.10 REFERENCE TO OTHER SECTIONS.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, such reference shall be construed to mean a violation of any provision of the section or sections included in such reference.

(B) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered, unless the subject matter be changed or materially altered by the amendment or revision.

§ 10.11 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the town exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.12 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.13 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this municipality for the transaction of all municipal business.

§ 10.14 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed, from and after the effective date of this code.

§ 10.15 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature, and all other existing ordinances pertaining to subjects not enumerated and embraced in this code, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.16 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the legislative body, or a certain municipal officer or employee, to make additional ordinances or regulations for the purpose of carrying out the intent of the ordinance, all ordinances and regulations of a similar nature serving such purpose effected prior to the codification, and not inconsistent thereto, shall remain in effect and are saved.

§ 10.17 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.18 REPEAL OR MODIFICATION OF ORDINANCES.

(A) The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

(B) When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

§ 10.19 AMENDMENTS TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE.

(A) All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code may be numbered in accordance with the numbering system of this code and printed or typed for inclusion herein. In the case of repealed chapters, sections, or divisions or any part thereof by a subsequent ordinance, such repealed portions may be excluded from the code by omission from reprinted or retyped pages affected thereby. The subsequent ordinances, as numbered and printed or typed, or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are re-adopted as a new code by the Town Council.

(B) Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the section number of this code in the following language:

“That section _____ of the Code of the Town of Whitmire, South Carolina, is hereby amended to read as follows:” (The new provisions shall then be set out in full.)

(C) In the event a new section not heretofore existing in the code is to be added, the following language shall be used:

“That the Code of the Town of Whitmire, South Carolina, is hereby amended by adding a section (or chapter or division) to be numbered _____, which section (or chapter or division) reads as follows:” (The new provisions shall then be set out in full.)

(D) All chapters, sections, divisions, or provisions desired to be repealed shall be specifically repealed by chapter, section, or division number, as the case may be.
(1974 Code, § 1-6)

Cross-reference:

Style of ordinances, see § 30.10

§ 10.20 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section.
Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (S.C. Code § 16-11-700) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see S.C. Code §§ 30-1-10 et seq.

§ 10.21 VIOLATIONS OF RULES, REGULATIONS, AND ORDERS.

Except as otherwise provided in this code, the violation of any rules, regulations, or orders promulgated by any officer or agency of the municipality under authority vested in him, her, or it by law, by the provisions of this code, or by any ordinance or resolution shall be unlawful.

§ 10.22 LIABILITY OF CORPORATIONS AND AGENTS FOR VIOLATIONS.

(A) Any violation of this code by any officer, agent, or other person acting for, or employed by, any corporation or unincorporated association or organization while acting within the scope of his or her office or employment, shall in every case also be deemed to be a violation by such corporation, association, or organization.

(B) Any officer, agent, or other person acting for, or employed by, any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this code, where such violation was the act or omission, or the result of the act, omission, or order, of any such person.

§ 10.99 PENALTY.

(A) Whenever in this code or in any ordinance or resolution of the Town Council; or in any rule, regulation, or order promulgated by any officer or agency of the town under authority duly vested in him or her; or if any act is prohibited or is made or declared to be unlawful for an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this code or any such ordinance, resolution, rule, regulation, or order shall be punished by a fine of not more than \$500 or imprisonment for 30 days, or both.

(B) In addition, a municipal judge may order restitution in an amount not to exceed \$7,500. In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule. Additionally, a municipal judge may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay.

(C) Each day any violation of any provision of this code or any such ordinance, resolution, rule, regulation, or order shall continue shall constitute a separate offense. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code or any such ordinance, resolution, rule, regulation, or order shall be deemed a public nuisance and may be abated by the town as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

(D) The penalties and punishments referred to above are the penalties and punishments for violation of all provisions contained in this code and for the violation of all amended ordinances or any new ordinances which may be legally enacted by the Town Council, unless otherwise specifically provided.

(1974 Code, § 1-8) (Ord. passed 5-12-2008)

Statutory reference:

Maximum penalties, see S.C. Code § 14-25-65

CHAPTER 11: TOWN STANDARDS

Section

- 11.01 Certificate of incorporation; adopted by reference
- 11.02 Town seal

§ 11.01 CERTIFICATE OF INCORPORATION; ADOPTED BY REFERENCE.

The town's Certificate of Incorporation on 5-4-1976, a copy of which is on file with the Town Clerk/Treasurer, is hereby adopted by reference and incorporated herein as if set out at length in this code of ordinances.

§ 11.02 TOWN SEAL.

The seal of the town shall be as follows: within the first or outer circle is engraved "Town Council, Town of Whitmire, South Carolina". In the inner or center circle, a Palmetto tree. Such seal shall be the common seal of the town. The Town Clerk/Treasurer shall have the custody of the seal of the town, and the same shall be kept by him or her in his or her office.
(1974 Code, § 1-10)

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

11. TOWN STANDARDS

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 Short titles
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(B) All references to codes, titles, chapters, and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “traffic code”. Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01”.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

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All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

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MAY. The act referred to is permissive.

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OFFICERS AND OFFICIALS OF TOWN. Whenever reference is made to officials, boards, commissions, departments, and the like by title only (e.g., Town Clerk/Treasurer, Chief of the Fire Department, and the like), they shall be deemed to refer to the officials, boards, commissions, and departments of the Town of Whitmire.

OWNER. Applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such property.

PERSON. Extends and applies to firms, partnerships, associations, organizations, and bodies politic and corporate, or any combination thereof, as well as to individuals.

PERSONAL PROPERTY. Includes money, goods, chattels, things in action, and evidences of debt.

PRECEDING; FOLLOWING. Next before and next after, respectively.

PROPERTY. Includes both real and personal property.

REAL PROPERTY; REAL ESTATE. Coextensive with lands, tenements, and hereditaments.

SHALL. The act referred to is mandatory.

SIDEWALK. A strip of land in front or on the side of a lot of land lying between the property line and the street.

SIGNATURE; SUBSCRIPTION. Include a mark when the person cannot write.

STATE, THE STATE, or THIS STATE. The State of South Carolina.

STATE REFERENCES. Whenever reference is made to a title or section of the S.C. Code, it shall be construed to refer to the Code of Laws of South Carolina, 1976, as the same may have been amended, or whatever section is to be cited.

STREET. Embraces streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the town.

TENANT; OCCUPANT. Applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

TENSE. Words used in the present tense include the future as well as the present.

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WRITTEN; IN WRITING. Include any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year.
(1974 Code, § 1-2)

§ 10.06 RULES OF CONSTRUCTION.

(A) *Generally.* Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(B) *Number; gender; time.* As used in the code, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular;
- (2) Words of one gender include the other genders; and
- (3) Words in the present tense include the future.

(C) *Calendar; computation of time.*

(1) The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

(2) In all cases where the law requires any act to be done in a reasonable time or reasonable notice to be given, such **REASONABLE TIME OR NOTICE** shall mean the time as only may be necessary for the prompt performance of such duty or compliance with such notice.

(D) *Authority*. When the law requires an act to be done, which may by law as well be done by an agent as by the principal, such requirement shall be construed to include such acts when done by an authorized agent.

(E) *Joint authority*. All words purporting to give joint authority to three or more municipal officers, or to other persons, shall be construed as giving such authority to a majority of the officers or other persons, unless it is otherwise expressly declared in the law giving the authority or inconsistent with state statute or other provisions.

(F) *Exceptions*. The rules of construction shall not apply to any law which contains any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

§ 10.07 CONSTRUCTION OF REVISED ORDINANCES.

The provisions of this code, so far as they are consistent with any prior ordinances, shall be construed as continuations of the prior provisions and not as new enactments.

§ 10.08 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the subject matter taken as a whole.

§ 10.09 SEVERABILITY.

If any provision of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

§ 10.10 REFERENCE TO OTHER SECTIONS.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, such reference shall be construed to mean a violation of any provision of the section or sections included in such reference.

(B) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered, unless the subject matter be changed or materially altered by the amendment or revision.

§ 10.11 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the town exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.12 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.13 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this municipality for the transaction of all municipal business.

§ 10.14 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed, from and after the effective date of this code.

§ 10.15 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature, and all other existing ordinances pertaining to subjects not enumerated and embraced in this code, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.16 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the legislative body, or a certain municipal officer or employee, to make additional ordinances or regulations for the purpose of carrying out the intent of the ordinance, all ordinances and regulations of a similar nature serving such purpose effected prior to the codification, and not inconsistent thereto, shall remain in effect and are saved.

§ 10.17 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.18 REPEAL OR MODIFICATION OF ORDINANCES.

(A) The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

(B) When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

§ 10.19 AMENDMENTS TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE.

(A) All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code may be numbered in accordance with the numbering system of this code and printed or typed for inclusion herein. In the case of repealed chapters, sections, or divisions or any part thereof by a subsequent ordinance, such repealed portions may be excluded from the code by omission from reprinted or retyped pages affected thereby. The subsequent ordinances, as numbered and printed or typed, or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are re-adopted as a new code by the Town Council.

(B) Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the section number of this code in the following language:

“That section _____ of the Code of the Town of Whitmire, South Carolina, is hereby amended to read as follows:” (The new provisions shall then be set out in full.)

(C) In the event a new section not heretofore existing in the code is to be added, the following language shall be used:

“That the Code of the Town of Whitmire, South Carolina, is hereby amended by adding a section (or chapter or division) to be numbered _____, which section (or chapter or division) reads as follows:” (The new provisions shall then be set out in full.)

(D) All chapters, sections, divisions, or provisions desired to be repealed shall be specifically repealed by chapter, section, or division number, as the case may be.
(1974 Code, § 1-6)

Cross-reference:

Style of ordinances, see § 30.10

§ 10.20 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section.
Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (S.C. Code § 16-11-700) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see S.C. Code §§ 30-1-10 et seq.

§ 10.21 VIOLATIONS OF RULES, REGULATIONS, AND ORDERS.

Except as otherwise provided in this code, the violation of any rules, regulations, or orders promulgated by any officer or agency of the municipality under authority vested in him, her, or it by law, by the provisions of this code, or by any ordinance or resolution shall be unlawful.

§ 10.22 LIABILITY OF CORPORATIONS AND AGENTS FOR VIOLATIONS.

(A) Any violation of this code by any officer, agent, or other person acting for, or employed by, any corporation or unincorporated association or organization while acting within the scope of his or her office or employment, shall in every case also be deemed to be a violation by such corporation, association, or organization.

(B) Any officer, agent, or other person acting for, or employed by, any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this code, where such violation was the act or omission, or the result of the act, omission, or order, of any such person.

§ 10.99 PENALTY.

(A) Whenever in this code or in any ordinance or resolution of the Town Council; or in any rule, regulation, or order promulgated by any officer or agency of the town under authority duly vested in him or her; or if any act is prohibited or is made or declared to be unlawful for an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this code or any such ordinance, resolution, rule, regulation, or order shall be punished by a fine of not more than \$500 or imprisonment for 30 days, or both.

(B) In addition, a municipal judge may order restitution in an amount not to exceed \$7,500. In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule. Additionally, a municipal judge may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay.

(C) Each day any violation of any provision of this code or any such ordinance, resolution, rule, regulation, or order shall continue shall constitute a separate offense. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code or any such ordinance, resolution, rule, regulation, or order shall be deemed a public nuisance and may be abated by the town as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

(D) The penalties and punishments referred to above are the penalties and punishments for violation of all provisions contained in this code and for the violation of all amended ordinances or any new ordinances which may be legally enacted by the Town Council, unless otherwise specifically provided.

(1974 Code, § 1-8) (Ord. passed 5-12-2008)

Statutory reference:

Maximum penalties, see S.C. Code § 14-25-65

CHAPTER 11: TOWN STANDARDS

Section

- 11.01 Certificate of incorporation; adopted by reference
- 11.02 Town seal

§ 11.01 CERTIFICATE OF INCORPORATION; ADOPTED BY REFERENCE.

The town's Certificate of Incorporation on 5-4-1976, a copy of which is on file with the Town Clerk/Treasurer, is hereby adopted by reference and incorporated herein as if set out at length in this code of ordinances.

§ 11.02 TOWN SEAL.

The seal of the town shall be as follows: within the first or outer circle is engraved "Town Council, Town of Whitmire, South Carolina". In the inner or center circle, a Palmetto tree. Such seal shall be the common seal of the town. The Town Clerk/Treasurer shall have the custody of the seal of the town, and the same shall be kept by him or her in his or her office.
(1974 Code, § 1-10)

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

11. TOWN STANDARDS

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 Short titles
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Captions
- 10.05 Definitions
- 10.06 Rules of construction
- 10.07 Construction of revised ordinances
- 10.08 Conflicting provisions
- 10.09 Severability
- 10.10 Reference to other sections
- 10.11 Reference to offices
- 10.12 Errors and omissions
- 10.13 Official time
- 10.14 Ordinances repealed
- 10.15 Ordinances unaffected
- 10.16 Ordinances saved
- 10.17 Effective date of ordinances
- 10.18 Repeal or modification of ordinances
- 10.19 Amendments to code; effect of new ordinances; amendatory language
- 10.20 Section histories; statutory references
- 10.21 Violations of rules, regulations, and orders
- 10.22 Liability of corporations and agents for violations

- 10.99 Penalty

§ 10.01 SHORT TITLES.

(A) All ordinances of a permanent and general nature of the municipality as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the Whitmire Town Code, for which designation “codified ordinances” or “code” may be substituted.

(B) All references to codes, titles, chapters, and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “traffic code”. Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01”.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***COUNCIL* or *TOWN COUNCIL*.** The Council of the Town of Whitmire, South Carolina.

***COUNTY, THE COUNTY, or THIS COUNTY*.** The County of Newberry, South Carolina.

***GENDER*.** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

***GOVERNOR*.** The Governor of South Carolina.

IN THE TOWN. Includes any territory, jurisdiction of which, for the exercise of its regulatory power, has been conferred on the town by public or private law.

MAY. The act referred to is permissive.

MAYOR. The Mayor of the Town of Whitmire, South Carolina.

MONTH. A calendar month.

NUMBER. Words used in the singular include the plural, and the plural includes the singular.

OATH, SWEAR, or SWORN. Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICERS AND OFFICIALS OF TOWN. Whenever reference is made to officials, boards, commissions, departments, and the like by title only (e.g., Town Clerk/Treasurer, Chief of the Fire Department, and the like), they shall be deemed to refer to the officials, boards, commissions, and departments of the Town of Whitmire.

OWNER. Applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such property.

PERSON. Extends and applies to firms, partnerships, associations, organizations, and bodies politic and corporate, or any combination thereof, as well as to individuals.

PERSONAL PROPERTY. Includes money, goods, chattels, things in action, and evidences of debt.

PRECEDING; FOLLOWING. Next before and next after, respectively.

PROPERTY. Includes both real and personal property.

REAL PROPERTY; REAL ESTATE. Coextensive with lands, tenements, and hereditaments.

SHALL. The act referred to is mandatory.

SIDEWALK. A strip of land in front or on the side of a lot of land lying between the property line and the street.

SIGNATURE; SUBSCRIPTION. Include a mark when the person cannot write.

STATE, THE STATE, or THIS STATE. The State of South Carolina.

STATE REFERENCES. Whenever reference is made to a title or section of the S.C. Code, it shall be construed to refer to the Code of Laws of South Carolina, 1976, as the same may have been amended, or whatever section is to be cited.

STREET. Embraces streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the town.

TENANT; OCCUPANT. Applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

TENSE. Words used in the present tense include the future as well as the present.

TOWN, THE TOWN, or THIS TOWN. The Town of Whitmire, South Carolina.

WRITTEN; IN WRITING. Include any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year.
(1974 Code, § 1-2)

§ 10.06 RULES OF CONSTRUCTION.

(A) *Generally.* Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(B) *Number; gender; time.* As used in the code, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular;
- (2) Words of one gender include the other genders; and
- (3) Words in the present tense include the future.

(C) *Calendar; computation of time.*

(1) The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

(2) In all cases where the law requires any act to be done in a reasonable time or reasonable notice to be given, such **REASONABLE TIME OR NOTICE** shall mean the time as only may be necessary for the prompt performance of such duty or compliance with such notice.

(D) *Authority*. When the law requires an act to be done, which may by law as well be done by an agent as by the principal, such requirement shall be construed to include such acts when done by an authorized agent.

(E) *Joint authority*. All words purporting to give joint authority to three or more municipal officers, or to other persons, shall be construed as giving such authority to a majority of the officers or other persons, unless it is otherwise expressly declared in the law giving the authority or inconsistent with state statute or other provisions.

(F) *Exceptions*. The rules of construction shall not apply to any law which contains any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

§ 10.07 CONSTRUCTION OF REVISED ORDINANCES.

The provisions of this code, so far as they are consistent with any prior ordinances, shall be construed as continuations of the prior provisions and not as new enactments.

§ 10.08 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the subject matter taken as a whole.

§ 10.09 SEVERABILITY.

If any provision of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

§ 10.10 REFERENCE TO OTHER SECTIONS.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, such reference shall be construed to mean a violation of any provision of the section or sections included in such reference.

(B) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered, unless the subject matter be changed or materially altered by the amendment or revision.

§ 10.11 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the town exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.12 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.13 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this municipality for the transaction of all municipal business.

§ 10.14 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed, from and after the effective date of this code.

§ 10.15 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature, and all other existing ordinances pertaining to subjects not enumerated and embraced in this code, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.16 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the legislative body, or a certain municipal officer or employee, to make additional ordinances or regulations for the purpose of carrying out the intent of the ordinance, all ordinances and regulations of a similar nature serving such purpose effected prior to the codification, and not inconsistent thereto, shall remain in effect and are saved.

§ 10.17 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.18 REPEAL OR MODIFICATION OF ORDINANCES.

(A) The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

(B) When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

§ 10.19 AMENDMENTS TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE.

(A) All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code may be numbered in accordance with the numbering system of this code and printed or typed for inclusion herein. In the case of repealed chapters, sections, or divisions or any part thereof by a subsequent ordinance, such repealed portions may be excluded from the code by omission from reprinted or retyped pages affected thereby. The subsequent ordinances, as numbered and printed or typed, or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are re-adopted as a new code by the Town Council.

(B) Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the section number of this code in the following language:

“That section _____ of the Code of the Town of Whitmire, South Carolina, is hereby amended to read as follows:” (The new provisions shall then be set out in full.)

