

# PROPOSED AMENDMENTS FOR SECOND READING

## TOWN OF SEABROOK ISLAND

### ORDINANCE NO. 2020-13

ADOPTED \_\_\_\_\_

**AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 8, BUSINESSES AND BUSINESS REGULATIONS; SECTION 8-27, PROOF OF INSURANCE; SO AS TO DELETE THE REQUIREMENT FOR CONTRACTORS AND SUBCONTRACTORS TO SUBMIT PROOF OF INSURANCE AS A PRECONDITION TO THE ISSUANCE OF A BUSINESS LICENSE; AND SECTION 8-22, PAYMENT OF FEE TO OPERATE BUSINESS; CALCULATION, DETERMINATION OF GROSS INCOME ESTIMATES; SO AS TO AMEND THE DUE DATE FOR ANNUAL BUSINESS LICENSES**

**WHEREAS**, pursuant to Section 8-27 of the Town Code for the Town of Seabrook Island, South Carolina (the "Town Code"), all contractors and subcontractors operating within the Town must certify and show evidence to the satisfaction of the Town of adequate liability and worker's compensation insurance as a precondition to the issuance of a Town business license; and

**WHEREAS**, the requirement to provide evidence of insurance, which was imposed by Ordinance 2013-05 (adopted October 22, 2013), applies only to one class of businesses and, thereby, places an additional burden on certain businesses that does not apply to other businesses within the Town; and

**WHEREAS**, insurance requirements for businesses are generally under the purview of state government, rather than local government; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island desire to amend Section 8-27 of the Town Code to delete the requirement for contractors and subcontractors to certify and show evidence liability and worker's compensation insurance as a precondition to the issuance of a Town business license;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Amending Section 8-27 of the Town Code.** The Town Code for the Town of Seabrook Island, South Carolina; Article 8, Businesses and Business Regulations; Section 8-27, Proof of Insurance; is hereby amended to read as follows:

**Sec. 8-27. - ~~Proof of insurance~~Reserved.**

~~All contractors and subcontractors (see Rate Class 8)\* shall certify and shall show evidence to the satisfaction of the town of adequate liability and worker's compensation insurance as a precondition to the issuance of a business license.~~

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**SECTION 2. Amending Section 8-22 of the Town Code.** The Town Code for the Town of Seabrook Island, South Carolina; Article 8, Businesses and Business Regulations; Section 8-22, Payment of Fee to Operate Business; Calculation, Determination of Gross Income Estimates; is hereby amended to read as follows:

**Sec. 8-22. - Payment of Fee to Operate Business; Calculation, Determination of Gross Income Estimates.**

- (a) The required license fee, as established from time to time by ordinance, shall be paid for each business subject hereto according to the applicable rate classification on or before ~~January-March 31 in-of~~ each year. Any business which fails to pay the license fee by March 31 shall be considered late and will be subject to the penalty provisions of Section 8-25 and the delinquent fee provisions of Section 8-34. Any person holding a business license under this article shall continuously update such license when the information contained in the application is no longer complete or valid. A business license issued under this article is not valid when the business' gross income exceeds the anticipated gross income reported to obtain such license. Business license identification decals are required on company vehicles. The town may charge a fee as determined by the town for such decals of up to \$5.00 per decal. These decals are for the purpose of identification only.
- (b) A separate license shall be required for each place of business and for each classification of 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 on the license application for the balance of the license year. The probable or anticipated gross income of a new business must be supplemented according to the provisions of this article when gross income exceeds anticipated income as submitted in each new business' application. No refund of any license fee will be granted due to overpayments of prior year license fees.
- (c) If gross income for the 12 months ending on the preceding December 31 cannot be determined before ~~January-March~~ 31 of the licensing year, estimated figures will be accepted, without penalties based on the following conditions:
- (1) Payment for the business license was received by ~~January-March~~ 31 and was 90 percent of the total amount that would be due; and
  - (2) An amended application and all additional fees due are received by April 30 of the licensing year.

**SECTION 3. Severability.**

## **PROPOSED AMENDMENTS FOR SECOND READING**

If any part of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

### **SECTION 4. Conflicting Ordinances Repealed.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

### **SECTION 5. Effective Date.**

This ordinance shall be effective from and after the date of adoption.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2020.

First Reading:           October 27, 2020  
Public Hearing:           November 17, 2020  
Second Reading:        November 17, 2020

TOWN OF SEABROOK ISLAND

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John Gregg, Mayor

ATTEST

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Faye Allbritton, Town Clerk