

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 055-08HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE I, IN GENERAL; SO AS TO ADDRESS BUSINESS REVENUES GENERATED BY INTERSTATE COMMERCE.

WHEREAS, interstate commerce is defined as the trading in goods and commodities between citizens or businesses of different states; and

WHEREAS, revenues generated by interstate commerce can be required to be reported for business license purposes pursuant to and in keeping with the 1977 US Supreme Court decision in *Complete Auto Transit, Inc. v. Brady*; and

WHEREAS, business license fees are charged for the privilege of doing business within the jurisdiction, and the value of the privilege is measured by the businesses' gross receipts; and

WHEREAS, Richland County's business license ordinance included an exemption from business license fees for revenues generated by interstate commerce exemption starting from the ordinance's initial approval in 1987; and

WHEREAS, in July 2007 Richland County Council exercised its right to remove that exemption from the business license ordinance in order to update the ordinance to reflect the Supreme Court decision and to standardize the ordinance with cities' and counties' ordinances across the state; and

WHEREAS, Richland County Council recognizes that businesses located within its jurisdiction contribute to the economic and financial health of the Richland County community, and

WHEREAS, Richland County Council wishes to enhance the economic environment in which these businesses operate, and

WHEREAS, Richland County Council, in the spirit of promoting interstate commerce and bolstering the economic wellbeing of businesses located within unincorporated Richland County, is exercising its right to provide a discount on business license fees to businesses within Richland County engaged in interstate commerce for their economic benefit;

NOW, THEREFORE, pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Business License Fee Schedule, is hereby amended by the addition of the following language:

(4) **Interstate Commerce Declining Rates**

These declining rates apply in all classes for gross revenues generated by interstate commerce, i.e., the sale of goods across South Carolina state lines, for which a business license was not paid for and obtained in another jurisdiction outside South Carolina.

<u>Interstate Commerce Revenue</u> (in millions)	<u>Discount on the</u> <u>Business License Fee</u>
1.00 – 4.99	5%
5.00 – 9.99	10%

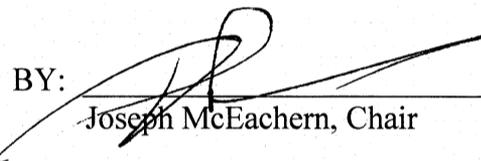
10.00 – 14.99	15%
15.00 – 19.99	20%
20.00 – 24.99	25%
25.00 – 29.99	30%
30.00 – 34.99	35%
35.00 – 39.99	40%
40.00 – 44.99	45%
45.00 or greater	50%

SECTION II. Severability. If any section, subsection, or clause of this article shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

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

SECTION IV. Effective Date. This amendment shall be effective on and after January 1, 2009.

RICHLAND COUNTY COUNCIL

BY: 
 Joseph McEachern, Chair

ATTEST THIS THE 21ST DAY

OF NOVEMBER, 2008


 Michelle R. Cannon-Finch
 Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE


 Approved As To LEGAL Form Only
 No Opinion Rendered As To Content

First Reading: July 15, 2008
 Second Reading: September 9, 2008
 Public Hearing: September 9, 2008
 Third Reading: October 7, 2008