(C) In the event a new section not heretofore existing in the code is to be added, the following language shall be used:

“That the Code of the Town of Whitmire, South Carolina, is hereby amended by adding a section (or chapter or division) to be numbered _____, which section (or chapter or division) reads as follows:” (The new provisions shall then be set out in full.)

(D) All chapters, sections, divisions, or provisions desired to be repealed shall be specifically repealed by chapter, section, or division number, as the case may be.
(1974 Code, § 1-6)

Cross-reference:

Style of ordinances, see § 30.10

§ 10.20 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section.
Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (S.C. Code § 16-11-700) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see S.C. Code §§ 30-1-10 et seq.

§ 10.21 VIOLATIONS OF RULES, REGULATIONS, AND ORDERS.

Except as otherwise provided in this code, the violation of any rules, regulations, or orders promulgated by any officer or agency of the municipality under authority vested in him, her, or it by law, by the provisions of this code, or by any ordinance or resolution shall be unlawful.

§ 10.22 LIABILITY OF CORPORATIONS AND AGENTS FOR VIOLATIONS.

(A) Any violation of this code by any officer, agent, or other person acting for, or employed by, any corporation or unincorporated association or organization while acting within the scope of his or her office or employment, shall in every case also be deemed to be a violation by such corporation, association, or organization.

(B) Any officer, agent, or other person acting for, or employed by, any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this code, where such violation was the act or omission, or the result of the act, omission, or order, of any such person.

§ 10.99 PENALTY.

(A) Whenever in this code or in any ordinance or resolution of the Town Council; or in any rule, regulation, or order promulgated by any officer or agency of the town under authority duly vested in him or her; or if any act is prohibited or is made or declared to be unlawful for an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this code or any such ordinance, resolution, rule, regulation, or order shall be punished by a fine of not more than \$500 or imprisonment for 30 days, or both.

(B) In addition, a municipal judge may order restitution in an amount not to exceed \$7,500. In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule. Additionally, a municipal judge may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay.

(C) Each day any violation of any provision of this code or any such ordinance, resolution, rule, regulation, or order shall continue shall constitute a separate offense. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code or any such ordinance, resolution, rule, regulation, or order shall be deemed a public nuisance and may be abated by the town as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

(D) The penalties and punishments referred to above are the penalties and punishments for violation of all provisions contained in this code and for the violation of all amended ordinances or any new ordinances which may be legally enacted by the Town Council, unless otherwise specifically provided.

(1974 Code, § 1-8) (Ord. passed 5-12-2008)

Statutory reference:

Maximum penalties, see S.C. Code § 14-25-65

CHAPTER 11: TOWN STANDARDS

Section

- 11.01 Certificate of incorporation; adopted by reference
- 11.02 Town seal

§ 11.01 CERTIFICATE OF INCORPORATION; ADOPTED BY REFERENCE.

The town's Certificate of Incorporation on 5-4-1976, a copy of which is on file with the Town Clerk/Treasurer, is hereby adopted by reference and incorporated herein as if set out at length in this code of ordinances.

§ 11.02 TOWN SEAL.

The seal of the town shall be as follows: within the first or outer circle is engraved "Town Council, Town of Whitmire, South Carolina". In the inner or center circle, a Palmetto tree. Such seal shall be the common seal of the town. The Town Clerk/Treasurer shall have the custody of the seal of the town, and the same shall be kept by him or her in his or her office.
(1974 Code, § 1-10)

TITLE VII: TRAFFIC CODE

Chapter

70. VEHICLE REGULATIONS

CHAPTER 70: VEHICLE REGULATIONS

Section

- 70.01 Removal or screening of unused vehicles
- 70.02 Adoption of state laws
- 70.03 Town Council to regulate traffic
- 70.04 Use of engine brake, compression brake, or mechanical exhaust device

- 70.99 Penalty

Statutory reference:

Motor vehicles and traffic generally, see S.C. Code Title 46

Powers of local authorities, see S.C. Code §§ 46-282 through 46-284 and 46-303

Uniform Act Regulating Traffic on the Highways, see S.C. Code §§ 46-201 et seq.

§ 70.01 REMOVAL OR SCREENING OF UNUSED VEHICLES.

(A) It shall be unlawful for any person in the town to cause or allow any vehicle, or part thereof, which is not in regular use to be parked, stored, junked, or left in sight of any public street or alley.

(B) Anyone having such a vehicle, or part thereof, shall cause the same to be moved out of sight of such public street or alley or erect, at the property owner's expense, a properly constructed and designed solid fence, whereby such vehicle, or part thereof, cannot be seen from any public street or alley. Such fence must meet the approval of the Mayor and Town Council.

(C) Vehicles being held for repairs on the premises of a licensed garage or body shop shall not be deemed a violation of this section.

(1974 Code, § 9-1) (Ord. passed 9-27-1971) Penalty, see § 70.99

§ 70.02 ADOPTION OF STATE LAWS.

(A) All the provisions and requirements of the general laws of the state in regard to vehicles, traffic, and pedestrians as contained in the South Carolina Code of 1962 and acts amendatory thereof, insofar as such provisions can be applied within the town, are hereby adopted and made a part of this chapter as fully as though set out herein.

(B) All provisions and requirements of the Uniform Act Regarding Traffic on the Highways, as amended, insofar as such provisions can have application within the town, are hereby adopted and made a part of this chapter as though fully set out herein.

(C) It shall be unlawful for any person to fail to comply with the provisions of the acts and code referred to above, and this section shall be cited for violation of any of the provisions applicable to the town.

(1974 Code, § 9-2) Penalty, see § 70.99

§ 70.03 TOWN COUNCIL TO REGULATE TRAFFIC.

(A) The Town Council shall regulate the operation and parking of vehicles within the town by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, play streets, through or arterial streets, parking meter spaces and parking meter zones, u-turns, school zones, hospital zones, loading or unloading zones, quiet zones, and other signs, markers, and official traffic control devices indicating the place or manner of operating or parking vehicles within the town.

(B) The Council shall designate bus stops and taxicab stands and erect signs prohibiting the parking of vehicles other than buses and taxicabs at their respective stops and stands.

(C) The Council shall designate truck routes and regulate the parking of vehicles of various sizes and weights.

(D) The Council shall mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic when, in the judgment of the Council, such action is necessary.

(E) The Council shall secure all necessary signs, markers, or official traffic control devices to be erected or placed on any street, or part of a street, when such action is deemed necessary.

(F) The existence of such signs, markers, or of official traffic control devices at any place within the town shall be prima facie evidence that such signs, markers, or official traffic control devices were erected or placed by, and at the direction of, the Council and in accordance with the provisions of this chapter.

(1974 Code, § 9-3)

Statutory reference:

Authority of Council, see S.C. Code §§ 46-282 through 46-284 and 46-303

§ 70.04 USE OF ENGINE BRAKE, COMPRESSION BRAKE, OR MECHANICAL EXHAUST DEVICE.

(A) Except in an emergency situation, it shall be unlawful for the driver of any vehicle to use or operate, or cause to be used or operated, within the corporate limits of the town, any engine brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle.

(B) The term ***EMERGENCY SITUATION***, for the purpose of this section, shall mean one in which there is imminent danger of collision with property, person, or animals.
(Ord. 2010-28, passed 12-13-2010) Penalty, see § 70.99

§ 70.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Anyone violating § 70.01 shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 10.99.
(1974 Code, § 9-1)

(C) Any person or persons violating or failing to comply with any provision of § 70.06 shall be punished by a fine of not more than \$500 or imprisonment for 30 days, or both.
(Ord. 2010-28, passed 12-13-2010)

TITLE XI: BUSINESS REGULATIONS

Chapter

110.BUSINESS LICENSING PROVISIONS

111.ALCOHOL

112.PEDDLERS AND SOLICITORS

113.MISCELLANEOUS BUSINESS

CHAPTER 110: BUSINESS LICENSING PROVISIONS

Section

General Provisions

- 110.01 License required
- 110.02 Definitions
- 110.03 Purpose

Application and Administration

- 110.15 License fee
- 110.16 Registration required
- 110.17 Deductions, exemptions, and charitable organizations
- 110.18 False application
- 110.19 Display and transfer
- 110.20 Administration
- 110.21 Inspection and audits
- 110.22 Assessments, payment under protest, appeal
- 110.23 Delinquent license fees, partial payment
- 110.24 Notices
- 110.25 Denial of license
- 110.26 Suspension or revocation
- 110.27 Appeals
- 110.28 Permission to use streets
- 110.29 Fee for use of public places
- 110.30 Confidentiality

Classification

- 110.45 Classification and rates
- 110.46 Class eight rates
- 110.47 Rate class index
- 110.48 NAICS sector description
- 110.49 Business classification index

- 110.99 Penalty

4Whitmire - Business Regulations

GENERAL PROVISIONS

§ 110.01 LICENSE REQUIRED.

Every person engaged or intending to engage in any calling, business, occupation, or profession listed in the rate classification index in § 110.47, in whole or in part, within the limits of the town is required to pay an annual license fee for the privilege of doing business and obtain a business license as herein provided.

(Ord. 2009-, passed 6-8-2009)

§ 110.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. A calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

CHARITABLE PURPOSE. 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. A charitable organization shall be deemed a business subject to a license tax unless the entire net proceeds of its operation, after necessary expenses, are devoted to ***CHARITABLE PURPOSES.*** Compensation in any form to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

CLASSIFICATION. The 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 Town Council.

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

LICENSE OFFICIAL. A person designated to administer this chapter.

MUNICIPALITY. The Town of Whitmire, South Carolina.

PERSON. Any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.
(Ord. 2009-, passed 6-8-2009)

§ 110.03 PURPOSE.

The business license levied by this chapter 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 license shall be issued for one year and shall expire on December 31. The provisions of this chapter and the rates herein shall remain in effect from year to year as amended by Council.

(Ord. 2009-, passed 6-8-2009)

APPLICATION AND ADMINISTRATION

§ 110.15 LICENSE FEE.

(A) The required license fee shall be paid for each business subject hereto according to the applicable rate classification on or before April 15 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 fee shall be computed on the combined gross income for the classification requiring the highest rate. A license fee based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a 12-month projected income based on the monthly average for a business in operation for less than one year. The fee 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 fee 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.

(Ord. 2009-, passed 6-8-2009)

§ 110.16 REGISTRATION REQUIRED.

(A) The owner, agent, or legal representative of every business subject to this chapter, 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.

(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 state income tax return, and all information about the applicant and the business deemed appropriate to carry out the purpose of this chapter by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income 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 and personal property taxes on business property due and payable to the municipality have been paid.

(D) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by a company shall be licensed as a broker.
(Ord. 2009-, passed 6-8-2009)

§ 110.17 DEDUCTIONS, EXEMPTIONS, AND CHARITABLE ORGANIZATIONS.

(A) No deductions from gross income shall be made except income from business done wholly outside of the municipality on which a license tax is paid to some other municipality or a county, 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 chapter 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 chapter 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 by reason of application of this chapter.

(C) Charitable organizations which have exemptions from state and federal income taxes shall be exempt from a business license tax only in cases where the sponsors, organizers, directors, trustees, or persons who exercise ultimate control of the organization receive no part of the proceeds of operation and all proceeds are devoted to charitable purposes as defined by this chapter. Payment of necessary costs of operation and wages to non-management employees will not disqualify a charitable organization from exemption.
(Ord. 2009-, passed 6-8-2009)

§ 110.18 FALSE APPLICATION.

It shall be unlawful for any person subject to the provisions of this chapter 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 fee required by this chapter.
(Ord. 2009-, passed 6-8-2009) Penalty, see § 110.99

§ 110.19 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 or her 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 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.
(Ord. 2009-, passed 6-8-2009)

§ 110.20 ADMINISTRATION.

The License Official shall administer the provisions of this chapter, collect license fees, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or revocation procedures, report violations to the Town Attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this chapter, and perform such other duties as may be duly assigned.
(Ord. 2009-, passed 6-8-2009)

§ 110.21 INSPECTION AND AUDITS.

(A) For the purpose of enforcing the provisions of this chapter, the License Official or other authorized agent of the municipality is empowered to enter upon the premises of any person subject to this chapter 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 fee and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license fee shall constitute a separate offense.

(B) The License Official shall make systematic inspections and random audits of all businesses within the municipality to ensure compliance with the chapter. 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. Statistics compiled by classifications are public records.
(Ord. 2009-, passed 6-8-2009) Penalty, see § 110.99

§ 110.22 ASSESSMENTS, PAYMENT UNDER PROTEST, APPEAL.

(A) If a person fails to obtain a business license or to furnish the information required by this chapter 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. An application for adjustment of the assessment may be made to the License Official within five days after the notice is mailed or the assessment will become final. The License Official shall establish by regulation the 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 Town Council only by payment in full of the assessment under protest within five days and the filing of written notice of appeal within ten days after payment pursuant to the provisions of this chapter relating to appeals to Council.
(Ord. 2009-, passed 6-8-2009)

§ 110.23 DELINQUENT LICENSE FEES, PARTIAL PAYMENT.

(A) For non-payment of all or any part of the correct license fee, the License Official shall levy and collect a late penalty of 5% of the unpaid fee for each month, or portion thereof, after the due date until paid. Penalties shall not be waived. If any license fee remains unpaid for 60 days after its due date, the License Official shall report it to the Town 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.
(Ord. 2009-, passed 6-8-2009)

§ 110.24 NOTICES.

The License Official may, but shall not be required to, mail written notices that license fees 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 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.

(Ord. 2009-, passed 6-8-2009)

§ 110.25 DENIAL OF LICENSE.

The License Official shall deny a license to an applicant when the application is incomplete; contains a misrepresentation, false, or misleading statement; evasion or suppression of a material fact; or when the activity for which a license is sought is unlawful or constitutes a public nuisance per se. A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

(Ord. 2009-, passed 6-8-2009)

§ 110.26 SUSPENSION OR REVOCATION.

(A) 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 when the License Official determines:

- (1) A license has been mistakenly or improperly issued or issued contrary to law;
- (2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this chapter;
- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- (4) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
- (5) A licensee has engaged in an unlawful activity or nuisance related to the business.

(B) 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 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 chapter.

(Ord. 2009-, passed 6-8-2009)

§ 110.27 APPEALS.

(A) Any person aggrieved by a decision, final assessment, revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Town Council by written request stating the reasons therefor, filed with the License Official within ten days after the payment of the assessment under protest or notice of denial is received. Payment under protest shall be a condition precedent to appeal.

(B) An appeal or a hearing on revocation shall be held by the Town Council within 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 final unless appealed to a court of competent jurisdiction within ten days after service.

(C) No person shall be subject to prosecution for doing business without a license until the expiration of ten days after notice of denial or revocation which is not appealed, or until after final judgment of a circuit court upholding denial or revocation.
(Ord. 2009-, passed 6-8-2009)

§ 110.28 PERMISSION TO USE STREETS.

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 Town Council by ordinance which prescribes the term, fees, and conditions for use.

(Ord. 2009-, passed 6-8-2009) Penalty, see § 110.99

§ 110.29 FEE FOR USE OF PUBLIC PLACES.

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

(Ord. 2009-, passed 6-8-2009)

§ 110.30 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 chapter. 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 this chapter.

(Ord. 2009-, passed 6-8-2009) Penalty, see § 110.99

CLASSIFICATION**§ 110.45 CLASSIFICATION AND RATES.**

(A) The sectors of businesses included in each Rate Class are listed with the United States North American Industry Classification System (NAICS) codes. The alphabetical index in § 110.49 is a tool for classification, not a limitation on businesses subject to a license tax. The License Official shall determine the proper class for a business according to the applicable NAICS manual, whether or not the business is listed in the alphabetical index. A business class which is not listed in the rate class or numerical indexes is not subject to a license tax.

(B) The license fee for each class of businesses subject to this chapter shall be computed in accordance with the following rates.

<i>Rates</i>		
<i>Rate Class</i>	<i>Income: 0 - \$2,000 Minimum Fee</i>	<i>All over \$2,000: Rate per Thousand or Fraction Thereof</i>
1	\$25	\$1
2	\$30	\$1.05
3	\$35	\$1.10
4	\$40	\$1.15
5	\$45	\$1.20
6	\$50	\$1.25

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<i>Rates</i>		
<i>Rate Class</i>	<i>Income: 0 - \$2,000 Minimum Fee</i>	<i>All over \$2,000: Rate per Thousand or Fraction Thereof</i>
7	\$55	\$1.30
8	\$60	\$1.35
Unless otherwise specifically provided, all minimum fees and rates shall be doubled for non-residents and itinerants having no fixed principal place of business within the municipality.		

<i>Declining Rates</i>	
<i>Gross Income in Millions</i>	<i>Percent of Class Rate for Each Additional \$1,000</i>
0-1	100%
1-2	90%
2-3	80%
3-4	70%
Over 4	60%
Declining rates apply in all classes for gross income in excess of \$1,000,000	

(Ord. 2009-, passed 6-8-2009)

§ 110.46 CLASS EIGHT RATES.

Each NAICS number designates a separate subclassification. 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, and the like, which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.

(A) *NAICS 23-Contractors, construction, all types.*

- (1) Having permanent place of business within the municipality:
 - (a) Minimum on first \$2,000: \$60; and
 - (b) Plus per \$1,000, or fraction, over \$2,000 from all work: \$1.35.
- (2) Non-resident (no permanent place of business in the municipality):
 - (a) Minimum on first \$2,000: \$120; and

(b) Plus per \$1,000, or fraction, over \$2,000: \$2.70. (Non-resident double rates do not apply.)

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

(4) The total fee for the full amount of the contract shall be paid prior to commencement of work and shall entitle a 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 fee shall be paid in a calendar year.

(5) 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.

(6) 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.

(7) 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.

(8) Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

(B) *NAICS 482-Railroad companies.* (See S.C. Code § 12-23-210): \$50.

(C) *NAICS 5171 and 5172-Telephone companies.*

(1) Notwithstanding any other provisions of this chapter, business license taxes for retail telecommunications service, as defined in S.C. Code § 58-9-2200, including, but not limited to, those services described in North American Industry Classification System (NAICS) 5171 and 5172 shall pay an annual business license fee based on gross income.

(2) Pursuant to S.C. Code § 58-9-2220, the following business license tax schedule shall apply to the gross income from 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 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.

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(a) Rate for license taxes due in the years 1999 through 2003: 0.3% of gross income for the preceding year;

(b) Rate for license taxes due in the year 2004 and each year thereafter: [See state statute] 1% of gross income for the preceding year; and

(c) For a business in operation for less than one year, the amount of business license tax authorized by this section shall be computed on a 12-month projected income.

