



**City of Liberty- Regular Session**

**September 9<sup>th</sup>, 2024 – 6:30 pm**

**Rosewood Center- 419 E Main St. Liberty SC 29657**

- **Welcome and Call to Order Mayor Woods**
- **Invocation**
- **Pledge of Allegiance**
- **Proclamations:**
  - Constitution Week September 17<sup>th</sup>- 23<sup>rd</sup> 2024
- **Presentation:**
  - Update- Pickens Regional Joint Water Systems (PRJWS)- Troy Rosier
- **Mayor's Announcements**
- **Public Session (Speakers are allowed 3 minutes)-**
  
- **Approval of Minutes –**
  - August 12<sup>th</sup>, 2024- Regular Session Minutes
  - August 17<sup>th</sup>, 2024- Special Called Session
  
- **Unfinished/ Old Business: (2nd Readings)-**
  - 2024-05- Amending the Smoking Regulation contained in Chapter 23 of the City of Liberty Code.
  - 2024-06—Amending Section #2-41(AGENDA) to provide more flexibility and efficiency in scheduling and conducting City Council meetings.
  - 2024-07- Business License- Update
  - 2024-08- Setoff Debt- Update
  
- **New Business: (1<sup>st</sup> Readings & Resolutions)-**
  - 2024- 03 Resolution- Designating a South Carolina Rural Water Association (SCRWA) Voting delegate and alternate voting delegate to represent the City of Liberty.
  - 2024-09- 100% Owners Annexation- 122 Green Forest Circle
  - 2024-10- 100% Owners Annexation- 113 Green Forest Circle
  - 2024-11- 100% Owners Annexation- 109 Green Forest Circle
  - 2024-12- 100% Owners Annexation- 103 Green Forest Circle
  -
  
- **City Administrator/Department Head Reports-**
  - Mr. Philip Trotter's Administrator's Report
  
- **City Council Reports –**
  - Robbie Shoenleben (Ward 1)
  - Lavant Padgett (Ward 2)
  - Daniel Graybeal (Ward 3)
  - Jeff Massie (Ward 4)

- Zachary Arms (At-Large)
- Rhonda Whitaker (At- Large)

- **Motion to Enter Executive Session**

1. Executive session pursuant to S.C. Code Sec. 30-4-70(a)(1) discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, or an appointment to a public body; - Planning Commission
2. Executive session pursuant to S.C. Code Sec. 30-4-70(a)(2) discussion of negotiations incident to proposed contractual arrangements, discussions of a proposed sale or purchase of property, receipt of legal advice, settlement of legal claims or discussions of the public agency's position in adversary situations, discussion about development of security personnel or devices; -Clear Water Solutions (CWS)

*Council may or may not take action on matters discussed in executive session after returning to the regular session.*

- **Motion to Exit Executive Session**

- **Adjournment**

# OFFICE OF THE MAYOR

*Liberty, South Carolina*

## PROCLAMATION



### Constitution Week 2024

**WHEREAS**, September 17, 2024 marks the Two Hundred and Thirty-Seventh Anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

**WHEREAS**, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

**WHEREAS**: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week:

**NOW, THEREFORE, I**, Erica Romo Woods, Mayor of the City of Liberty for the State of South Carolina do hereby proclaim September 17 through 23, 2024 to be **Constitution Week** in the City of Liberty, South Carolina, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

**IN WHITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of Liberty, South Carolina, on this \_\_\_\_\_ day of September, 2024.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Erica Romo Woods, Mayor for the City  
of Liberty, State of South Carolina

(SEAL)



