

## Chapter 10

### LICENSE AND BUSINESS REGULATIONS\*

Art. I.	In General, §§ 10-1—10-15
Art. II.	Business Licenses, §§ 10-16—10-30
Art. III.	Wreckers, § 10-31

#### ARTICLE I. IN GENERAL

##### **Sec. 10-1. Operation of miniature pool tables and other games in the city.**

From and after the passage of this amendment, it shall be lawful [unlawful] to operate any miniature pool table or other licensed games in the city between the hours of 11:00 p.m. Saturday and sunrise Monday.  
(Ord. of 4-5-90)

##### **Sec. 10-2. Possession of copper; licensing.**

(a) It is unlawful to purchase a heat pump unit or air conditioning unit and copper wire, copper pipe, copper sheeting, copper metal of an aggregate weight of more than one (1) pound but less than ten (10) pounds from a person in the city who is not a holder of a retail license or an authorized wholesaler, or unless the purchaser obtains and can verify the name and address of the seller by a valid state driver's license, an identification card issued by the state containing a photograph or a military identification card. The purchaser of these materials will maintain a record containing the date of purchase, name and address of the seller, weight or length, and the size or other description of heat pump unit, air conditioning unit, copper wire, copper pipe, copper sheeting, or copper metal purchased and amount paid for it. Records must be maintained and kept open for inspection by law enforcement officials or local and state governmental agencies during regular business hours. The records must be maintained for one (1) year from the date of purchase.

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\***Cross references**—Business installing major appliances to remove and dispose of old appliance, § 8-2; zoning, App. A.

(b) It is unlawful for a person to have in his possession in the city the following items: heat pump unit, air conditioning unit or copper wire, copper pipe, copper bars, copper sheeting, or copper metal of an aggregate weight of more than one (1) pound but less than twenty-five (25) pounds unless the person has in his possession:

- (1) A bill of sale signed by:
  - a. A holder of a retail license for a business engaged in the sale of heat pump units, air conditioning units, copper wire, copper pipe, copper bars, copper sheeting, or copper metal;
  - b. An authorized wholesaler engaged in the sale of heat pump units, air conditioning units, copper wire, copper pipe, copper bars, copper sheeting, or copper metal;
  - c. A registered dealer in scrap metals; or
  - d. A licensed contractor, licensed specialty contractor, licensed builder, or their employees; or
- (2) A certificate of origin by the sheriff, or his designated representative, of the county in which the purchase was made.

The bill of sale or certificate of origin clearly must identify the material to which it applies and show the name and address of the seller, license plate of the vehicle in which the material is delivered to the purchaser, identified by license number, year, and state of issue, the name and address of the purchaser, the date of sale, and the type of heat pump unit with serial number, the type of air conditioning unit with serial number, the type and amount of copper wire, copper pipe, copper bars, copper sheeting, or copper metal purchased.

(d) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction, must be fined five hundred dollars (\$500.00) plus court costs or imprisoned not more than thirty (30) days in jail. The person may be charged for a separate offense for each heat pump unit, air conditioning unit,

unit or piece of copper wire, copper pipe, copper bar, and/or piece of copper metal purchased, in their possession or being burned in violation of the terms and provisions of this section.  
(Ord. No. 105, 11-20-08)

**Secs. 10-3—10-15. Reserved.**

## **ARTICLE II. BUSINESS LICENSES\***

### **Sec. 10-16. Business license tax.**

No person, firm, corporation or partnership shall be engaged in, prosecute or carry on any business or profession either in whole or in part, within the corporate limits of the city, without first obtaining a business license from the city.  
(Comp. of Ords. 1989, § 6-4)

### **Sec. 10-17. Application.**

Every person required to obtain a license under the provisions of this article shall apply therefor to the clerk-treasurer on forms prepared and furnished by the city. All information required on the application form shall be given under oath by the owner or other authorized person.  
(Comp. of Ords. 1989, § 6-5)

### **Sec. 10-18. Basis for computation.**

(a) The amount of business license tax payable shall be determined by reference to the license tax schedule.†

(b) Where the amount of tax is depended upon the amount of gross receipts, computation of the tax shall be based on gross receipts for the preceding year.

**\*State law reference**—Municipal authority to levy a business license tax, S.C. Code 1976, § 5-7-30.

**†Note**—The license tax schedule is not set out herein, but is on file and available for inspection in the office of the clerk-treasurer.

(c) In the event business was begun after the first day of the calendar year, the tax shall be based upon the probable gross receipts or other estimated facts for a period of one (1) year. (Comp. of Ords. 1989, § 6-6; Ord. of 11-8-04, § 1)

**Sec. 10-19. Businesses not provided for.**

The license tax for any business not shown on the license tax schedule shall be fixed by the clerk-treasurer by reference to the most nearly comparable classification contained in the tax schedule. (Comp. of Ords. 1989, § 6-7)

**Sec. 10-20. Location of business.**

No business or profession shall be carried on at any place other than the place named in the license therefor. No license shall be transferable except in those cases where a business is sold or transferred and the same type business is applicable to the new owner of the business or firm and such business continues at the same location. (Comp. of Ords. 1989, § 6-8)

**Sec. 10-21. Payment of license tax; penalties for late payment.**

The taxes imposed by this article shall be due and payable on or before the thirty-first day of January of each year, except in cases of a new business when the license tax shall be due and payable on the day such business is begun.

(Comp. of Ords. 1989, § 6-9)

**Sec. 10-22. Expiration.**

Every license issued under the provisions of this article shall expire on the thirty-first day of December following the issuance thereof.