(3) The telecommunications business license tax shall be due on January 1 in each year, beginning in the year 2000. Declining rates shall not apply. Taxes are payable without penalty by January 31 following the due date. After January 31, the delinquent penalty shall be 5% of the tax due for each month, or portion thereof, after the due date until paid.

(4) Exemptions for income from business in interstate commerce are not permitted. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

(5) Nothing in this chapter shall be interpreted to interfere with a franchise agreement or contractual agreement entered into with a telecommunications provider prior to December 31, 1997.

(6) Fees imposed by a franchise or contractual agreement with a telecommunications provider entered into prior to December 31, 1997, which expires prior to December 31, 2003, shall continue in effect until December 31, 2003.

(7) All fees collected under such franchise agreement or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this chapter.

(8) A business license tax ordinance, adopted prior to December 31, 1997, which levied a business license tax paid by a telecommunications company higher than that levied under this chapter shall remain in effect through December 31, 2003.

(9) As authorized by S.C. Code § 5-7-300, the agreement with the Municipal Association of the state for collection of current and delinquent license taxes from telecommunications companies, pursuant to S.C. Code § 58-9-2200, in the form attached to Ord. 2009- is approved and the Mayor is authorized to execute it.

(D) *NAICS 5175-Television.*

(1) Cable or pay services using public streets: See consent or franchise.

(2) Cable television services not using public streets:

(a) Minimum on first \$2,000: \$NA;

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(b) Plus per \$1,000, or fraction, over \$2,000: \$NA.

(E) *NAICS 22112-Electric power distribution.* See consent or franchise.

(F) *NAICS 22121-Natural gas distribution.* See consent or franchise.

(G) *NAICS 423930-Junk or scrap dealers.*

(1) Minimum on first \$2,000: \$60;

(2) Plus per \$1,000, or fraction, over \$2,000: \$1.35; and

(3) Non-resident rates apply.

(H) *NAICS 4411 and 4412-Automotive, motor vehicles, boats, farm machinery, and retail.*

(1) Minimum on first \$2,000: \$25;

(2) Plus per \$1,000, or fraction, over \$2,000: \$1;

(3) 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;

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

(5) Except auto supply stores, see 4413.

(I) *NAICS 72241-Drinking places, bars, lounges, and cabarets.* (Alcoholic beverages consumed on premises.)

(1) Minimum on first \$2,000: \$60; and

(2) Plus per \$1,000, or fraction, over \$2,000: \$1.35.

(J) *NAICS 522298-Pawn brokers, all types.*

(1) Minimum on first \$2,000: \$60; and

(2) Plus per \$1,000, or fraction, over \$2,000: \$1.35.

(K) *NAICS 45439-Peddlers, solicitors, canvassers, door-to-door sales.* Direct retail sales of merchandise. Non-resident rates apply.

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(1) Regular activities (more than two sale periods of more than three days each per year).

(a) Minimum on first \$2,000: \$60; and

(b) Plus per \$1,000, or fraction, over \$2,000: \$1.35.

(2) Seasonal activities (not more than two sale periods of not more than three days each year, separate license required for each sale period).

(a) Minimum on first \$2,000: \$60; and

(b) Plus per \$1,000, or fraction, over \$2,000: \$1.35.

(L) *NAICS 5241-Insurance companies.*

(1) On gross premiums collected through offices or agents located in the municipality, wherever the risk is located or collected on policies written on property or risks located in the municipality, wherever the premiums are collected. Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums, or deposit.

(2) 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 doing business within the municipality whether or not an office is maintained therein. A premium collected on property or a risk located within the municipality shall be deemed to have been collected within the municipality. (Declining rates shall not apply.)

(M) *NAICS 52411-Life, health, and accident.* Three-fourths of 1% of gross premiums.

(N) *NAICS 524126-Fire and casualty.* Licensed in the state: 2% of gross premiums.

(O) *NAICS 524127-Title insurance.* Two percent of gross premiums.

(P) *NAICS 524210-Brokers for fire and casualty insurers - non-admitted.*

(1) On gross premiums collected on policies of companies not licensed in the state, the agent or broker shall pay annually, with copy of the report showing location of the risks insured, 2% of gross premiums. (Premiums for non-admitted business are not included in gross commissions for license under Rate Class 7 for other business.)

(2) Notwithstanding any other provision of this chapter, license taxes for insurance companies and brokers for non-admitted insurers shall be payable on or before May 31 in each year without penalty. Pursuant to S.C. Code § 5-7-300, the agreement with the Municipal Association of the state, on file with the Clerk/Treasurer, for collection of current and delinquent license taxes from insurers and brokers is approved.

(Q) *NAICS 713120-Amusement machines, coin operated (except gambling)*. Music machines, juke boxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by the state's Department of Revenue pursuant to S.C. Code § 12-21-2720(A)(1) and (A)(2) - (Type I and Type II).

(1) Operator of machine:

- (a) Twelve dollars and fifty cents per machine; and
- (b) Plus \$12.50 business license for operation of all machines (not on gross income).

(2) Distributor selling or leasing machines not licensed by the state as an operator pursuant to S.C. Code § 12-21-2728. (Nonresident rates apply.)

- (a) Minimum on first \$2,000: \$60; and
- (b) Plus per \$1,000, or fraction, over \$2,000: \$1.35.

(R) *NAICS 713290-Amusement machines, coin operated-nonpayout*. Amusement machines of the nonpayout type or in-line pin game licensed by the state's Department of Revenue pursuant to S.C. Code § 12-21-2720(A)(3) - (type III).

(1) Operator of machine (owner of business):

- (a) One hundred eighty dollars per machine; and
- (b) Plus \$12.50 business license for operation of all machines (not on gross income).

(2) Distributor selling or leasing machines not licensed by the state as an operator pursuant to S.C. Code § 12-21-2728. (Nonresident rates apply.)

- (a) Minimum on first \$2,000: \$60; and
- (b) Plus per \$1,000, or fraction, over \$2,000: \$1.35.

(S) *NAICS 71399-Billiard or pool rooms, all types*.

- (1) Five dollar stamp per table;
- (2) Plus minimum on first \$2,000: \$60; and
- (3) Plus per \$1,000, or fraction, over \$2,000: \$1.35.

(T) *NAICS 71119-Carnivals and circuses*.

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(1) Minimum on first \$2,000: \$60; and

(2) Plus per \$1,000, or fraction, over \$2,000: \$1.35.
(Ord. 2009-, passed 6-8-2009)

§ 110.47 RATE CLASS INDEX.

<i>RATE CLASS 1</i>	
<i>NAICS</i>	<i>Business Sector</i>
42	Wholesale trade
92	Public administration
442	Furniture and home furnishing stores
445	Food and beverage stores
446	Health and personal care stores
447	Gasoline stations
451	Sporting goods, hobby, book, and music stores
721	Accommodation, hotel, motel, inn, camp
722	Eating places, food services, restaurants, caterers, except drinking places
813	Membership organizations

<i>RATE CLASS 2</i>	
<i>NAICS</i>	<i>Business Sector</i>
443	Electronics and appliance stores
444	Building material, garden equipment and supply
448	Clothing and accessory stores
452	General merchandise stores
453	Miscellaneous store retailers
454	Nonstore retailers, except peddlers
811	Repair and maintenance services
4413	Automotive parts, tire stores

45421	Vending machines
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<i>RATE CLASS 3</i>	
<i>NAICS</i>	<i>Business Sector</i>
31-33	Manufacturing
48	Transportation, except rail

<i>RATE CLASS 4</i>	
<i>NAICS</i>	<i>Business Sector</i>
11	Agriculture, forestry, fishing, and hunting
21	Mining
56	Administrative and support, waste management and remediation services
512	Motion pictures, theaters, and production
711	Arts, sports, and promoters of events
712	Museums, historical sites, zoos, and gardens
713	Amusement and recreation, except coin-operated machines and gambling
812	Personal care, barber, beauty, and laundry
2213	Water and sewerage systems

<i>RATE CLASS 5</i>	
<i>NAICS</i>	<i>Business Sector</i>
49	Warehousing and couriers

<i>RATE CLASS 6</i>	
<i>NAICS</i>	<i>Business Sector</i>
61	Education services
62	Health care and social assistance
511	Information, newspapers, and publishers

522	Consumer finance, mortgage brokers, credit card issuing, except banks and pawn shops
523	Security and commodity brokers

Whitmire - Business Regulations

<i>RATE CLASS 7</i>	
<i>NAICS</i>	<i>Business Sector</i>
53	Real estate and rental and leasing
54	Professional, scientific, and technical services
55	Management of companies and enterprises
515	Radio and television broadcasting
516	Internet publishers
518	Internet service providers and data processing services, online
5242	Insurance agencies, except brokers for non-admitted insurers

<i>RATE CLASS 8</i>	
<i>NAICS</i>	<i>Business Sector</i>
23	Construction, all types
482	Rail transportation
2211	Electric utilities
2212	Gas utilities
4411	Automobile dealers
4412	Other motor vehicle dealers
5171	Telecommunications, wired
5172	Telecommunications, cellular
5175	Cable television
5241	Insurance carriers
7131	Amusement arcades, except gambling (Type I and Type II)
7132	Nonpayout amusement machines (Type III)
45439	Peddlers, direct selling
52421	Brokers for non-admitted insurance carriers
71119	Carnivals, circuses

<i>RATE CLASS 8</i>	
<i>NAICS</i>	<i>Business Sector</i>
71399	Billiard parlor, pool tables

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<i>RATE CLASS 8</i>	
<i>NAICS</i>	<i>Business Sector</i>
72241	Drinking places, bars (alcoholic)
423930	Recyclable material, junk
522298	Pawn shops

(Ord. 2009-, passed 6-8-2009)

§ 110.48 NAICS SECTOR DESCRIPTION.

<i>NAICS Code</i>	<i>Rate Class</i>	<i>NAICS Sector Description</i>
11	4	Agriculture, forestry, fishing, and hunting
21	4	Mining
23	8	Construction, all types
31-33	3	Manufacturing
42	1	Wholesale trade, except junk
44-45	-	Retail trade (see type)
48	3	Transportation, except rail
49	4	Warehousing and couriers
53	7	Real estate and rental
54	7	Professional, scientific, and technical services
55	7	Management of companies and enterprises
56	4	Administrative and support, waste management and remediation services
61	6	Education services
62	6	Healthcare and social assistance
92	1	Public administration
442	1	Furniture and home furnishing stores
443	2	Electronics and appliance stores
444	2	Building material, garden equipment and supply

<i>NAICS Code</i>	<i>Rate Class</i>	<i>NAICS Sector Description</i>
445	1	Food and beverage stores
446	1	Health and personal care stores

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>NAICS Sector Description</i>
447	1	Gasoline stations
448	2	Clothing and accessory stores
451	1	Sporting goods, hobby, book, and music stores
452	2	General merchandise stores
453	2	Miscellaneous store retailers
454	2	Nonstore retailers, except peddlers
482	8	Rail transportation
511	6	Information, newspapers, and publishers
512	4	Motion pictures, theaters, production, music, and recording
515	7	Radio and television broadcasting
516	7	Internet publishers
518	7	Internet service providers and data processing services, online
522	6	Consumer finance, mortgage brokers, credit card issuing, except banks and pawn shops
523	6	Security and commodity brokers
711	4	Arts, sports, and promoters of events
712	4	Museums, historical sites, zoos, and gardens
713	4	Amusement and recreation, except coin-operated machines and gambling
721	1	Accommodation, hotel, motel, inn, and camp
722	1	Eating places, food services, restaurants, caterers, except drinking places
811	2	Repair and maintenance services
812	4	Personal care, barber, beauty, and laundry
813	1	Membership organizations
2211	8	Electric utilities
2212	8	Gas utilities
2213	4	Water and sewerage systems

<i>NAICS Code</i>	<i>Rate Class</i>	<i>NAICS Sector Description</i>
4411	8	Automobile dealers
4412	8	Other motor vehicle dealers and farm machinery

<i>NAICS Code</i>	<i>Rate Class</i>	<i>NAICS Sector Description</i>
4413	2	Automotive parts, tire stores
5171	8	Telecommunications, wired
5172	8	Telecommunications, cellular
5175	8	Cable television
5241	8	Insurance carriers
5242	7	Insurance agencies, except brokers for non-admitted insurers
7131	8	Amusement arcades, except gambling [S.C. Code § 12-21-2720(A)(1) and (A)(2)]
7132	8	Nonpayout amusement machines [S.C. Code § 12-21-2720(A)(3)]
45421	2	Vending machines
45439	8	Peddlers, direct selling
52421	8	Brokers for non-admitted insurance carriers
71119	8	Carnivals, circuses
71399	8	Billiard parlor, pool tables
72241	8	Drinking places, bars (alcoholic)
423930	8	Recyclable material, junk
522298	8	Pawn shops

(Ord. 2009-, passed 6-8-2009)

§ 110.49 BUSINESS CLASSIFICATION INDEX.

This index is not intended to be a complete listing of all types of businesses. It is an aid in finding classifications by common name and reference to the NAICS Code. All businesses not exempt by law which are in the major groups or sectors listed under each rate class are subject to a license tax whether found in the alphabetical index or not. The License Official shall determine the proper classification of a business not listed.

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
311611	3	Abattoirs

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
611310	6	Academies, college or university
561440	4	Account collection services

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
541211	7	Accounting (CPAs) services, certified public
541219	7	Accounting services (except CPAs)
711510	4	Actors, independent
621111	6	Acupuncturists
511140	6	Address list publishers
561110	4	Administrative management services
541810	7	Advertising agencies
323110	3	Advertising materials printing
511120	6	Advertising periodical publishers
541850	7	Advertising services, indoor or outdoor display
713940	4	Aerobic dance and exercise centers
423860	1	Aeronautical equipment and supplies, wholesaling
524210	7	Agencies, insurance
531210	7	Agencies, real estate
711410	4	Agents for artists, authors, entertainers, models, sports and public figures, and the like
11	4	Agriculture (See type of operation)
		111 Crop production
		112 Animal production
		113 Forestry and logging
		114 Fishing, hunting, and trapping
		115 Agriculture and forestry support activities
423820	1	Agricultural machinery and equipment, sale
811412	2	Air-conditioner, window, repair and maintenance services
238220	8	Air-conditioning installation contractors
481211	3	Aircraft charter services, passenger
441229	8	Aircraft dealers, retail

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
423860	1	Aircraft equipment and supplies, wholesaling
488119	3	Aircraft hangar rental
488190	3	Aircraft maintenance and repair services

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
532411	7	Aircraft rental and leasing
722310	1	Airline food service contractors
561599	4	Airline ticket offices
485999	3	Airport limousine services (shuttle)
561621	4	Alarm systems sales with installation, maintenance, or monitoring services
441221	8	All-terrain vehicle (ATV) dealers
621910	6	Ambulance services, air or ground
713120	8	Amusement device parlors (except gambling), coin-operated; arcades
713290	8	Amusement, gambling machines, coin-operated (video poker) - Prohibited
812910	4	Animal grooming services
541940	7	Animal hospitals
561421	4	Answering services, telephone
238990	8	Antenna installation construction contractors
444112	2	Antenna, satellite, sales and installation
441120	8	Antique auto dealers
811420	2	Antique furniture repair and restoration shops
453310	2	Antique shops
531110	7	Apartment rental or leasing
448150	2	Apparel accessory stores
812320	4	Apparel pressing services
448130	2	Apparel stores, children's and infants' clothing
448110	2	Apparel stores, men's and boys' clothing
453310	2	Apparel stores, used clothing
448120	2	Apparel stores, women's and girls' clothing
532210	7	Appliance rental
443111	2	Appliance stores, household-type

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
453310	2	Appliance stores, household-type, used
811412	2	Appliance, household-type, repair and maintenance services

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
423720	1	Appliances, gas (except dryers, freezers, refrigerators), wholesaling
423620	1	Appliances, household-type (except gas ranges, gas water heaters), wholesaling
541990	7	Appraisal (except real estate) services
531320	7	Appraisal services, real estate
712130	4	Aquariums
541990	7	Arbitration and conciliation services (except by attorney, paralegal)
713120	8	Arcades, amusement
541310	7	Architectural (except landscape) services
541320	7	Architectural services, landscape
711310	4	Arena operators
811310	2	Armature rewinding services
561613	4	Armored car services
611610	6	Art (except commercial or graphic) instruction
453920	2	Art dealers
712110	4	Art galleries (except retail)
453920	2	Art galleries retailing art
511199	6	Art publishers
611519	6	Art schools, commercial or graphic
541430	7	Art studios, commercial
453998	2	Art supply stores
711510	4	Artist
453220	2	Arts and crafts, retail
711310	4	Arts event managers with facilities
711320	4	Arts event managers without facilities
562910	4	Asbestos removal contractors
623311	6	Assisted-living facilities with on-site nursing facilities

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
623312	6	Assisted-living facilities without on-site nursing care facilities
522320	6	ATM machine operator

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
541110	7	Attorneys' private practices
453998	2	Auction houses (general merchandise)
423990	1	Audio and video tapes and disks, prerecorded, wholesaling
443112	2	Audio equipment stores (except automotive)
532490	7	Audio visual equipment rental or leasing
541211	7	Auditing services (CPA services), accounts
441310	2	Auto supply stores
423420	1	Automatic teller machines (ATM) wholesaling
493190	5	Automobile dead storage
441110	8	Automobile dealers, new only or new and used
441120	8	Automobile dealers, used only
611692	6	Automobile driving schools
522220	6	Automobile finance leasing companies
522220	6	Automobile financing
423120	1	Automobile glass wholesaling
532112	7	Automobile leasing
812930	4	Automobile parking garages or lots
441310	2	Automobile parts dealers
532111	7	Automobile rental
485320	3	Automobile rental with driver (except shuttle service, taxis)
561491	4	Automobile repossession services
561920	4	Automobile show promoters
811121	2	Automotive body shops
811118	2	Automotive brake repair shops
711212	4	Automobile racetracks
811192	2	Automotive detailing services (cleaning, polishing)

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
811112	2	Automotive exhaust system repair and replacement shops
811118	2	Automotive front end alignment shops

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (A)</i>
811122	2	Automotive glass shops
811191	2	Automotive oil change and lubrication shops
811121	2	Automotive paint shops
423120	1	Automotive parts, new, wholesaling
811118	2	Automotive radiator repair shops
811111	2	Automotive repair and replacement shops, general
441320	2	Automotive tire dealers
811113	2	Automotive transmission repair shops
811118	2	Automotive tune-up shops
811121	2	Automotive upholstery shops
811192	2	Automotive washing and polishing
611512	6	Aviation schools