**LIBERTY CITY COUNCIL - REGULAR SESSION AGENDA**

August 12 2024- 6:30pm

Rosewood Center - 419 E Main St. Liberty, SC 29657

- **Welcome and Call to Order Mayor Woods** at 6:30 pm
- **Invocation** giving by Councilmember Arms
- **Pledge of Allegiance**
- **Mayor's Announcements**
  - I had a wonderful time, and there was a great turnout at our Love My Liberty 4<sup>th</sup> of July event. Thank you to our Councilmembers who participated. Thank you, Tabitha Skipper, for chairing this event and all of our vendors. Thank you, Potters Clay Fellowship, for bringing all the fun and festivities to the Love my Liberty 4<sup>th</sup> of July event. Thank you to everyone who came out and celebrated Independence Day with us.
  - Congratulations to Councilmember Rhonda Whitaker for graduating from the Municipal Institute for Elected Officials with the Municipal Association of South Carolina.
  - There will be a Public Hearing on the Comprehensive Plan on September 11th at 6 p.m. at the Rosewood Center. The plan is updated every 10 years and reviewed every 5. Thank you, Planning Commission and Jennifer Vissage, for all your hard work. This has taken months, and there have been many open sessions.
  - Congratulations to Councilmember Zach Arms for graduating from Clemson University with his master's in education. We appreciate you and all your dedication to Liberty.
  - New AC unit in Mills Gym. For a long time, we have had some patient athletes who have been practicing in that hot gym who are thankful it has been fixed. The units were back ordered for a year. Thank you to the Rec staff for their hard work and dedication and for helping to make this happen. Thank you, Liberty Heating and Cooling. We are happy to help a local business.
  - Attached is the announcement made by the Pickens Regional Joint Water System (PRJWS). The City Echoes this as a city. So, everyone is clear that we did not know the City of Pickens was going to be pulling out of the PRJWS. We found out when they put their Agenda out. IT came as a surprise to us, and even their own City Attorney did not know about it. When we get more information, we will notify the public of that information at the appropriate time.
  - Mayor Pro Tem Robbie Shoenleben announced to Celebrate Mayor Erica Romo Woods, who was elected to serve on the Municipal Association of Mayors board. We appreciate this opportunity and congratulate Mayor Woods.

## MINUTES FOR AUGUST 12<sup>th</sup>, 2024, REGULAR SESSION

- **Public Session (Speakers are allowed 3 minutes)-**
  - Angela Adams- Regarding homesteading and changing any necessary ordinances to allow homesteading.
  
- **Approval of Minutes –**
  - June 10<sup>th</sup>, 2024- Regular Session Minutes  
Motion: Councilmember Graybeal  
2<sup>nd</sup>: Councilmember Arms  
Discussion: No Discussion  
Vote: 7-0
  
- **Unfinished/ Old Business: (2nd Readings)-**
  
- **New Business: (1<sup>st</sup> Readings & Resolutions)-**
  - 2024-05- Amending the Smoking Regulation in Chapter 23 of the City of Liberty Code.  
Motion: Councilmember Shoelenben  
2<sup>nd</sup>: Councilmember Arms  
Discussion: Councilmember Whitaker asked if, to sum it up, it was pretty much adding in regarding inhalant devices. City Attorney Ms. McCormac replied yes. Councilmember Arms asked If you can still do it, as long as it is in an appropriate place. Mary replied yes, for example, by bar. Hookah bar  
Vote: 7-0
  
  - 2024-06—Amending Section #2-41(AGENDA) to provide more flexibility and efficiency in scheduling and conducting City Council meetings.  
Motion: Councilmember Massie  
2<sup>nd</sup>: Councilmember Whitaker  
Discussion: Councilmember Arms made a motion to amend it, which shows that it must be presented to the mayor no later than Friday before the Council meeting. Second by Councilmember Graybeal. Vote- 7/0  
Vote: 7-0
  
  - 2024-07- Business License- Update  
Motion: Councilmember Graybeal  
2<sup>nd</sup>: Councilmember Whitaker  
Discussion: See attachments for Notes from presenter Kaitlyn Sizemore- Business License Official.  
Vote: 7-0
  
  - 2024-08- Set Off Debt- Update

MINUTES FOR AUGUST 12<sup>th</sup>, 2024, REGULAR SESSION

Motion: Councilmember Arms

2<sup>nd</sup>: Councilmember Shoenleben

Discussion: Arms asked if there is a \$ 25\$ fee, and Mary replied yes.

Vote: 7-0

- **City Administrator/Department Head Reports-**

- Mr. Philip Trotter's Administrator's Report

- **City Council Reports -**

- Robbie Shoenleben (Ward 1) – No Report
- Lavant Padgett (Ward 2)- No Report
- Daniel Graybeal (Ward 3)- No Report
- Jeff Massie (Ward 4)- No Report
- Zachary Arms (At-Large)- Thank you, Planning Commission/ACOG, for all that you have done for the Comprehensive Plan. Shoutout to Tim Rampey. Tim retired from Liberty after 27 years in Law Enforcement, of which 10 were from Liberty. Tim has now taken on an opportunity to teach public safety in the school.
- Rhonda Whitaker (At- Large)- No Report