(Comp. of Ords. 1989, § 6-10)

**Sec. 10-23. False statements.**

In the event any person shall submit or file a false or untrue application for a license or in the event the clerk-treasurer has probable cause to believe that a false and incorrect return has been filed, the clerk-treasurer is authorized to employ an accountant to check the books and records of the applicant or licensee and should the findings of the accountant establish that an incorrect application was filed, the licensee shall be required to pay such additional license tax as may be due and the licensee shall be liable for and pay the expenses charged by the accountant in connection with the investigation. The licensee shall also be deemed guilty of a misdemeanor.

(Comp. of Ords. 1989, § 6-11)

**Sec. 10-24. Revocation.**

Any license issued under the provisions of this article may be suspended or revoked by the mayor and council after a hearing where it appears that the licensee has violated the provisions of this article.

(Comp. of Ords. 1989, § 6-12)

**Sec. 10-25. Penalties or late payment.**

Any person failing to pay any tax when due hereunder shall pay in addition to the regular amount due, the sum of five (5)

percent for the first month of delinquency or any fraction thereof and five (5) percent for each additional month or fraction thereof, until such license tax is paid.  
(Comp. of Ords. 1989, § 6-13)

**Secs. 10-26—10-30. Reserved.**

### **ARTICLE III. WRECKERS**

#### **Sec. 10-31. Regulations generally.**

(a) The following regulations shall be followed by all wrecker services utilized by the city:

- (1) No city police officer shall hold any financial interest or any form of ownership interest in any wrecker service; nor take anything of value including, but not limited to services.
- (2) Unless the owner or driver of a vehicle is incapacitated or unavailable, the owner or driver of a wrecked or disabled vehicle shall have the right to the wrecker service of his choice. Before calling any wrecker service to tow a wrecked or disabled vehicle, the investigating officer on the scene shall, if practical, determine the owner's or driver's preference or wrecker services and the wrecker service designated by the owner or driver shall be called.
- (3) All wreckers shall be equipped with legally authorized lighting and other safety equipment to protect the motoring public. Such equipment shall be maintained in good working order.
- (4) Equipment such as brooms, shovels, etc., must be carried on all wreckers whereby to remove glass and other debris from the highway. The highway shall be cleaned by the wrecker service prior to leaving the scene of any accident.
- (5) Wrecker services shall be available to the city and to the public on a twenty-four-hour basis.
- (6) In no event shall any police officer recommend any wrecker service to the owner of a wrecked or disabled vehicle nor

- shall any police officer ever recommend the services of a particular wrecker service in the performance of his duties.
- (7) Wreckers shall respond only upon request of the proper police authority. Response under any other condition may result in removal from the wrecker list.
  - (8) The wrecker rotation lists shall be administered fairly and in a manner designed to insure that all wrecker services on the list have an equal opportunity to the towing business arising from the rotation list.
  - (9) Wrecker services shall be called from the rotation list in the order in which they appear on the lists. If a particular wrecker service is unavailable when called, it shall be passed over and the next wrecker service on the list shall be called to the scene.
  - (10) Separate rotation lists shall be maintained for heavy duty wreckers. Where the services of a heavy duty wrecker are needed and where the owner or driver has no preference as to which wrecker service he desires, a heavy duty wrecker shall be called from the heavy duty wrecker rotation list.
  - (11) Each wrecker service must have a wrecker of sufficient size and strength to handle the job. The city shall have the right not to call a wrecker service which in its opinion fails to meet the qualification. Under these conditions, the wrecker service not calling shall remain on the top of the rotation list.
  - (12) Charges for the work performed must be reasonable. Reasonable charges are forty dollars (\$40.00) per tow, except for extraordinary circumstances.
  - (13) Wrecker operators must conduct themselves in a proper manner at all accident scenes and in a proper manner when dealing with the public.
  - (14) It shall be unlawful for any purpose for solicit wrecker business in the town.
  - (15) A wrecker service may secure assistance from another wrecker service when necessary to do the job. Only one bill is to be submitted to the owner or operator for the work performed.

- (16) When a wrecker service or wrecker driver is unable to answer a call, the police shall be promptly notified to the fact and reason of unavailability.
- (17) Each wrecker service on the rotation list must place a sign on the door of its wrecker indicating the company name, address, and telephone number. This sign shall be painted on the door or the wrecker or otherwise permanently affixed to the door. The letters of the sign must be no less than two (2) inches high. If the wrecker is registered in a name other than that of the wrecker service, the owner's name must also appear on the door in letters no less than one inch high. All lettering on wreckers shall be plainly visible and shall be in a color which contrasts to that of the wrecker.
- (18) Any wrecker service on the rotation lists shall carry liability insurance on its wreckers and premises in an amount no less than one hundred thousand dollars (\$100,000.00). The wrecker service must show proof of this insurance to the city.
- (19) Any wrecker service on the rotation list shall carry garage keepers liability insurance covering the customer's vehicles in an amount no less than twenty-five thousand dollars (\$25,000.00). Must show proof of insurance to the city.
- (20) Each wrecker service shall be responsible for securing personal property in a vehicle at any accident scene as best it can and the wrecker service shall be responsible for reasonably attempting to preserve personal property in a vehicle which is about to be towed from an accident scene. In no event, however, shall a wrecker service be responsible for personal items which do not come into the possession of the wrecker service.
- (21) Any complaints from wrecker services regarding any incident involving the police department or its operation of the wrecker list must be received within thirty (30) days of the alleged incidents.

(22) Any wrecker service on the rotation list shall live within four (4) miles of the city and be within a fifteen (15) minute response time.

(b) Failure of any wrecker service to comply with the requisitions as stated may result in their removal from the city wrecker list by the mayor, or punishment in accordance with this section. (Ord. of 1-10-94)