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (B)</i>
624410	6	Babysitting services, child daycare
812990	4	Bail bonding services
445210	1	Baked ham stores
445291	1	Bakery stores, retailing only
611610	6	Ballet schools (except academic)
711130	4	Bands, dance
812111	4	Barbershops
722410	8	Bars, drinking places, lounges, taverns, alcoholic
532292	7	Beach chair, umbrella rental
448190	2	Beachwear stores, retail
812112	4	Beauty salons
721191	1	Bed and breakfast inns
517221	8	Beeper (i.e., radio pager) communication earners

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (B)</i>
722330	1	Beverage stands, nonalcoholic, mobile
451110	1	Bicycle (except motorized) shops
532292	7	Bicycle rental

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (B)</i>
811490	2	Bicycle repair and maintenance shops without retailing bicycles
441221	8	Bicycle shops, motorized
561440	4	Bill collection services
541850	7	Billboard display advertising services
713990	8	Billiard rooms, parlors
541219	7	Billing services
713290	8	Bingo halls, parlors
621410	6	Birth control clinics
561439	4	Blueprinting services
621999	6	Blood pressure screening services
812990	4	Blood pressure testing machine concession, coin-operated
115210	4	Boarding horses
721310	1	Boarding houses
611110	6	Boarding schools, elementary or secondary
812910	4	Boarding services, pet
441222	8	Boat dealers, new and used
441222	8	Boat trailer dealers
487210	3	Boat, fishing charter, sightseeing, dinner cruises, operation
811490	2	Boat, pleasure, repair and maintenance, not retailing new boats
713930	4	Boating clubs with marinas
713990	4	Boating clubs without marinas
423860	1	Boats (except pleasure) wholesaling
336612	3	Boats (i.e., suitable or intended for personal use) manufacturing
713940	4	Body building studios, physical fitness
811121	2	Body shops, automotive

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (B)</i>
238220	8	Boiler contractors
523120	6	Bond brokerages

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (B)</i>
493110	5	Bonded warehousing, general merchandise
323121	3	Book binding shops
511130	6	Book publishers
451211	1	Book stores
541219	7	Bookkeeping services
323117	3	Books printing without publishing
424920	1	Books, wholesaling
235930	8	Boring contractors, building construction
424490	1	Bottled water (except water treating) wholesaling
454390	2	Bottled water providers, direct selling
713950	4	Bowling alleys, centers
423910	1	Bowling equipment and supplies, wholesaling
451110	1	Bowling equipment and supply stores
711310	4	Boxing event promoters
238140	8	Bricklaying construction contractors
423320	1	Bricks (except refractory) wholesaling
327121	3	Bricks, clay, manufacturing
448190	2	Bridal gown shops (except custom)
532220	7	Bridal wear rental
523120	6	Brokerages, securities
524210	7	Brokers' offices, insurance (see Class 8 for non-admitted rate)
522310	6	Brokers' offices, loan, mortgage
531210	7	Brokers' offices, real estate brokers - see heading under type of operation
561720	4	Building cleaning services, janitorial
236210	8	Building construction, industrial, general construction contractors
236115	8	Building construction, residential

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (B)</i>
444110	2	Building materials supply dealers, home centers
424710	1	Bulk gasoline stations

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (B)</i>
532412	7	Bulldozer rental or leasing without operator
561621	4	Burglar alarm sales with installation, maintenance, or monitoring
485510	3	Bus charter services (except scenic, sightseeing)
561599	4	Bus ticket offices
611410	6	Business colleges or schools
541611	7	Business management consulting services
445210	1	Butcher shops

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
541211	7	CPAs' (certified public accountants) offices
485310	3	Cab (taxi) services
238350	8	Cabinet work on site construction contractors
517510	8	Cable television providers (except networks)
237130	8	Cable laying
722310	1	Cafeteria food service contractors (e.g., office, hospital, school)
722212	1	Cafeterias
532210	7	Camcorder rental
423410	1	Camera equipment and supplies, photographic, wholesaling
443130	2	Camera shops, photographic
532120	7	Camper rental
721211	1	Campgrounds
713990	4	Camps (except instructional), day
445292	1	Candy stores, packaged, retailing only
424450	1	Candy wholesaling
532292	7	Canoe rental
722330	1	Canteens, mobile

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
424990	1	Canvas products wholesaling

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
454390	8	Canvassers (door-to-door), direct retail sale of merchandise
811192	2	Car detailers
532112	7	Car leasing
532111	7	Car rental agencies
811111	2	Car repair shops, general
811192	2	Car washes
453220	2	Card shops, greeting
424120	1	Cards, greeting, wholesaling
711190	8	Carnival traveling shows
238130	8	Carpentry, framing
238350	8	Carpentry, finish
532490	7	Carpet and rug cleaning equipment rental
561740	4	Carpet cleaning plants, services, including on premises cleaning
442210	1	Carpet stores
722211	1	Carryout restaurants
423850	1	Caskets, burial, wholesaling
532230	7	Cassette, prerecorded video, rental
722320	1	Caterers
238310	8	Ceiling construction contractors
444190	2	Ceiling fan stores
517212	8	Cellular telephone services
443112	2	Cellular telephone stores
423320	1	Cement wholesaling
812220	4	Cemeteries
423320	1	Ceramic construction materials (except refractory) wholesaling
444190	2	Ceramic tile stores

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
523930	6	Certified financial planners, customized, fees paid by client
541211	7	Certified public accountants' (CPA) offices

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
522210	6	Charge card issuing
481212	3	Charter air freight services
481211	3	Charter air passenger services
485510	3	Charter bus services (except scenic, sightseeing)
541710	7	Chemical research and development laboratories or services
424690	1	Chemicals (household, industrial, photographic) wholesaling
424910	1	Chemicals, agricultural, wholesaling
424440	1	Chicken and chicken products (except packaged frozen) wholesaling
112310	4	Chicken egg production
487210	3	Charter fishing boat operation
522390	6	Check cashing services
112320	4	Chicken production (except egg laying)
311615	3	Chickens, slaughtering and dressing
624410	6	Child daycare
561790	4	Chimney cleaning services
442299	1	Chinaware stores
621310	6	Chiropractors' offices (centers, clinics)
453220	2	Christmas stores
111421	4	Christmas tree growing
424990	1	Christmas trees (artificial, cut) wholesaling
454390	2	Christmas trees, cut, direct selling
453991	2	Cigarette stands, permanent
424940	1	Cigarettes wholesaling
711190	8	Circuses
524291	7	Claims adjusting, insurance
812320	4	Cleaners, dry-cleaning and laundry service

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
561790	4	Cleaning (power sweeping, washing) buildings, parking lots
561740	4	Cleaning carpets

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
561720	4	Cleaning homes, offices, new building interiors, shopping centers
561740	4	Cleaning services, carpet and rug
561790	4	Cleaning swimming pools
621498	6	Clinics/centers, health practitioners practicing in same office
519190	7	Clipping services, news
811490	2	Clock repair shops without retailing new clocks
448310	2	Clock shops
513220	8	Closed circuit television (CCTV)
		Clothing - see also apparel
4481 SO	2	Clothing accessories stores
811490	2	Clothing repair shops, alterations only
448140	2	Clothing stores, family
424320	1	Clothing, men's and boys', wholesaling
424330	1	Clothing accessories, women's, children's, infants', wholesaling
454319	2	Coal dealers, direct selling
448190	2	Coat stores
722410	8	Cocktail lounges
722213	1	Coffee shops, on premise brewing
713120	8	Coin-operated amusement devices; arcade (parlor), nongambling
812310	4	Coin-operated dry-cleaners and laundries
423990	1	Coin-operated game machines wholesaling
713990	8	Coin-operated nongambling amusement device operators
812990	4	Coin-operated personal service machine (e.g., photo, scales, and the like)
493120	5	Cold storage locker services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
453220	2	Collectible gift shops (e.g., crystal, pewter, porcelain)
561440	4	Collection agencies

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
811310	2	Commercial and industrial machinery repair and maintenance services
236220	8	Commercial and institutional building construction management
541430	7	Commercial art services
311812	3	Commercial bakeries
236220	8	Commercial building construction
531120	7	Commercial building rental or leasing
561450	4	Commercial credit reporting bureaus
541922	7	Commercial photography services
531312	7	Commercial property managing
531210	7	Commercial real estate agencies
512110	4	Commercials, television, production
523140	6	Commodity contracts brokers' offices
238210	8	Communication equipment construction contractors
811213	2	Communication equipment repair and maintenance services
23690	1	Communications equipment wholesaling
485113	3	Commuter bus operation
423990	1	Compact discs (CDS), prerecorded, wholesaling
424690	1	Compressed gases (except LP gas) wholesaling
541519	7	Computer consultant
811212	2	Computer equipment repair and maintenance services
443120	2	Computer equipment stores
518111	7	Computer - internet service providers (ISP)
611420	6	Computer operator training
541511	7	Computer program or software development, custom
532420	7	Computer rental or leasing
611519	6	Computer repair training

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
541513	7	Computer systems facilities management and operation services
518210	7	Computer time leasing

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
532230	7	Computer video game rental
541512	7	Computer-aided design systems integration design services
334111	3	Computers, manufacturing
443120	2	Computers, retailing
423430	1	Computers, wholesaling
713990	8	Concession operators, amusement device (except gambling), ride
722330	1	Concession stands, food, mobile
327320	3	Concrete batch plants, ready-mix manufacture and distribution
423320	1	Concrete building products wholesaling
238990	8	Concrete finishing construction contractors
531311	7	Condominium managers' offices
531120	7	Conference center, no promotion of events, rental or leasing
453310	2	Consignment shops, used
532412	7	Construction machinery and equipment rental without operator
811310	2	Construction machinery and equipment repair, maintenance services
423810	1	Construction machinery and equipment wholesaling
236220	8	Construction management firms, commercial and institutional
561450	4	Consumer credit reporting bureaus
522291	6	Consumer finance companies
623311	6	Continuing care retirement communities
23	8	Contractors, construction and special trade - all types
623110	6	Convalescent homes or convalescent hospitals
445120	1	Convenience food stores
447110	1	Convenience food with gasoline stations

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
561920	4	Convention promoters, managers, and services
532420	7	Copier rental or leasing

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
561439	4	Copy shops
423420	1	Copying machines wholesaling
551114	7	Corporate offices
446120	1	Cosmetics stores
424210	1	Cosmetics wholesaling
812112	4	Cosmetology salons or shops (beauty shops)
611511	6	Cosmetology schools
448150	2	Costume jewelry stores
423940	1	Costume jewelry wholesaling
532220	7	Costume rental
115111	4	Cotton ginning
624190	6	Counseling services
238990	8	Counter top construction contractors
713910	4	Country clubs
492110	5	Courier services
561920	4	Craft fair managers, organizers, and promoters
451120	1	Craft supply stores
532412	7	Crane rental or leasing without operator
561450	4	Credit agencies, investigating services, reporting bureaus
522210	3	Credit card issuing (other than banks)
812220	6	Crematories (except combined with funeral homes)
115112	4	Crop dusting
111	4	Crop production, agriculture
561599	4	Cruise ship ticket offices
453220	2	Curio shops
442291	1	Curtain and drapery stores, packaged
812320	4	Curtain cleaning services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
561720	4	Custodial services
337212	3	Custom architectural millwork and fixtures, manufacturing on a job shop basis

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (C)</i>
236115	8	Custom built house construction
315211	3	Cut and sew apparel contractors, men's and boys'
315212	3	Cut and sew apparel contractors, women's, girls', and infants'

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (D)</i>
445299	1	Dairy product stores
424430	1	Dairy products, wholesaling
711130	4	Dance bands
713940	4	Dance centers, aerobic
713990	4	Dance halls, dance schools, and studios
518210	7	Data processing computer services
511140	6	Database and directory publishers
624120	6	Daycare centers, adult
624410	6	Daycare centers, child or infant
541410	7	Decorating consulting services, interior
722211	1	Delicatessen restaurants
492210	5	Delivery service
238910	8	Demolition of buildings or other structures, construction contractors
339116	3	Dental laboratories
621210	6	Dentists' offices (e.g., centers, clinics)
423450	1	Dentists' professional supplies wholesaling
452110	2	Department stores
621111	6	Dermatologists' offices
561410	4	Desktop publishing services
561611	4	Detective agencies
621420	6	Detoxification centers and clinics

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (D)</i>
811198	2	Diagnostic centers without repair, automotive
812331	4	Diaper supply services

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (D)</i>
561410	4	Dictation services
812191	4	Diet centers, non-medical
323115	3	Digital printing
722110	1	Diners, full service
487210	3	Dinner cruises
711110	4	Dinner theaters
541860	7	Direct mail advertising services
454390	8	Direct selling of merchandise (door-to-door, vehicles, stalls, and street vendors)
511140	6	Directory and database publishers
713990	4	Discotheques (except those serving alcoholic beverages)
812990	4	Discount buying services
452110	2	Discount department stores
488310	3	Docking facility operations
561439	4	Document copying services
452990	2	Dollar stores
238350	8	Door and window construction contractors
722110	1	Doughnut shops
541340	7	Drafting services
561790	4	Drain cleaning services
237990	8	Dredging, general construction contractors
722410	8	Drinking places (i.e., bars, lounges, taverns), alcoholic
722211	1	Drive-in restaurants
611692	6	Driver education
713990	4	Driving ranges, golf
446110	1	Drug stores
424210	1	Drugs wholesaling

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (D)</i>
812320	4	Dry-cleaners
238310	8	Drywall construction contractors

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (D)</i>
561790	4	Duct cleaning services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (E)</i>
812199	4	Ear piercing services
532412	7	Earth moving equipment rental or leasing without operator
237990	8	Earth moving not connected with building construction
722110	1	Eating places
611699	6	Educational services, miscellaneous
112310	4	Egg production, chicken
811310	2	Electric motor repair and maintenance services
221122	8	Electric power distribution systems - franchise
444190	2	Electrical supply stores
238210	8	Electrical repair construction contractors
811118	2	Electrical repair shops, automotive
444190	2	Electrical supply stores
713120	8	Electronic game arcades, nongambling
423690	1	Electronic parts, wholesaling
811412	2	Electronic repair
443112	2	Electronic stores
238290	8	Elevator, escalator installation contractors
812210	4	Embalming services
561310	4	Employment agencies
811111	2	Engine repair and replacement shops, automotive
811411	2	Engine repair, small engine (e.g., lawn mowers)
541330	7	Engineering services
711510	4	Entertainers, independent
541620	7	Environmental consulting services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (E)</i>
562910	4	Environmental remediation services

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (E)</i>
115310	4	Estimating timber
713940	4	Exercise centers
532292	7	Exercise equipment rental
451110	1	Exercise equipment stores
811112	2	Exhaust system repair and replacement shops, automotive
561710	4	Exterminating services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (F)</i>
451130	1	Fabric shops
424310	1	Fabrics, textile (except burlap, felt), wholesaling
811213	2	Facsimile machine repair and maintenance services
621410	6	Family planning counseling services
441229	8	Farm machinery, retail
424910	1	Farm supplies wholesaling
722211	1	Fast food restaurants
444220	2	Feed stores
237990	8	Fence construction contractors
561730	4	Fertilizing lawns
711310	3	Festival promoters
238210	8	Fiber optic cable construction contractors
522291	6	Finance companies
523930	6	Financial investment or planning services
313311	3	Finishing plants, broadwoven fabric
561621	4	Fire alarm sales, installation, maintenance, or monitoring services
454319	2	Firewood dealers, direct selling
453998	2	Fireworks shops + \$50 state license

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (F)</i>
487210	3	Fishing boat charter operation
451110	1	Fishing supply stores

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (F)</i>
445220	1	Fish markets
713940	4	Fitness centers
531120	7	Flea market space, rental or leasing
454390	8	Flea markets, direct selling - peddlers
713210	8	Floating casinos (i.e., gambling cruises, river boat casinos)
238330	8	Floor laying, finishing, or refinishing construction contractors
561422	4	Floral wire services
453110	2	Florists
453110	2	Flower shops
561920	4	Flower show promoters
424930	1	Flowers wholesaling
611512	6	Flying instruction
445110	1	Food, grocery stores
446191	1	Food, health supplement stores
722330	1	Food carts, mobile
722310	1	Food service contractors, concession operator, or cafeteria
448210	2	Footwear stores
424340	1	Footwear wholesaling
115310	4	Forestry services
532220	7	Formal wear rental
812990		Fortune-telling services - Prohibited
533110	7	Franchise agreements, leasing, selling or licensing only
488510	3	Freight forwarder
445230	1	Fruit and vegetable markets or stands, permanent
454311	2	Fuel oil (i.e., heating) dealers, direct selling
424720	1	Fuel oil wholesaling

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (F)</i>
812210	4	Funeral homes
532299	7	Furniture rental centers

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (F)</i>
442110	1	Furniture and appliance stores, new
561740	4	Furniture cleaning services
811420	2	Furniture refinishing, repair, or reupholstery shops
453310	2	Furniture stores, used

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (G)</i>
713290	8	Gambling device arcades or parlors, coin-operated
562111	4	Garbage collection services
444220	2	Garden centers
811411	2	Garden equipment repair and maintenance services
561730	4	Garden maintenance services
444210	2	Garden power equipment stores
532490	7	Garden tractor rental or leasing
811490	2	Garment alteration and/or repair shops
812320	4	Garment cleaning services
237120	8	Gas main construction
221210	8	Gas, natural, distribution - franchise
424710	1	Gasoline bulk stations and terminals
447110	1	Gasoline stations with convenience stores
447190	1	Gasoline stations without convenience stores
424720	1	Gasoline wholesaling (except bulk stations, terminals)
452990	2	General stores
541370	7	Geographic information system (GIS) base mapping services
453220	2	Gift shops and greeting card shops
115111	4	Ginning cotton
238150	8	Glass installation (except automotive) construction contractors

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (G)</i>
811122	2	Glass shops, automotive
444190	2	Glass stores

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (G)</i>
442299	1	Glassware stores
713910	4	Golf courses and country clubs
713990	4	Golf courses, miniature, pitch-n-putt, driving ranges
451110	1	Golf pro shops, sporting goods stores
445299	1	Gourmet food stores
311211	3	Grain mills
541430	7	Graphic art and related design services
424410	1	Groceries, general-line, wholesaling
445110	1	Grocery stores
624410	6	Group daycare centers, child or infant
623110	6	Group homes for the disabled
561612	4	Guard services
721199	1	Guest houses
713990	4	Guide services
451110	1	Gun shops, gunsmiths