**Motion to Enter Executive Session:**

Executive Session for the purpose of receiving legal advice on matters covered by the attorney-client privilege related to future use of public-owned facilities- S.C. Code Sec. 30-4-70 (a)(2)

Executive Session to discuss employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, or an appointment to a public body- S.C. Code Sec.30-4-70 (a)(1)

Motion: Councilmember Graybeal

2<sup>nd</sup>: Councilmember Whitaker

Discussion: No discussion

Vote: 7-0

**Motion to Exit Executive Session:**

Motion: Councilmember Graybeal

2<sup>nd</sup>: Councilmember Whitaker

Discussion: No Discussion

Vote: 7-0

MINUTES FOR AUGUST 12<sup>th</sup>, 2024, REGULAR SESSION

**Adjournment**

Motion: Councilmember Whitaker  
2<sup>nd</sup>: Councilmember Arms  
Discussion: No Discussion  
Vote: 7-0

Ending Time: 8:31 pm

---

Mayor Erica Romo Woods, City of Liberty

**ATTEST:**

---

Clerk of Council, Bailee Locke

- Based on guidance from MASC, I would like to update the rate schedule and take out the declining rate scale from our ordinance to create equal taxation between small and large businesses in the city.
  - Rate scale has not been updated since 2019
  - These adjusted rates are based off of the consumer price index increases over the past few years
  - At my business license training, the majority of the smaller cities (around our population) removed the declining rate scale from their ordinance.
  - This is something we can revisit and add back if more businesses come to the city.
- Adding a section for special event vendor permits, allowing us to charge a fee for vendors that is valid for one day, or the length of an event, opposed to the business license fee.
  - In December of 2023 the peddlers license was taken out of the Appendix B (Business license class schedule by NAICS codes). This would allow us to offer a discounted price to vendors for events.
  - For events being hosted on city property, the special events packet (price tbd) and the \$5 special events vendor permit (if vendors will be there) will need to be completed and submitted to the business license official three weeks prior to the event. The vendor would need to pay and apply for the special events vendor permit two business days prior to the event to get the discount.
  - For events being hosted on private property (with vendors) **only** the special event vendor permit will need to be completed and submitted to the business license official three weeks prior to the event. The vendor would need to pay and apply for the special events vendor permit two business days prior to the event to get the discount.
    - **Craft vendors - \$25**
    - **Food vendors - \$60**
  - The food vendors who sell prepared goods will still be required to submit hospitality taxes.
  - Food vendors should be classified as any vendor selling items for consumption.
  - More specifics on this will be added when council is presented with the special events ordinance in the future.
- To align with neighboring communities and their late penalty/fee processes, I would like to add a \$25 late fee for businesses who do not pay for their business license on time. This \$25 late fee will be an additional fee that is added on top of the penalty rate schedule for renewals..
  - These fees are totally avoidable and only applicable to businesses who are late on payment of their business license tax.
  - Act 176 has standardized the due date and expiration date for all municipalities within the state, so the May 1 - April 30 is the same throughout the state.
- Currently we are using the standard penalty structure for business license renewals, which start at 5% on May 1 and add an additional 5% stacking fee every month thereafter.
  - To align with neighboring municipalities, I would like to start at a 15% penalty on May 1, and then return to the stacking 5%. Again, totally avoidable if businesses pay their fees on time.
    - 15, 20, 25, 30 and so on.
- I have been working on auditing the businesses within the City and compiling a list of businesses that are currently operating without a business license. I plan on contacting them and getting every business in compliance with the ordinance we currently have in place by the end of the month, so they will have time to get up to date with their licensing before the second reading. .



**NEW RATES**

<b>RATE CLASS</b>	<b>INCOME \$0-\$2000 BASE RATE</b>	<b>INCOME OVER \$2,000 RATE PER THOUSAND OR FRACTION THEREOF</b>
1	\$35.77	\$1.10
2	\$41.55	\$1.13
3	\$47.57	\$1.20
4	\$53.03	\$1.30
5	\$59.87	\$1.31
-	-	-
7	\$71.88	\$1.43
8.1	\$47.57	\$1.20
8.51	\$65.98	\$0.72
8.52	\$65.98	\$1.40
8.6	\$65.82 + \$5.98 PER TABLE	\$1.40