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (H)</i>
621491	6	HMO (health maintenance organization)
812112	4	Hair stylist services, hairdresser
448150	2	Handbag stores
423710	1	Hardware (except motor vehicle) wholesaling
444130	2	Hardware stores
562112	4	Hazardous waste collection services
446110	1	Health and beauty aids stores
713940	4	Health club facilities, physical fitness
446191	1	Health food stores
721110	1	Health spas

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (H)</i>
237990	8	Heavy construction equipment rental with operator
532412	7	Heavy construction equipment rental without operator

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (H)</i>
811310	2	Heavy machinery and equipment repair and maintenance services
481211	3	Helicopter passenger carriers
237310	8	Highway construction
451120	1	Hobby shops
551112	7	Holding companies
452990	2	Home and auto supply stores
442299	1	Home furnishings, miscellaneous retail
621610	6	Home health care agencies
444110	2	Home improvement centers
621399	6	Home nursing services
623110	6	Homes for the aged
487110	3	Horse-drawn carriage operation
621610	6	Hospice care services, in home
524114	8	Hospital and medical service plans, direct (insurance)
622110	6	Hospitals, general medical and surgical
721199	1	Hostels
453998	2	Hot tub stores
561110	4	Hotel management services
721110	1	Hotels
238990	8	House moving construction contractors
454390	8	House-to-house direct selling
561720	4	Housekeeping services
442299	1	Housewares stores
713990	4	Hunting clubs, recreational
114210	4	Hunting preserves

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (I)</i>
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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (I)</i>
722213	1	Ice cream parlors
722330	1	Ice cream truck vendors

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (H)</i>
541213	7	Income tax return preparation services
811310	2	Industrial equipment and machinery repair, maintenance services
541710	7	Industrial research and development
624410	6	Infant daycare services
518111	7	Information access services, on-line
541512	7	Information management computer systems integration design services
721191	1	Inns, bed and breakfast
115112	4	Insect control for crops
561710	4	Insect extermination services
522220	6	Installment sales financing
233310	8	Insulation construction contractors
524210	7	Insurance agencies
524114	8	Insurance carriers, health, direct
524113	8	Insurance carriers, life, disability, direct
524126	8	Insurance carriers, property and casualty, fidelity, surety, direct
524127	8	Insurance carriers, title, direct
524291	7	Insurance claims adjusting
541410	7	Interior decorator, design services
518111	7	Internet service providers (ISP)
516110	7	Internet publishers
561611	4	Investigators, private
523930	6	Investment advice consulting services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (J)</i>
423850	1	Janitorial equipment and supplies wholesaling
561720	4	Janitorial services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (J)</i>
811490	2	Jewelry repair shops
448310	2	Jewelry stores

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (J)</i>
423940	1	Jewelry wholesaling
624310	6	Job counseling, vocational rehabilitation
423930	8	Junk dealers, wholesaling

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (K)</i>
611620	6	Karate schools
812910	4	Kennels, pet boarding
		Kerosene - see fuel oil
811490	2	Key duplicating shops
621492	6	Kidney dialysis centers and clinics
611110	6	Kindergartens
444190	2	Kitchen cabinet (except custom) stores
337110	3	Kitchen cabinets, stock or custom wood, manufacturing
442299	1	Kitchen ware stores
		Knitting mills - see textile mills

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (L)</i>
621399	6	LPNs' (licensed practical nurses) offices
561330	4	Labor leasing services
621511	6	Laboratories, medical
541380	7	Laboratories, testing (except medical)
423450	1	Laboratory equipment, dental and medical, wholesaling
442299	1	Lamp shops, electric
238990	8	Land clearing and drainage construction contractors
531190	7	Land rental or leasing
237210	8	Land subdividers and developers (except cemeteries)

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (L)</i>
541370	7	Land surveying services
541320	7	Land use planning services

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (L)</i>
562212	4	Landfills
541320	7	Landscape architectural services
561730	4	Landscape installation, care and maintenance services
812320	4	Laundries
812310	4	Laundromats
812331	4	Laundry services, linen supply
541110	7	Law offices
811411	2	Lawn and garden equipment repair and maintenance services
561730	4	Lawn care services
444220	2	Lawn supply stores
532112	7	Leasing automobiles
532490	7	Leasing equipment
444190	2	Lighting fixture stores
423610	1	Lighting fixtures, electric, wholesaling
532111	7	Limousine rental without driver
485320	3	Limousines for hire with driver (except taxis)
442299	1	Linen stores
448190	2	Lingerie stores
424710	1	Liquefied petroleum gas (LPG) bulk stations and terminals
454312	2	Liquefied petroleum gas (LPG) dealers, direct selling
424720	1	Liquefied petroleum gas (LPG) wholesaling
424520	1	Livestock auctions
522310	6	Loan brokers' or agents' offices
522291	6	Loan companies (i.e., consumer, personal, small, student)
561622	4	Locksmith services
113310	4	Logging

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (L)</i>
517110	8	Long-distance telephone carriers (except wireless)
517310	8	Long-distance telephone resellers (except satellite)

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (L)</i>
488320	3	Longshoremen services
722410	8	Lounges, cocktail
448320	2	Luggage stores
423310	1	Lumber (e.g., dressed, finished, rough) wholesaling
444190	2	Lumber retailing yards

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (M)</i>
332710	3	Machine shops
811310	2	Machine tools repair and maintenance services
423420	1	Machines, office, wholesaling
454390	8	Magazine, sales or subscriptions, door-to-door
451212	1	Magazine stands
424920	1	Magazines wholesaling
561720	4	Maid services
532420	7	Mailing equipment rental or leasing
511140	6	Mailing list compiling services
561110	4	Management services (except complete operation of business)
531312	7	Managers' offices, commercial real estate
531311	7	Managers' offices, residential real estate
561920	4	Managers, convention, trade fair or show
711410	4	Managers, entertainers, public figures, sports figures
812113	4	Manicurist services
423390	1	Manufactured (mobile) homes wholesaling
453930	2	Manufactured (mobile) home dealers
531190	7	Manufactured (mobile) home parks, site rental or leasing
31	3	Manufacturing - food, beverages, tobacco products, textiles, apparel, leather goods

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (M)</i>
32	3	Manufacturing - wood products, manufactured (mobile) homes, prefabricated (modular) buildings, paper, printing, petroleum products, chemicals, gases, dyes, plastics, synthetic rubber, synthetic fibers, fertilizer, pesticides, medicine, paint, soap, film, rubber products, clay and ceramic products, glass, cement, concrete products, mineral products, and the like
33	3	Manufacturing - metals and metal products, small arms, ammunition, farm machinery, construction machinery, industrial machinery, commercial and service machinery, office machines, heating and air-conditioning equipment, tools, engines, pumps, elevators, computer and electronic products, communications equipment, audio and video equipment, instruments, timing devices, lighting equipment, appliances, electrical equipment, batteries, wire, transportation equipment and motor vehicles, trailers and campers, aircraft and parts, military equipment, home and office furniture, household products, medical equipment and supplies, jewelry, athletic goods, toys and games, signs, musical instruments, caskets, and miscellaneous
713930	4	Marina
441222	8	Marine supply dealers, boat dealers
423320	1	Mason's materials wholesaling
444190	2	Masonry (block, brick, stone) dealers
238140	8	Masonry construction contractors
448120	2	Maternity shops
442110	1	Mattress stores
812220	4	Mausoleums
624210	6	Meal delivery programs
445210	1	Meat markets
424470	1	Meats and meat products wholesaling
238210	8	Mechanical construction contractors
541330	7	Mechanical engineering services
531120	7	Medical building rental or leasing

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (M)</i>
621111	6	Medical doctors' offices
423450	1	Medical equipment and supplies wholesaling

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (M)</i>
621511	6	Medical laboratories
813410	1	Membership associations, civic or social
812220	4	Memorial gardens (i.e., burial places)
561421	4	Message services, telephone answering
492210	5	Messenger service
423510	1	Metals, ferrous and nonferrous, wholesaling
561990	4	Meter reading services, contract
311511	3	Milk processing
423840	1	Mill supplies wholesaling
713990	4	Miniature golf courses
531130	7	Mini-warehouse rental or leasing
722330	1	Mobile food stands
531190	7	Mobile (manufactured) home parks, site rental or leasing
453930	2	Mobile (manufactured) home dealers
532120	7	Mobile home rental, except on site
238990	8	Mobile home site setup and tie down construction contractors
484220	3	Mobile home towing services
517212	8	Mobile telephone communication carriers
236115	8	Modular house assembly and installation on site, construction
522390	6	Money order issuance services, not related to banking
453998	2	Monument (burial marker) dealers
423990	1	Monuments and grave markers wholesaling
327991	3	Monuments and tombstone, cut stone manufacturing
441221	8	Moped dealers
532292	7	Moped rental
522292	6	Mortgage banking (nondepository mortgage lending)

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (M)</i>
522310	6	Mortgage brokers' or agents' offices (independent)
812210	4	Mortuaries

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (M)</i>
721110	1	Motels
512199	4	Motion picture booking agencies
512131	4	Motion picture theaters
484110	3	Motor freight carrier, general
441210	8	Motor home dealers
532120	7	Motor home rental
811310	2	Motor repair and maintenance services
441221	8	Motor scooter dealers
423120	1	Motor vehicle parts and accessories, wholesaling
488410	3	Motor vehicle towing services
423110	1	Motor vehicles wholesaling
441221	8	Motorcycle dealers
532292	7	Motorcycle rental
811490	2	Motorcycle repair shops
561730	4	Mowing services
811112	2	Muffler repair and replacement shops
611610	6	Music instruction
451220	1	Music stores (e.g., cassette, compact disc, record, tape)
532299	7	Musical instrument rental
811490	2	Musical instrument repair shops
423990	1	Musical recordings wholesaling
711130	4	Musicians, independent

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (N)</i>
221210	8	Natural gas distribution systems - franchise
621399	6	Naturopaths' offices (e.g., centers, clinics)
448150	2	Neckwear stores

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (N)</i>
451130	1	Needlecraft sewing supply stores
621111	6	Neurologists' offices (e.g., centers, clinics)

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (N)</i>
519110	7	News service, syndicate
511120	6	Newsletter publishers
541840	7	Newspaper advertising representatives (independent of media owners)
711510	4	Newspaper columnists, independent (freelance)
511110	6	Newspaper publishers
424920	1	Newspapers wholesaling
451212	1	Newsstands
722410	8	Night clubs, alcoholic beverage
424990	1	Novelties wholesaling
453220	2	Novelty shops
561310	4	Nurse registries
444220	2	Nursery and garden centers
424930	1	Nursery stock (except plant bulbs, seeds) wholesaling
111421	4	Nursery stock growing
621610	6	Nursing agencies, primarily providing home nursing services
623110	6	Nursing homes

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (O)</i>
621111	6	Obstetricians' offices
621340	6	Occupational therapists' offices
531120	7	Office building rental or leasing
561720	4	Office cleaning services
423420	1	Office equipment wholesaling
532420	7	Office furniture rental or leasing
442110	1	Office furniture stores
423210	1	Office furniture wholesaling

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (O)</i>
561320	4	Office help supply services
811212	2	Office machine repair and maintenance services (except communication equipment)

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (O)</i>
532420	7	Office machinery and equipment rental or leasing
423420	1	Office machines wholesaling
561110	4	Office management services
424120	1	Office supplies (except furniture, machines) wholesaling
453210	2	Office supply stores
811191	4	Oil change and lubrication shops, automotive
424710	1	Oil, petroleum, bulk stations and terminals
424720	1	Oil, petroleum, wholesaling (except bulk stations and terminals)
454311	2	Oil, heating, retail
518191	7	Online access service providers
621111	6	Oncologists' offices
236115	8	Operative builders
621111	6	Ophthalmologists' offices
423460	1	Optical goods (except cameras) wholesaling
446130	1	Optical goods stores (except offices of optometrists)
518210	7	Optical scanning services
621320	6	Optometrists' offices
621210	6	Orthodontists' offices
621111	6	Orthopedic physicians' offices
621111	6	Osteopathic physicians' (except mental health) offices
441222	8	Outboard motor dealers
811490	2	Outboard motor repair shops
541850	7	Outdoor display advertising services
451110	1	Outdoor sporting equipment stores

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (P)</i>
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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (P)</i>
621999	6	Pacemaker monitoring services
517211	8	Paging services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (P)</i>
811121	2	Paint shops, automotive
444120	2	Paint stores
424950	1	Painter's supplies wholesaling
711510	4	Painters (i.e., artists), independent
238320	8	Painting, exterior and interior, construction contractors
812990		Palm reading services - Prohibited
423930	1	Paper, scrap, wholesaling
812930	4	Parking garages, lots, automobile
441310	2	Parts and accessories dealers, automotive
532299	7	Party rental supply centers
445120	1	Party shops, convenience stores
621111	6	Pathologists', neuropathological, offices
561612	4	Patrol services, security
522298	8	Pawn shops
812990	4	Pay telephone equipment concession operators
513210	8	Pay television networks - franchise
621111	6	Pediatricians' offices
454390	8	Peddlers, direct selling of merchandise (door-to-door, from vehicles or stalls, street vendors)
611610	6	Performing arts schools (except academic)
517212	8	Personal communication services (PCS), communication carriers
561710	4	Pest control services
812910	4	Pet boarding services
812220	4	Pet cemeteries
812910	4	Pet grooming services
541940	7	Pet hospitals
453910	2	Pet shops

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (P)</i>
424990	1	Pet supplies (except pet food) wholesaling
812910	4	Pet training services

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (P)</i>
		Petroleum - see gas or oil
424210	1	Pharmaceuticals wholesaling
446110	1	Pharmacies
424120	1	Photocopy supplies wholesaling
811212	2	Photocopying machine repair and maintenance services
561439	4	Photocopying services
812921	4	Photofinishing services, developing
541922	7	Photographers, commercial
541921	7	Photographers, portraits
423410	1	Photographic equipment and supplies wholesaling
532210	7	Photographic equipment rental
811211	2	Photographic equipment repair shops
443130	2	Photographic supply stores
541921	7	Photography services, studios
713940	4	Physical fitness facilities
621340	6	Physical therapy offices
621111	6	Physicians' (except mental health) offices
621399	6	Physicians' assistants' offices
621340	6	Physiotherapists' offices
532299	7	Piano rental
451140	1	Piano stores
442299	1	Picture frame shops, custom
453998	2	Picture frames, ready made - retail
451130	1	Piece goods stores
424310	1	Piece goods wholesaling
237990	8	Pier construction
237110	8	Pipeline (e.g., gas, oil, sewer, water) construction

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (P)</i>
722110	1	Pizza parlors
561310	4	Placement agencies or services, employment

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (P)</i>
561730	4	Plant and shrub maintenance services
621111	6	Plastic surgeons' offices
423930	1	Plastics scrap wholesaling
238220	8	Plumbing construction contractors - plumbers
423720	1	Plumbing equipment, fixtures, supplies wholesaling
444190	2	Plumbing supply stores
621391	6	Podiatrists' offices
561611	6	Polygraph services
561790	4	Pool cleaning
713990	8	Pool rooms
488310	3	Port facility operation
562991	4	Portable toilet renting and/or servicing
236220	8	Postoffice construction
445210	1	Poultry dealers
444210	2	Power equipment stores, outdoor
237130	8	Power line construction
532490	7	Power washer rental or leasing
561790	4	Power washing building exteriors
624410	6	Pre-kindergarten, preschool centers
238120	8	Precast concrete product placement construction contractors
236116	8	Prefabricated building erection
444190	2	Prefabricated building dealers
323114	3	Print shops - commercial
561611	4	Private detective services
611110	6	Private schools, elementary or secondary
451110	1	Pro shops (e.g., golf, skiing, tennis)
541199	7	Process server services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (P)</i>
621111	6	Proctologists' offices
445230	1	Produce markets

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (P)</i>
424480	1	Produce, fresh, wholesaling
541511	7	Programming services, custom computer
711310	4	Promoters of events
		Propane - see liquefied petroleum gas
531311	7	Property manager
446199	1	Prosthetic stores
561730	4	Pruning services, ornamental tree and shrub
623220	6	Psychiatric convalescent homes or hospitals
621112	6	Psychiatrists' offices
621330	6	Psychologists' offices
541211	7	Public accountants' (CPAs) offices, certified
541219	7	Public accountants' (except CPAs) private practices
541820	7	Public relations services
423990	1	Pulpwood wholesaling
562991	4	Pumping cesspools and septic tanks

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (Q)</i>
323114	3	Quick printing - duplicating
811191	2	Quick-lube shops
523999	6	Quotation services, securities

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (R)</i>
721211	1	RV (recreational vehicle) parks
532120	7	RV (recreational vehicle) rental or leasing
441210	8	RV dealers
711212	4	Racetracks (e.g., automobile, horse)
541380	7	Radiation testing laboratories or services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (R)</i>
811118	2	Radiator repair shops, automotive
517211	8	Radio paging services communication earners

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (R)</i>
811211	2	Radio repair and maintenance services
515112	7	Radio stations
562211	4	Radioactive waste collecting and/or disposal
621111	6	Radiologists' offices
541380	7	Radon testing laboratories or services
482	8	Railroads
327320	3	Ready-mixed concrete manufacturing and distributing
531190	7	Real estate (except building) rental or leasing
531210	7	Real estate agents' or brokers' offices
531320	7	Real estate appraisal services
531390	7	Real estate listing services
531312	7	Real estate property managers' offices, commercial
531311	7	Real estate property managers' offices, residential
531130	7	Real estate rental or leasing of mini-warehouses and self-storage
531120	7	Real estate rental or leasing of nonresidential building (except mini-warehouse)
531110	7	Real estate rental or leasing of residential building - exempt
237210	8	Real property (except cemetery lots) development or subdivision
326212	3	Recapping tires
451220	1	Record stores
512240	4	Recording studios, sound
713990	4	Recreational day camps (except instructional)
423910	1	Recreational equipment and supplies (except vehicles) wholesaling
532292	7	Recreational goods rental
451110	1	Recreational goods stores - retail
713940	4	Recreational sports facilities

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (R)</i>
441210	8	Recreational vehicle (RV) dealers
532120	7	Recreational vehicle (RV) rental or leasing

Whitmire - Business Regulations

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (R)</i>
721211	1	Recreational vehicle parks
441210	8	Recreational vehicle parts and accessories stores
423110	1	Recreational vehicles wholesaling
423930	8	Recyclable material, junk, wholesaling
561310	4	Referral agencies or services, employment
722330	1	Refreshment stands, mobile
493120	5	Refrigerated warehousing
562111	4	Refuse collection services
562219	4	Refuse treatment and disposal, non hazardous
624310	6	Rehabilitation job counseling and training, vocational
451211	1	Religious book stores
532310	7	Rent-all centers, miscellaneous rental
811	2	Repair services (see type of operation)
561491	4	Repossession services
561599	4	Reservation services (e.g., airline, car rental, hotel, restaurant)
623110	6	Rest, retirement homes
722110	1	Restaurants
44-45		Retail (see type of operation)
	1	442 Furniture and home furnishing stores
	2	443 Electronics and appliance stores
	2	444 Building material, garden equipment and supply dealers
	1	445 Food and beverage stores
	1	446 Health and personal care stores
	1	447 Gasoline stations
	2	448 Clothing and clothing accessories stores
	1	451 Sporting goods, hobby, book, and music stores

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (R)</i>
	2	452 General merchandise stores
	2	453 Miscellaneous store retailers
	2	454 Nonstore retailers, except peddlers

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (R)</i>
	8	4411 Automobile dealers
	8	4412 Other motor vehicle dealers
	2	4413 Automotive parts, tire stores
811420	2	Reupholstery shops, furniture
713990	4	Riding stables
713990	4	Rifle clubs, recreational
713940	4	Roller skating rinks
238160	8	Roof spraying, painting or coating, construction contractors
444190	2	Roofing material dealers
423330	1	Roofing materials (except wood) wholesaling
721310	1	Rooming and boarding houses
561740	4	Rug cleaning services
442210	1	Rug stores

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (S)</i>
441222	8	Sailboat dealers
532292	7	Sailboat rental
713930	4	Sailing clubs
444190	2	Sand, retail
423320	1	Sand wholesaling
722211	1	Sandwich shops
424490	1	Sandwich wholesaling
562212	4	Sanitary landfills
444112	2	Satellite antenna sales and installation
611411	2	Saw repair and maintenance
321113	3	Sawmills
611	6	Schools (see type)

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (S)</i>
424460	1	Seafood (except canned, packaged frozen) wholesaling
445220	1	Seafood markets

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (S)</i>
561410	4	Secretarial services
523120	6	Securities brokers' offices
561621	4	Security alarm systems sales with installation, maintenance, or monitoring services
561612	4	Security guard services
531130	7	Self-storage warehousing
238220	8	Septic system construction contractors
562991	4	Septic tank cleaning services
447190	1	Service stations, gasoline
562998	4	Sewer cleaning and rodding services
221320	4	Sewer systems
443111	2	Sewing machine stores, household-type
451130	1	Sewing supply stores
811430	2	Shoe repair shops
448210	2	Shoe stores (except bowling, golf, spiked)
451110	1	Shoe stores, specialty sports footwear
424340	1	Shoes wholesaling
485999	3	Shuttle services (except employee bus)
238170	8	Siding construction contractors
444190	2	Siding dealers
487210	3	Sightseeing boat operation
487110	3	Sightseeing bus operation
238990	8	Sign contractors, installation (on buildings)
234110	8	Sign erection (i.e., highway, street) contractors
541890	7	Sign lettering and painting services
522291	6	Small loan companies
722213	1	Snack bars, soda fountains, fixed location
722330	1	Snack stands, mobile

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (S)</i>
424490	1	Soft drinks wholesaling
453220	2	Souvenir shops

Business Licensing Provisions

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (S)</i>
713940	4	Spa - health club
621340	6	Speech therapists' offices
532292	7	Sporting goods rental
451110	1	Sporting goods stores
711310	4	Sports event managers, promoters
711410	4	Sports figures' agents or managers
453210	2	Stationery stores
424120	1	Stationery supplies wholesaling
722110	1	Steak houses
423510	1	Steel wholesaling
561410	4	Stenographic services
443112	2	Stereo stores
488320	3	Stevedoring services
523120	6	Stock brokers' offices
454390	8	Street vendors (except food)
722330	1	Street vendors, food
445110	1	Supermarkets
452910	2	Superstores (food and general merchandise)
621111	7	Surgeons' (except dental) offices
541940	6	Surgeons' offices, veterinary
621210	6	Surgeons', dental, offices
423450	1	Surgical supplies wholesaling
541370	7	Surveying and mapping services (except geophysical)
423490	1	Surveying equipment and supplies wholesaling
541360	7	Surveying services, geophysical
611620	6	Swimming instruction
561790	4	Swimming pool cleaning and maintenance

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (S)</i>
238990	8	Swimming pool construction contractors
453998	2	Swimming pool supply stores
423910	1	Swimming pools and equipment wholesaling

Whitmire - Business Regulations

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (T)</i>
448190	2	T-shirt shops, custom printed
451110	1	Tackle shops (fishing)
811490	2	Tailor shops, alterations only
722211	1	Take out eating places
812199	4	Tanning salons
423990	1	Tapes, prerecorded, audio or video, wholesaling
722410	8	Taverns (i.e., drinking places)
561440	4	Tax collection services on a contract or fee basis
541213	7	Tax return preparation services
485310	3	Taxicab services
711510	4	Taxidermists, independent
517212	8	Telecommunications earners, cellular telephone
517110	8	Telecommunications carriers, wired
532490	7	Telecommunications equipment rental or leasing
237130	8	Telecommunications line construction (e.g., telephone, telegraph)
541618	7	Telecommunications management consulting services
517110	8	Telecommunications networks, wired
517310	8	Telecommunications resellers
238210	8	Telecommunications wiring installation contractors
513310	8	Telegram services
561422	4	Telemarketing bureaus
561421	4	Telephone answering services
561499	4	Telephone billing and collection services
541870	7	Telephone directory distribution services, door-to-door
511140	6	Telephone directory publishers
811213	2	Telephone equipment repair and maintenance services
423690	1	Telephone equipment wholesaling

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (T)</i>
561422	4	Telephone solicitation services on a contract or fee basis
443112	2	Telephone stores (including cellular)
541840	7	Television advertising representatives
443112	2	Television and radio stores
515120	7	Television broadcasting stations
511120	6	Television guide publishers
517510	8	Television operations, closed circuit
532210	7	Television rental
811211	2	Television repair services
561320	4	Temporary employment services
713940	4	Tennis club facilities
561710	4	Termite control services
313210	3	Textile mills
424310	1	Textiles wholesaling
711110	4	Theaters, live theatrical production
512131	4	Theaters, motion picture
711310	4	Theatrical production managers, organizers, promoters
713110	4	Theme parks, amusement
453310	2	Thrift shops, used merchandise
561599	4	Ticket agencies, amusement, sports, theatrical, and travel
444190	2	Tile stores, ceramic
423990	1	Timber and timber products (except lumber) wholesaling
115310	4	Timber valuation
321114	3	Timber, structural, treating
561599	4	Time share exchange services, condominium
441320	2	Tire dealers, automotive

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (T)</i>
811198	2	Tire repair shops (except retreading), automotive
326212	3	Tire retreading, recapping, or rebuilding

Whitmire - Business Regulations

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (T)</i>
423130	1	Tires, motor vehicle, wholesaling
541191	7	Title companies, real estate, abstract
524127	8	Title insurance carriers, real estate, direct
424940	1	Tobacco products wholesaling
453991	2	Tobacco stores
325992	3	Toner cartridges rebuilding
487110	3	Tour bus, scenic and sightseeing, operation
561520	4	Tour operators
713990	4	Tourist guide services
721199	1	Tourist homes
812331	4	Towel supply services
488410	3	Towing services, motor vehicle
562910	4	Toxic material removal contractors
451120	1	Toy stores
811310	2	Tractor, farm, or construction equipment repair and maintenance
532490	7	Tractor, farm or garden, rental or leasing
811411	2	Tractors, lawn and garden repair and maintenance services
561920	4	Trade show managers, organizers, and promoters
531190	7	Trailer park or court, residential
532120	7	Trailer rental or leasing
811113	2	Transmission repair shops, automotive
562111	4	Trash collection services
561510	4	Travel agencies
721211	1	Travel trailer campsites
441210	8	Travel trailer dealers
561730	4	Tree services, planting, trimming, and removal

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (T)</i>
453998	2	Trophy shops
532120	7	Truck rental or leasing
811111	2	Truck repair shops, general

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (T)</i>
447190	1	Truck stops
488490	3	Trucking terminals, independently operated
811118	2	Tune-up shops, automotive
811490	2	Tuning and repair of musical instruments
532220	7	Tuxedo rental
561410	4	Typing services

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (U)</i>
621512	6	Ultrasound imaging centers
238910	8	Underground tank removal construction contractors
812210	4	Undertaker services
812331	4	Uniform supply services
448190	2	Uniform stores (except athletic)
451110	1	Uniform stores, athletic
812112	4	Unisex hair stylist shops
811420	2	Upholstery (except motor vehicle) repair services
561740	4	Upholstery cleaning services
451130	1	Upholstery materials stores
811121	2	Upholstery shops, automotive
621111	6	Urologists' offices
441120	8	Used car dealers
423110	1	Used cars wholesaling
453310	2	Used merchandise stores (except pawn shops)
423140	1	Used parts, motor vehicle, wholesaling

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (V)</i>
721214	1	Vacation camps

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (V)</i>
443111	2	Vacuum cleaner stores, household-type
452990	2	Variety stores

Whitmire - Business Regulations

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (V)</i>
445230	1	Vegetable markets
424480	1	Vegetables, fresh, wholesaling
454210	2	Vending machine merchandisers, sale of products
541940	7	Veterinary services
811211	2	Video cassette recorder (VCR) repair services
713120	8	Video game arcades (except gambling)
713290	8	Video poker, gambling - Prohibited
532210	7	Video recorder rental
532230	7	Video tape rental stores
451220	1	Video tape stores
541921	7	Video taping services, special events
446191	1	Vitamin stores
561421	4	Voice mailbox services
621340	6	Voice pathologists' offices

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (W)</i>
238320	8	Wall covering or removal construction contractors
444120	2	Wallpaper and wall coverings stores
493110	5	Warehousing and storage, general merchandise
493130	5	Warehousing, farm products (except refrigerated)
493120	5	Warehousing, refrigerated
531130	7	Warehousing, self storage, mini-warehouses
562112	4	Waste collection services, hazardous
562111	4	Waste collection services, nonhazardous solid
221320	4	Waste collection, treatment, and disposal through a sewer system
562213	4	Waste (except sewage) treatment facilities
811490	2	Watch repair shops without retailing new watches

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (W)</i>
448310	2	Watch shops
811412	2	Water heater repair and maintenance services

Business Licensing Provisions

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<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (W)</i>
237110	8	Water main and line construction
532292	7	Water ski rental
561990	4	Water softener services
221310	4	Water supply systems
237110	8	Water well drilling construction contractors
424490	1	Water, bottled (except water treating), wholesaling
812990	4	Wedding chapels (except churches), wedding planning
541921	7	Wedding photography services
561730	4	Weed control and fertilizing services (except crop)
812191	4	Weight loss centers, non-medical
713940	4	Weight training centers
811310	2	Welding repair services
237990	8	Wharf construction
488310	3	Wharf operation
811118	2	Wheel alignment shops, automotive
532291	7	Wheelchair rental
42	1	Wholesale (see type of product)
	1	423 Durable goods
	1	424 Nondurable goods
448150	2	Wig and hairpiece stores
424990	2	Wigs wholesaling
561720	4	Window cleaning services
811490	2	Window shade repair and maintenance shops
444190	2	Window stores
811122	2	Window tinting, automotive
442291	1	Window treatment stores
561422	4	Wire services (telemarketing services), floral

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (W)</i>
423990	1	Wood products (e.g., chips, posts, shavings, ties) wholesaling
561410	4	Word processing services

Whitmire - Business Regulations

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (W)</i>
488410	3	Wrecker services (towing services), motor vehicle
238910	8	Wrecking, buildings or other structures, construction contractors

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (X)</i>
541380	7	X-ray inspection services
621512	6	X-ray laboratories, medical or dental
423450	1	X-ray machines and parts, medical and dental, wholesaling

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (Y)</i>
713930	4	Yacht basins, operation
713930	4	Yacht clubs
532292	7	Yacht rental without crew
424310	1	Yard goods, textile wholesaling

<i>NAICS Code</i>	<i>Rate Class</i>	<i>Business Activity (Z)</i>
712130	4	Zoos, aquariums, wild animal parks

(Ord. 2009-, passed 6-8-2009)

§ 110.99 PENALTY.

(A) Any person violating any provision of this chapter shall be deemed guilty of an offense and shall be subject to a fine of up to \$500 or imprisonment for not more than 30 days, or both, upon conviction. Each day of violation shall be considered a separate offense.

(B) Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for herein.
(Ord. 2009-, passed 6-8-2009)

CHAPTER 111: ALCOHOL

Section

- 111.01 Distribution to minors
- 111.02 Prohibited acts
- 111.03 Minors transporting alcohol prohibited
- 111.04 Employing minors prohibited

- 111.99 Penalty

§ 111.01 DISTRIBUTION TO MINORS.

It shall be unlawful for any person to sell, purchase for, or transfer any alcoholic beverage to a minor under the age of 21 years.

(1974 Code, § 2A-1) (Ord. passed 4-11-1994) Penalty, see § 111.99

§ 111.02 PROHIBITED ACTS.

No holder of a permit authorizing the sale of beer or wine or any servant, agent, or employee of the permittee shall knowingly do any of the following acts upon the licensed premises covered by such holder's permit:

- (A) Sell beer or wine to a minor;
- (B) Sell beer or wine to any person while such person is in an intoxicated condition;
- (C) Permit gambling or games of chance;
- (D) Permit any lewd, immoral, or improper entertainment, conduct, or practices;

(E) Permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under the provisions of this code or other ordinances of the city or the laws of the state; or

(F) Sell, offer for sale, or possess any beverage or alcoholic liquor, the sale or possession of which is prohibited on the licensed premises under the law of the state.

(1974 Code, § 2A-2) Penalty, see § 111.99

§ 111.03 MINORS TRANSPORTING ALCOHOL PROHIBITED.

It shall be unlawful for any person who has not reached the age of 21 years to sell, purchase, possess, or transfer any alcoholic beverage.

(1974 Code, § 2A-6) (Ord. passed 4-11-1994) Penalty, see § 111.99

§ 111.04 EMPLOYING MINORS PROHIBITED.

It shall be unlawful for any person under the age of 21 years to work as an employee or otherwise in a retail, wholesale, or manufacturing liquor business establishment, or for any person knowingly to employ any person under the age of 21 years in any such business or business establishment.

(1974 Code, § 2A-7) (Ord. passed 4-11-1994) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating § 111.01 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500 or shall be imprisoned for not more than 30 days.

(1974 Code, § 2A-1)

(C) Any person violating § 111.03 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500 or shall be imprisoned for not more than 30 days.

(1974 Code, § 2A-6)

(D) Any person violating § 111.04 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500 or shall be imprisoned for not more than 30 days.

(1974 Code, § 2A-7)

(Ord. passed 4-11-1994)

CHAPTER 112: PEDDLERS AND SOLICITORS

Section

General Provisions

- 112.01 Definition
- 112.02 Registration required
- 112.03 Fingerprinting and photographing required
- 112.04 License
- 112.05 Revocation
- 112.06 Prohibited acts
- 112.07 Exemptions
- 112.08 Hours of operation

Special Permits for Charities

- 112.20 When required
- 112.21 Application
- 112.22 Term; renewal
- 112.23 Reports and information from permittee
- 112.24 Transfer; possession of permit copies
- 112.25 Revocation
- 112.26 Issuance not deemed endorsement
- 112.27 Appeal of denial or revocation

GENERAL PROVISIONS

§ 112.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SOLICITOR. A person who goes from door to door visiting multi-family or single-family dwellings for the following purposes:

(1) To sell any goods, wares, or merchandise or accept subscriptions or orders therefor; or

(2) To accept or request donations for any charitable purpose.

(1974 Code, § 14-1)

§ 112.02 REGISTRATION REQUIRED.

All persons, before entering into or upon a private residence within the town for the purpose of soliciting, are hereby required to register with the Chief of Police and furnish the following information:

(A) The name, local and permanent address, age, weight, height, color of hair and eyes, and any other distinguishing physical characteristics of the applicant;

(B) The nature or purpose for which solicitations will be made and the nature of the goods, wares, and merchandise offered for sale;

(C) The name and address of the employer or organization represented; and

(D) A statement as to whether the applicant has been convicted of any felony or misdemeanor, and if so, the nature of the offense, when and where convicted, and the penalty or punishment assessed therefor.

(1974 Code, § 14-2)

§ 112.03 FINGERPRINTING AND PHOTOGRAPHING REQUIRED.

Persons required by § 112.02 to be registered shall, at the time of registration, also be fingerprinted and photographed by the Police Department.

(1974 Code, § 14-3)

§ 112.04 LICENSE.

Upon furnishing the information required under § 112.02 and complying with the provisions of § 112.03, the applicant shall be issued a license, unless the information furnished in compliance with this chapter shows that the applicant has been convicted of a crime involving moral turpitude. A license issued under this section shall be good for one year from the date of issuance, unless earlier revoked as provided in this chapter. Every solicitor shall carry with him or her, his or her license at all times while engaged in soliciting and shall display the same to any person who shall demand to see the same while he or she is so engaged.

(1974 Code, § 14-4)

§ 112.05 REVOCATION.

The Chief of Police or his or her designated agent shall revoke any license issued under this chapter if he or she finds that the licensee has given false information or has knowingly withheld information in obtaining the same, or for any violation of any provision of this chapter.
(1974 Code, § 14-6)

§ 112.06 PROHIBITED ACTS.

No person shall:

(A) Enter into or upon a private residence in the town under false pretenses to solicit for the purpose of soliciting orders for the sale of goods, wares, or merchandise, or to solicit for any purpose;

(B) Remain in a private residence or on the premises thereof after the owner or occupant has requested any such person to leave;

(C) Enter into or upon the premises of a private residence for soliciting when the owner or occupant has displayed a “No Soliciting” sign on such premises; and/or

(D) Engage in the practice of soliciting in the town without a license as provided for in this chapter.
(1974 Code, § 14-7) Penalty, see § 10.99

§ 112.07 EXEMPTIONS.

The provisions of this chapter shall not apply to the following:

(A) Any person who visits any residence or apartment at the request or invitation of the owner or occupant thereof;

(B) Unpaid members of any civic or charitable organization who are registered as such with the Chief of Police, when the names of the solicitors have been listed as such members and the organization has provided each person listed with an approved means of identification with the organization represented;

(C) Newsboys soliciting subscriptions to any newspaper published in the state; and

(D) Route delivery persons who make deliveries at least once a week to regular customers and whose solicitation is only incidental to their regular deliveries.
(1974 Code, § 14-8)

§ 112.08 HOURS OF OPERATION.

(A) No peddlers, solicitors, canvassers, or door-to-door salespersons shall solicit the purchase of goods or services in the town but between the hours of 10:00 a.m. and 6:00 p.m.

(B) A violation hereof shall be subject to such punishment as is prescribed in § 110.99.
(Ord. 2012-01, passed 2-28-2012) Penalty, see § 110.99

SPECIAL PERMITS FOR CHARITIES**§ 112.20 WHEN REQUIRED.**

It shall be unlawful for any person, or for any agent or representative thereof, directly or indirectly, to solicit property or financial assistance of any kind, or to sell or offer to sell any article, tag, service emblem, publication, ticket, advertisement, subscription, or anything of value, on the plea or the representation that such sale or solicitation, or the proceeds thereof, is for a charitable, educational, religious, patriotic, or philanthropic purpose, on the streets, in any office or business building, by house to house canvass or in any other public or private place, by telephone, personal solicitation, or in any other way in the town, unless such person shall have first obtained a permit from the Town Clerk/Treasurer; provided, that the provisions of this section shall not apply to any established society, association, or corporation that is organized and operated exclusively for religious, educational, philanthropic, benevolent, fraternal, charitable, or reformatory purposes, not operated for pecuniary profit, no part of the net earnings of which inure to the benefit of any person, private shareholder, or individual and where the solicitation of such organization shall be conducted solely among the members thereof by other members thereof or officers thereof, voluntarily and without remuneration for such solicitation, or where such solicitation may be in the form of collections or contributions at the regular exercises of service of any church, religious society, lodge, benevolent order or fraternity, or similar organization, or of any branch thereof.

(1974 Code, § 14-9) Penalty, see § 10.99

§ 112.21 APPLICATION.

(A) A written application for a permit to solicit for any cause whatsoever, as provided in § 112.20, shall be sworn to and filed with the Town Clerk/Treasurer.

(B) The application shall contain the following information:

- (1) Name of organization applying for a permit to solicit and the address of its headquarters;

- (2) Names and addresses of its principal officers and management;
- (3) The purpose for which any receipts derived from such solicitations are to be used;
- (4) The name of the person by whom the receipts of such solicitation shall be disbursed;
- (5) The name and address of the person who will be in direct charge of conducting the solicitations;
- (6) An outline of the method to be used in conducting the solicitation;
- (7) The time when such solicitation shall be made, giving the proposed dates for the beginning and ending of such solicitations;
- (8) The amount of any wages, fees, commissions, expenses, or emoluments to be expended or paid to anyone in connection with such solicitation, together with the manner in which such wages, fees, expenses, commissions, or emoluments are to be expended, to whom paid, and the amount thereof;
- (9) A financial statement for the last preceding fiscal year of any funds collected for the purpose set out in § 112.20 by the organization or persons seeking a permit for such solicitations, such statement giving the amount of money so raised, together with the cost of raising it, and the final distribution thereof;
- (10) A full statement of the character and extent of the charitable, religious, educational, or philanthropic work being done by the applicant organization within the town; and
- (11) Such other information as may be required by the Town Clerk/Treasurer in order to fully determine the kind and character and worthiness of the proposed solicitations, and whether or not such solicitation is in the interest of protecting the health, life, and property of the citizens of the town and of preserving and enforcing good government and for the security of the town and its inhabitants.
(1974 Code, § 14-10)

§ 112.22 TERM; RENEWAL.

The Town Clerk/Treasurer shall determine, from the application and from such facts as may be developed in connection with such application, the period for which the permit required by § 112.20 shall be approved and granted; provided, that such period shall not exceed three calendar months; provided, further, that upon further application, information, or reports as may be deemed necessary to safeguard the interest of the public and carry out the purposes of this chapter, the Town Clerk/Treasurer may renew and extend such permit for additional periods, not to exceed three calendar months.
(1974 Code, § 14-11)

§ 112.23 REPORTS AND INFORMATION FROM PERMITTEE.

The Town Clerk/Treasurer may require from any permittee under this chapter any reports or information at any time and at such intervals, as in the discretion of the Town Clerk/Treasurer shall be necessary, for the successful administration of the provisions of this chapter and the protection of the health, life, and property of the citizens of the town.
(1974 Code, § 14-12)

§ 112.24 TRANSFER; POSSESSION OF PERMIT COPIES.

Any permit approved and issued under the provisions of this chapter shall be nontransferable; provided, that this shall not prevent any permittee from using any number of solicitors and representatives as shall be reported to the Town Clerk/Treasurer; provided, further, that the permittee shall furnish to each of its agents, employees, or representatives making any solicitations a facsimile copy of the permit, which shall be carried by all such agents, employees, or representatives making solicitations at the time when solicitations are being made.
(1974 Code, § 14-13)

§ 112.25 REVOCATION.

If, upon receipt of written information or upon his or her own investigation, the Town Clerk/Treasurer shall find that any agent or representative of a permittee under the provisions of this chapter is misrepresenting or making untrue statements in the application, or that in any other way the solicitation has been conducted or is being conducted in a manner inimical to the protection of the health, life, and property of the citizens of the town and not in conformity with the intent and purpose of this chapter, it shall be the duty of the Town Clerk/Treasurer to immediately revoke such permit.
(1974 Code, § 14-14)

§ 112.26 ISSUANCE NOT DEEMED ENDORSEMENT.

It shall be unlawful for any permittee under the provisions of this chapter or for any agent, employee, or representative thereof to advertise, represent, or hold out in any manner that the permit required by § 112.20 is an endorsement of the holder thereof by the Town Council or any employee thereof, or by the town; provided, that it shall be lawful for a permittee to use, advertise, or hold out the fact of his or her permit in the following words and no others: "Charities Solicitations Permit No. _____" including in the blank space the serial number of the permit.
(1974 Code, § 14-15)

§ 112.27 APPEAL OF DENIAL OR REVOCATION.

Any person or organization denied a permit or which has had a permit revoked by the Town Clerk/Treasurer may appeal to the Town Council.
(1974 Code, § 14-16)

CHAPTER 113: MISCELLANEOUS BUSINESS

Section

- 113.01 Retail telecommunication services
- 113.02 Placing lines in streets
- 113.03 Public service drivers
- 113.04 Exterminators

- 113.99 Penalty

§ 113.01 RETAIL TELECOMMUNICATION SERVICES.

(A) (1) Notwithstanding any other provisions of Chapter 110, the business license tax for retail telecommunications services, as defined in S.C. Code § 58-9-2200, shall be at the maximum rate authorized by S.C. Code § 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. The rate for the 2005 business license tax year shall be the maximum rate allowed by state law as in effect on February 1, 2005. Declining rates shall not apply.

(2) In conformity with S.C. Code § 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 operation for less than one year, the amount of business license tax shall be computed on a 12-month projected income.

(B) (1) For the year 2005, the business license tax for retail telecommunications services shall be due on February 1, 2005, and payable by February 28, 2005, without penalty. For years after 2005, 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.

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

(C) Exemptions in Chapter 110 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.

(D) (1) Nothing in this section 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.

(2) 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 section.

(E) As authorized by S.C. Code § 5-7-300, the agreement with the Municipal Association of the state for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code § 58-9-2200 shall continue in effect. Notwithstanding the provisions of the agreement, for the year 2005, the Municipal Association of the state is authorized to collect current and delinquent license taxes in conformity with the due date and delinquent date for 2005 as set out in this section, and is further authorized, for the year 2005, to disburse business license taxes collected, less the service charge agreed to, to this municipality on or before April 1, 2005, and thereafter as remaining collections permit.

(Ord. 04-001, passed 9-13-2004)

§ 113.02 PLACING LINES IN 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 Town Council by ordinance which 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 based on gross revenues derived from activities in the municipality, the length of lines installed in streets and public places, or other formula deemed appropriate by Council. No consent fee or franchise fee shall be construed to be in lieu of a business license tax based on gross revenue unless specifically provided by ordinance. Credits for business license taxes paid may be applied to fees set by ordinance granting consent or a franchise when specifically authorized by the ordinance.

(C) Establishments providing local or long distance telephone communications, as described in Standard Industrial Classification (SIC) group 481, including voice and data communications; radiotelephone services; cellular telephone services; paging and beeper services; leasing lines, fiber optic cables, microwave, or satellite facilities; selling access and reselling use of facilities or methods to others shall pay an annual business license tax of 3% of gross receipts from all communications activities

conducted in the municipality and for communications services billed to customers located in the municipality on which a business license tax has not been paid to another municipality.
(Ord. passed 1-12-1998) Penalty, see § 113.99

§ 113.03 PUBLIC SERVICE DRIVERS.

(A) It shall be unlawful for any public service driver, either of a hack or automobile, plying the street and transporting passengers for hire, to engage in such service without first obtaining from the Town License Inspector a license to drive such hack, automobile, or other vehicle transporting passengers for hire.

(B) It shall be unlawful for any such driver to drink or be under the influence of intoxicating liquors or beverages while so engaged.
(1974 Code, § 10-10) Penalty, see § 113.99

§ 113.04 EXTERMINATORS.

(A) It shall be unlawful for any person, firm, or corporation to engage in the business of pest control or extermination of any household pests including, but not limited to, rodents, roaches, and termites (or any other wood-infesting pest) without having first secured a license therefor.

(B) (1) Applications for such licenses shall be made to the Town Clerk/Treasurer and shall state thereon the description of all vehicles used in such business, the name and owner of such business, along with the address of the principal place of business, as well as the agent thereof.

(2) Applications for said licenses shall be turned over to the License Committee for the Town Council and the License Committee shall, after such deliberation and investigation as it shall deem wise, either pass or reject any application for said license which shall come before it, and there shall be a waiting period of not less than ten days nor more than 30 days before any such licenses shall be issued.

(C) The fee for such licenses shall be determined by class and gross receipts.

(D) Any licensed pest control or exterminating company, corporation, or individual who shall be guilty of any fraud, cheating, or misrepresentation, whether through himself, herself, or through an employee, shall be deemed in violation of this section and fined accordingly.
(Ord. passed 4-21-1981) Penalty, see § 113.99

§ 113.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) In addition to any penalty imposed under the provisions of § 10.99, any driver who shall be convicted of violating any of the provisions of § 113.03 or who shall be convicted of transporting, having in possession, or selling alcoholic liquors or otherwise violating any of the provisions of this code, other ordinances of the town, or state law relating to alcoholic liquors or beverages, shall have his or her license as a driver revoked and also the license for such hack, automobile, or other vehicle revoked by the Town Council, and no new license shall be granted to him or her during the calendar year to engage in the same type of business.
(1974 Code, § 10-10)

(C) Any person, firm, or corporation violating any provision of § 113.04 shall be fined not less than \$50 nor more than \$200 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. passed 4-21-1981)

TITLE XIII: GENERAL OFFENSES

Chapter

130.GENERAL PROVISIONS

131.PROPERTY RELATED OFFENSES

132.PUBLIC DISRUPTIONS

CHAPTER 130: GENERAL PROVISIONS

Section

- 130.01 Petit larceny
- 130.02 Escape from custody
- 130.03 Resisting or obstructing an officer
- 130.04 Fraudulent checks

- 130.99 Penalty

§ 130.01 PETIT LARCENY.

It shall be unlawful for any person to commit the crime of petit larceny within the town.
(1974 Code, § 10-26) Penalty, see § 130.99

Statutory reference:

Petit larceny, see S.C. Code § 16-13-30

§ 130.02 ESCAPE FROM CUSTODY.

It shall be unlawful for any person under arrest or in confinement to escape or to attempt to escape. It shall likewise be unlawful for any person to aid or assist any such person under arrest or in confinement to make his or her escape.
(1974 Code, § 10-11) Penalty, see § 130.99

§ 130.03 RESISTING OR OBSTRUCTING AN OFFICER.

(A) It is unlawful for any person to resist or interfere, or to aid or abet another to resist or interfere, by word, act, or otherwise with any police officer, member of the Fire Department, or any other officer of the town while in the discharge or apparent discharge of his or her duty.

(B) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.
(1974 Code, § 10-29) (Ord. passed 1-9-2006) Penalty, see § 130.99

§ 130.04 FRAUDULENT CHECKS.

All the provisions and requirements of the general laws of the state in regard to fraudulent checks as contained in the S.C. Code § 34-11-90 (fraudulent checks), and acts amendatory thereof, insofar as such provisions can be adopted and applied within the town, are hereby adopted and made part of this section as fully as though set out herein.
(Ord. passed 12-9-1996)

§ 130.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

CHAPTER 131: PROPERTY RELATED OFFENSES

Section

- 131.01 Injury to ornamental shrubbery in cemeteries
- 131.02 Destruction of signs
- 131.03 Injury to property or animals
- 131.04 Injury to public property
- 131.05 Pollution or injury to streams
- 131.06 Trespass
- 131.07 House number display

§ 131.01 INJURY TO ORNAMENTAL SHRUBBERY IN CEMETERIES.

It shall be unlawful for any person to injure the ornamental shrubbery on any lot in any cemetery in the town by plucking flowers or otherwise.
(1974 Code, § 10-2) Penalty, see § 10.99

§ 131.02 DESTRUCTION OF SIGNS.

It shall be unlawful for any person to willfully demolish, throw down, alter, or deface any sign, guide board, or placard erected within the town, either by the town or the state's Highway Department.
(1974 Code, § 10-6) Penalty, see § 10.99

§ 131.03 INJURY TO PROPERTY OR ANIMALS.

It shall be unlawful for any person to injure any animal which is the property of another or injure any goods, wares, or merchandise or other personal property of another person within the town.
(1974 Code, § 10-17) Penalty, see § 10.99

§ 131.04 INJURY TO PUBLIC PROPERTY.

It shall be unlawful for any person to cut, mutilate, injure, hurt, mar, disfigure, efface, or destroy, in any manner whatsoever, any school building, church building, or other public building within the town or any furniture, furnishings, fixtures, ornaments, decorations, or other property located in any

such building; or fence, tree, or other property on the grounds of any park, church or school building, or other public property.

(1974 Code, § 10-18) Penalty, see § 10.99

§ 131.05 POLLUTION OR INJURY TO STREAMS.

It shall be unlawful for any person to pollute or injure any spring, well, cistern, or stream upon the premises of another person within the town.

(1974 Code, § 10-27) Penalty, see § 10.99

§ 131.06 TRESPASS.

It shall be unlawful for any person to enter or trespass upon the premises of any other person, after notice from the owner or tenant prohibiting such trespass; provided, that due notice forbidding trespasses upon such premises shall have first been given, either orally or by written notice conspicuously posted on the premises by the owner or tenant of such premises, and the proof of a notice in writing being conspicuously posted upon the premises at the time of the alleged trespass or entry shall be deemed and taken as notice conclusive against the person making entry as aforesaid; provided, that this section shall not apply to invitees or licensees.

(1974 Code, § 10-32) Penalty, see § 10.99

§ 131.07 HOUSE NUMBER DISPLAY.

(A) Definitions. For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. Any structure used or previously used as or intended to be used as a residence or business.

CLEARLY VISIBLE. Readable by a person with normal or corrective 20/20 vision from the center of the street, road or avenue to which the number relates.

HOUSE NUMBER. The official number assigned a premises by the Town of Whitmire or Newberry County 911 Service.

PREMISES. Any lot or parcel of land owned by any person, firm or corporation, public or private, improved with buildings, whether occupied or not.

Property Related Offenses

6A

(B) *Assignment and placement of house numbers.*

(1) When a premises has been assigned a number by the Town of Whitmire or the County of Newberry 911 Service, that property number shall be placed on the premises by the property owner or tenant in the manner specified in this section. That number shall be clearly visible from the street to which the house number is related.

(2) Such numbers shall be placed on existing buildings and new buildings upon completion of construction. Said numbers shall not be less than three inches in height and shall be conspicuously placed.

(3) Once notified by town staff of a number assignment, number change or number problem or violation, the property owner or tenant shall place the number on the property as the notification requires as quickly as possible, but within the time limits established by division (B)(3)(a) below. It shall be unlawful to fail to perform to the numbering provisions of this section. It shall be the duty of all town staff members and citizens to report numbering inconsistencies, problems and violations to town staff for investigation and appropriate enforcement. A violation of such provision shall make the offender liable to the following penalties:

(a) *First offense: written warning.* Comply with requirements within 15 days after being properly served upon the owner or tenant by the town. The notice shall be properly served upon such owner or tenant when such notice has been sent by certified mail to such person's last known address or when such person has been served with such notice by any other method authorized by the laws of this state.

(b) *Second offense.* A misdemeanor punishable upon conviction by fine of \$50 or by imprisonment for a period not to exceed 30 days, or both.

(c) *Third or any subsequent offense.* Upon conviction shall be punishable by fine of up to \$500 or by imprisonment for a period not to exceed 30 days, or both.
(Ord. 2014-01, passed 3-10-2014)

6B

Whitmire - General Offenses

CHAPTER 132: PUBLIC DISRUPTIONS

Section

- 132.01 Disorderly conduct
- 132.02 Failure to disperse
- 132.03 Disturbing a religious service
- 132.04 Fire false alarm
- 132.05 Police false alarm
- 132.06 Interrupting court or Council meetings
- 132.07 Obscenity
- 132.08 Perjury before Mayor/Council
- 132.09 Loitering

- 132.99 Penalty

§ 132.01 DISORDERLY CONDUCT.

Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

(A) Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in danger of safety for his or her life, limb, or health;

(B) Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged;

(C) Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm;

(D) Any person who shall cause, provoke, or engage in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another or public property;

(E) Any person who shall assemble or congregate with another or others and cause, provoke, or engage in any fight or brawl;

(F) Any persons who shall collect in bodies or in crowds and engage in unlawful activities;

(G) Any person who shall assemble or congregate with another or others and cause, provoke, or engage in any fight or brawl;

(H) Any person who shall frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice, or device, or attempt to do so; and/or

(I) Any person who assembles with another or others and engages in any fraudulent scheme, device, or trick to obtain any valuable thing in any place or from any person, or attempts to do so. (1974 Code, § 10-7) (Ord. 10-7, passed 4-14-2003) Penalty, see § 132.99

§ 132.02 FAILURE TO DISPERSE.

It shall be the duty of the police officers and peace officers of the town, upon observing the grouping or congregating of any number of persons in any public street or in any public place within the town for the purpose of conducting themselves in a disorderly manner, to command and direct the persons so grouped or congregated to disband and remove themselves from such place. Any person who shall fail to observe the directions or commands of such police officer or peace officer shall be guilty of a misdemeanor.

(1974 Code, § 10-8)

Cross-reference:

Obstruction of streets or sidewalks by persons, see § 90.03

§ 132.03 DISTURBING A RELIGIOUS SERVICE.

It shall be unlawful for any person to interrupt or disturb any religious service in the town. (1974 Code, § 10-9) Penalty, see § 132.99

§ 132.04 FIRE FALSE ALARM.

It shall be unlawful for any person to turn in a false fire alarm. (1974 Code, § 10-12) Penalty, see § 132.99

§ 132.05 POLICE FALSE ALARM.

It shall be unlawful for any person to turn in a false signal or call for a police officer, either through mischief or otherwise. (1974 Code, § 10-13) Penalty, see § 132.99

§ 132.06 INTERRUPTING COURT OR COUNCIL MEETINGS.

It shall be unlawful for any person to interrupt the proceedings of the court; of the Mayor, Mayor pro tem, or Town Council; or any meeting of Town Council, or be guilty of disorderly conduct therein, or to commit any contempt of either of such courts.
(1974 Code, § 10-19) Penalty, see § 132.99

§ 132.07 OBSCENITY.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AVAILABLE TO THE PUBLIC. Capable of being purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance.

DISSEMINATE. To transfer possession of, with or without consideration.

KNOWINGLY. Aware of the character and the content of the material.

MATERIAL. Any book, magazine, newspaper, or other printed or written material; or any picture, drawing, photograph, motion picture, or other pictorial representation; or any statue or other figure; or any recording, transcription or mechanical, chemical, or electrical reproduction; or any other articles, equipment, or machines.

NUDITY. The showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernibly turgid state.

OBSCENE. That to the average person applying contemporary community standards:

(a) The predominant appeal of the matter, taken as a whole, is to prurient interest (i.e., a shameful or morbid interest in sexual conduct, nudity, or excretion);

(b) The matter depicts or describes in a patently offensive manner sexual conduct regulated by state law; and

(c) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

PERFORMANCE. Any preview, play, show, skit, film, dance, or other exhibition performed before an audience.

PROMOTE. To cause, permit, procure, counsel, or assist.

SERVICE TO PATRONS. The provision of services to paying guests in establishments providing food and beverages including, but not limited to, hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining. (1974 Code, § 10-21)

(B) It shall be unlawful for any person to:

- (1) Knowingly disseminate, distribute, or make available to the public any obscene material;
- (2) Knowingly engage or participate in any obscene performance made available to the public;
- (3) Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or excretion, utilizing displays, circulars, advertisements, and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal;
- (4) Provide service to patrons in such a manner as to expose to public view:
 - (a) His or her genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region;
 - (b) Any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region; or
 - (c) Any portion of the female breast at or below the areola thereof.
- (5) Knowingly promote the commission of any of the above listed unlawful acts. (1974 Code, § 10-22)

(C) (1) Actual notice of the obscene nature of any material, performance, or activity prohibited by division (B) above may be given to a person involved in or responsible for such by the Town Attorney on the basis of information lawfully gathered and supplied to him or her by the police or citizens. Such notice shall be in writing and delivered by mail or in person to the alleged offender.

(2) Such notice shall state that:

- (a) In the opinion of the Town Attorney, the activity engaged in falls within the prohibitions of division (B) above;
- (b) If such activity has not ceased within seven judicial days, the town will take appropriate legal action; and
- (c) A declaratory judgment proceeding is available if a person engaged in the challenged activity wishes to initiate the legal determination of whether the activity is in fact obscene.

(3) A person who promotes any obscene activity as prohibited in division (B) above in the course of his or her business is presumed to do so with knowledge of its content and character. (1974 Code, § 10.23)

(D) (1) Expert affirmative evidence that the materials or activities are obscene is not required when the materials or activities themselves are presented as evidence.

(2) It shall be an affirmative defense in any prosecution under the preceding divisions that allegedly obscene material was disseminated or presented for a bona fide scientific, medical, educational, governmental, or judicial purpose by a physician, psychologist, teacher, clergyman, prosecutor, or judge.

(1974 Code, § 10-24)

Penalty, see § 132.99

Statutory reference:

Obscene materials generally, see S.C. Code §§ 16-15-305 et seq.

§ 132.08 PERJURY BEFORE MAYOR/COUNCIL.

It shall be unlawful for any person to swear falsely in any case, trial, or proceeding had before the Mayor, Mayor pro tem, or Town Council.

(1974 Code, § 10-25) Penalty, see § 132.99

§ 132.09 LOITERING.

(A) A person commits a violation if he or she loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify himself or herself and to explain his or her presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect's escape.

(B) It shall be unlawful for any person, after first being warned by a police officer, or where a "no loitering" sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, cross-walk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon.

It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.

(C) For the purpose of this section, **PUBLIC PLACE** has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

§ 132.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) A person violating § 132.01 shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or imprisoned for not more than 30 days.
(1974 Code, § 10-7)

(C) Any violation of § 132.09 shall be punishable by a fine of not more than \$100 or imprisonment of not more than 30 days.
(Ord. passed 2-9-1976; Ord. 10-7, passed 4-14-2003)

TITLE XV: LAND USAGE

Chapter

150.BUILDING CODE

151.ZONING

152.COMPREHENSIVE PLAN

CHAPTER 150: BUILDING CODE

Section

General Provisions

- 150.01 Litter and debris on construction sites
- 150.02 Fire limits established
- 150.03 Construction within fire limits

Regulation and Enforcement

- 150.15 National codes adopted
- 150.16 Demolition permit

- 150.99 Penalty

Cross reference:

House number display, see § 131.07

GENERAL PROVISIONS

§ 150.01 LITTER AND DEBRIS ON CONSTRUCTION SITES.

Any contractor operating within the town with a valid license shall be responsible for the removal of all litter and debris from the construction site.

(1974 Code, § 4-1) (Ord. passed 2-19-1973) Penalty, see § 150.99

§ 150.02 FIRE LIMITS ESTABLISHED.

The fire limits of the town shall be as follows: beginning at a point on the main line of the Seaboard Air Line Railway directly in front of the garage of P.B. Odell & Son, thence in a southwesterly direction to the Aragon-Baldwin Cotton Mill's spur tract of the Seaboard Air Line Railway, thence in a southerly direction following such spur track to Gillian Street, thence in an easterly direction following Gillian Street to Bridge Street, thence north following Bridge Street to the main line of the Seaboard Air Line Railway, thence in a southerly direction to the point of beginning.

(1974 Code, § 4-2)

§ 150.03 CONSTRUCTION WITHIN FIRE LIMITS.

(A) It shall be unlawful to build, erect, or construct any wood or frame building or structure of any description within the established fire limits of the town, or to alter or repair any building or structure within the fire limits, except with such fireproof material as the Town Council may permit to be used. Any building erected within the fire limits contrary to the provisions of this section shall be declared a nuisance and shall be abated and removed.

(B) It shall be unlawful for any building or structure of any kind to be erected within the fire limits, or for any building or structure so erected to be repaired, until plans and specifications for such building or repairs shall have been first submitted to, and approved by, the Town Council.
(1974 Code, § 4-3) Penalty, see § 150.99

REGULATION AND ENFORCEMENT**§ 150.15 NATIONAL CODES ADOPTED.**

(A) The town does adopt and incorporate by reference, as if fully set forth in this section, the latest editions of the national codes hereinafter specified, for use and enforcement of the jurisdiction of the town. These national codes shall be known and referred to collectively as “The Building Codes”:

- (1) 2003 International Building Code with South Carolina modifications;
- (2) 2003 International Fire Code with South Carolina modifications;
- (3) 2003 International Plumbing Code;
- (4) 2003 International Mechanical Code;
- (5) 2003 International Energy Conservation Code;
- (6) 2003 International Residential Code with South Carolina modifications;
- (7) 2003 International Fuel Gas Code with South Carolina modifications; and
- (8) 2002 National Electrical Code.

(B) The town has no Building Department or Building Official for enforcement of the Building Codes. Enforcement shall be had by the county by agreement entered by the town through its Mayor and the county. (See May 7, 2008 agreement.)
(1974 Code, § 4-5) (Ord. passed 2-11-2008)

§ 150.16 DEMOLITION PERMIT.

(A) It shall be unlawful for any person to demolish, remove, or tear down any structure which, at the beginning of demolition, exceeds 5,000 square feet without first having a permit issued by the Mayor and Town Council. A fee in accordance with requirements necessary shall be charged.

(B) Requirements may include, but are not limited to, bond or insurance securing the total demolition costs; fencing, curtains, or barricades around construction area; monitoring and reporting of any hazardous material; a time frame for completion with monetary penalties for over-run; mutual agreement as to finish and final landscape; and anything else Council deems necessary to ensure and maintain the integrity of the neighborhood and community.

(C) Permits will be issued for 12 months. If the work described in the permit has not begun within six months from date of issue, the permit shall expire and be void.

(D) It shall be unlawful for any person to demolish any structure without a permit or permits required by this section.

(E) The Mayor is authorized to issue a stop work order, pursuant to S.C. Code § 6-29-950(A), requiring work to cease until specific violations of the permit are corrected. Failure to comply with a stop work order of the Mayor is a misdemeanor punishable under the general provisions of the town code.

(F) The Mayor, with the concurrence of the Town Attorney, may request the issuance of an arrest warrant and/or institute a civil action when appropriate.
(1974 Code, § 4-7) (Ord. passed 10-15-2001) Penalty, see § 150.99

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

Whitmire - Land Usage

(B) Failure to adhere to § 150.01 can result in a fine up to \$25 on the first offense, and possible loss of license on the second offense.
(1974 Code, § 4-1)

(C) Conviction for violation of § 150.16 is punishable as a misdemeanor under § 10.99.
(1974 Code, § 4-7)
(Ord. passed 2-19-1973; Ord. passed 10-15-2001)

CHAPTER 151: ZONING

Section

- 151.01 Travel trailers
- 151.02 Zoning variance for businesses
- 151.99 Penalty

§ 151.01 TRAVEL TRAILERS.

(A) Not more than one travel or camping vehicle per dwelling unit shall be permitted to be parked on any lot within the corporate limits. The vehicle shall not be occupied temporarily or permanently while it is parked or stored.

(B) For purposes of this section, a ***TRAVEL OR CAMPING VEHICLE*** shall be defined as a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less measured at the largest horizontal projection;
- (3) Designed to be self propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(C) It shall be unlawful for any person to use any such travel or camping vehicle except as herein authorized by this section.

(D) A written complaint specifying facts showing a violation of this section filed by any person shall be investigated by the town's Police Department. Upon determination of the violation has occurred, the town's Police Department shall take appropriate enforcement action authorized by this section.

(E) The Town Council may submit a request to the Town Attorney for institution of a civil action seeking an injunction prohibiting violation of this section when appropriate.
(1974 Code, § 4-4) (Ord. 2010-10, passed 5-10-2010) Penalty, see § 151.99

§ 151.02 ZONING VARIANCE FOR BUSINESSES.

Any commercial or industrial business seeking to locate and do business in any area not already licensed as a business area must make application to the Town Council before any business license will be issued. The Town Council will consider the request and, if it deems appropriate, will conduct a first and second reading with a public hearing before issuing a business license.
(Ord. Zon-001, passed 8-9-1999)

§ 151.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Conviction for violation of § 151.01 is punishable as a misdemeanor with fine not exceeding \$500 or imprisonment not exceeding 30 days, or both.
(1974 Code, § 4-4) (Ord. 2010-10, passed 5-10-2010)

CHAPTER 152: COMPREHENSIVE PLAN

Section

152.01 Adopted by reference

§ 152.01 ADOPTED BY REFERENCE.

(A) *Authority and adoption.* The following Comprehensive Plan, including the accompanying maps, are adopted upon the recommendation of the County Joint Planning Commission after public hearing, pursuant to the authority granted in the state's Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310 et seq., and incorporated by referenced in the code of ordinances of the town.

(B) *Purposes.* The purposes of the Comprehensive Plan are to guide the town in each of the elements of the plan for development in accordance with existing and future needs, and promoting the public health, safety, morals, convenience, order, appearances, prosperity, and general welfare of the community and for all those purposes set forth in the S.C. Code §§ 6-29-310 et seq.

(C) *Title.* This section may be cited as "Whitmire Comprehensive Plan, 1998".

(D) *Jurisdiction.* The provisions of this section shall apply to all land and improvements within the corporate limits of the town.
(Ord. passed 2-8-1999)

TABLE OF SPECIAL ORDINANCES

Table

I. AGREEMENTS

II. PROPERTY TRANSFERS

TABLE I: AGREEMENTS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	2-11-1974	Agreement with the county to house county prisoners in the town=s jail under certain conditions.
-	1-19-1976	Agreement with the Commission of Public Works to encourage economic growth.
-	9-13-1993	Agreement with Municipal Association of the state to facilitate the collection of business taxes.
Res. -	6-28-1999	Municipal electric service agreement with Duke Power Company.
-	5-7-2008	Agreement with the county to enforce the Building Codes.
-	11-21-2008	Agreement with Local Government Services LLC for television franchise management services.
-	4-27-2009	Granting consent to apply for a cable service franchise.
-	10-15-2012	Agreement with Municipal Association of the state to facilitate the collection of business taxes.

TABLE II: PROPERTY TRANSFERS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
Res. -	2-8-1999	Annexation of property from West Point Stevens, Inc.
1-12	3-8-1999	Annexation/incorporation of property from West Point Stevens, Inc.
-	4-14-2008	Sale of 937 Central Avenue to Kenny Marion.
2010-21	4-26-2010	Sale of property on Duckett Street to Darrel Wilbanks.
2010-22	4-26-2010	Sale of 112 Duckett Street to Timothy Vanlue.
2010-23	4-26-2010	Sale of 1526 Church Street to David W. Gregory Jr.
2010-26	4-26-2010	Sale of a backhoe to Charles Lee Mckee.
2011-32	3-11-2011	Sale of 200 Duckett Street to Stacy Wallen.
2011-35	8-8-2011	Sale of 1117 Sinclair Avenue to Helen Coffey.
2011-42	12-29-2011	Lease of the Bill Hipp gas station to William Hair.
2012-03	2-28-2012	Transfer of the old State National Guard Armory to the county.
2012-06	12-10-2012	Annexation of 120 Smith Street.
2014-02	3-10-2014	Sale of 312 Grant Street.
2014-03	5-5-2014	Lease/purchase agreement to purchase equipment.

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
2014-06	12-8-2014	Sale of 303 Central Avenue to David Porter Overton.
2015-01	2-9-2015	Sale of 538 Leaman Avenue to Timothy Vanlue.

PARALLEL REFERENCES

References to South Carolina Code
References to 1974 Code
References to Resolutions
References to Ordinances

REFERENCES TO SOUTH CAROLINA CODE

<i>S.C. Code Cites</i>	<i>Code Section</i>
5-7-170	31.058
5-7-190	30.20
5-7-220	31.040
5-7-300	110.46, 113.01
5-15-61	32.01
5-15-125	32.02
6-29-31- et seq.	152.01
6-29-310 et seq.	152.01
6-29-320	31.020
6-29-950(A)	150.16
7-13-190	32.02
12-21-2720(A)(1)	110.46, 110.48
12-21-2720(A)(2)	110.46, 110.48
12-21-2720(A)(3)	110.46
12-21-2720(B)	110.46
12-21-2728	110.46
12-21-2746	110.46
12-23-210	110.46
14-25-45	35.01
14-25-65	10.99
16-13-30	130.01
16-15-305 et seq.	132.07
25-1-1840	33.06
34-11-90	130.04
Title 46	Ch. 70
46-201 et seq.	Ch. 70
46-282 through 46-284	Ch. 70, 70.03
46-303	Ch. 70, 70.03
47-201	30.02
47-205	31.056
Title 56, Chapter 7	93.28
58-9-2200	110.46, 113.01
58-9-2220	110.46, 113.01

REFERENCES TO 1974 CODE

<i>1974 Code Section</i>	<i>2015 Code Section</i>
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1-6	10.19
1-8	10.99
1-10	10.23
2-11	32.06
2-12	30.02
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2-32	31.056
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2-40	31.041
2-41	31.042
2-42	31.043
2-43	31.044
2A-1	111.01, 111.99

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<i>1974 Code Section</i>	<i>2015 Code Section</i>
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2A-6	111.03, 111.99
2A-7	111.04, 111.99
3-1	91.02
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3-3	91.05
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3-5	91.07
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10-19	132.06
10-20	93.40-93.42
10-21	132.07
10-22	132.07
10-23	132.07
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<i>1974 Code Section</i>	<i>2015 Code Section</i>
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<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	2-8-1999	TSO Table II
-	6-28-1999	TSO Table I

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	7-1-1950	30.15
-	7-13-1950	31.004
-	8-4-1952	31.057
-	9-1-1952	30.14
-	6-5-1955	91.13, 91.14
-	4-17-1963	31.003
-	7-8-1963	31.002
-	6-7-1965	90.01
-	5-2-1966	93.01-93.04
-	9-27-1971	70.01
-	10-25-1971	91.12
-	6-27-1972	30.07
-	8-28-1972	31.044
-	12-11-1972	30.13
-	2-19-1973	150.01, 150.99
-	2-11-1974	TSO Table I
-	1-19-1976	TSO Table I
-	2-9-1976	132.99
-	9-11-1978	91.08
-	-4-21-1981	113.04
-	11-3-1988	92.01-92.07, 92.99
-	7-26-1990	30.02
-	7-26-1990	31.044
-	6-15-1992	32.01, 32.02, 32.03, 32.05
-	9-13-1993	TSO Table I
-	-4-11-1994	111.01, 111.03, 111.04, 111.99
-	12-11-1995	91.01-91.08, 91.20-91.26
-	12-9-1996	130.04
-	-1-12-1998	113.02
-	2-8-1999	152.01
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-	10-15-2001	150.16, 150.99
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-	3-31-2004	31.055
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-	12-12-2005	93.07, 93.99
-	1-9-2006	93.40-93.42
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-	2-11-2008	150.15
-	4-14-2008	TSO Table II
-	-5-7-2008	TSO Table I
-	5-12-2008	10.99
-	11-21-2008	TSO Table I
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-	9-14-2009	35.02
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-	10-15-2012	TSO Table I
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