**HOW MUCH EACH RATE IS INCREASING:**

RATE CLASS	INCOME \$0-\$2000 BASE RATE INCREASE	INCOME OVER \$2.000 RATE PER THOUSAND OR FRACTION THEREOF INCREASE
1	\$5.77	\$0.20
2	\$6.55	\$0.18
3	\$7.57	\$0.20
4	\$8.03	\$0.25
5	\$9.87	\$0.21
-	-	-
7	\$11.88	\$0.23
8.1	\$7.57	\$0.20
8.51	\$10.98	\$0.12
8.52	\$10.98	\$0.25
8.6	\$10.82 , .98 PER TABLE	\$0.25

**Current Penalty Rate Schedule for Business License Renewals**

**2024-2025 Penalty Structure**

Standard

Delinquent Date	Fixed Penalty	Percentage Penalty
5/1/2024	\$0.00	5.00%
6/1/2024	\$0.00	10.00%
7/1/2024	\$0.00	15.00%
8/1/2024	\$0.00	20.00%
9/1/2024	\$0.00	25.00%
10/1/2024	\$0.00	30.00%
11/1/2024	\$0.00	35.00%
12/1/2024	\$0.00	40.00%
1/1/2025	\$0.00	45.00%
2/1/2025	\$0.00	50.00%

- The only thing changing with this, is the initial 1st month would go up to 15% and then the 5% would stack on top of that after.

**Welcome and Call to Order:** Mayor Erica Romo Woods at 1 p.m.

**In attendance:**

Mayor Erica Romo Woods  
Council Member Lavant Padgett (Ward 2)  
Council Member Daniel Graybeal (Ward 3)  
Council Member Jeff Massie (Ward 4)  
Council Member Rhonda Whitaker (At Large)  
Council Member Zachary Arms (At Large)

**Motion to Enter Executive Session:**

The Mayor called for a motion to enter into Executive Session pursuant to S.C. Code §30-4-70(a)(2) for the purpose of receiving legal advice on matters covered by the attorney-client privilege – discussion of Liberty City Code Chapter 2, Article II, Sec. 2-52 (currently reserved) – conduct code for meetings.

Before a motion was made, Council Member Massie voiced a motion to not enter into Executive Session, but rather to discuss the agenda item in Regular Session, and to postpone that discussion until a later meeting. He stated that he believed the notice of the Special Called meeting had not been properly posted. After a brief discussion, the Mayor contacted the City Clerk by telephone to ascertain when notice of the meeting was posted.

S.C. Code §30-4-80(a) requires that notices of regular and special called meetings are to be posted on a bulletin board in a publicly accessible place at the office or meeting place of the public body and on a public website maintained by the body, if any, at least twenty-four hours prior to such meetings. The Clerk sent notice of the time, date, and location of the meeting to the media and physically posted the notice at the Rosewood Center more than 24 hours prior to the meeting. Notice of the meeting, which only had the one Executive Session item to be addressed, was also emailed to all Council members more than 24 hours prior to the meeting (11:32 a.m. on August 16, 2024). Finally, notice of the meeting was posted on the City website more than 24 hours prior to the meeting.

After further discussion by Council, including Mr. Massie sharing his reasoning, the Mayor called for a motion to enter into Executive Session. Motion was made by Council Member Graybeal and seconded by Council Member Padgett. The Mayor, and Council Members Padgett, Graybeal, Massie, Whitaker, and Arms

voted in favor of the motion; Council Member Massie voted against the motion. Motion passed 5-1.

Council entered into Executive Session at 1:15 p.m.

Shortly before 3:50 p.m., Council invited members of the public in attendance to return to the Council chambers, and the Mayor asked for a motion to exit Executive Session. Council Member Arms made the motion, seconded by Council Member Graybeal. All voted in favor. Motion passed unanimously and Council returned to Regular Session at 3:51 p.m.

Council took no action on the matter discussed in Executive Session.

The Mayor called for a motion to adjourn the meeting. Council Member Padgett made the motion, seconded by Council Member Whitaker. All voted in favor. Motion passed unanimously at 3:52 p.m.

Approved by Council: \_\_\_\_\_, 2024

\_\_\_\_\_  
ERICA ROMO WOODS, MAYOR

\_\_\_\_\_  
WITNESS

Rosewood Center - Front Entrance



Fri Aug 16, 2024 12:04:20 PM





You

blocke@libertysc.com



Bcc: [kstrickland@cmpapers.com](mailto:kstrickland@cmpapers.com)

[news@sentinelprogress.com](mailto:news@sentinelprogress.com)

[Rocky Nimmons rnimmons@thepccourier.com](mailto:Rocky Nimmons rnimmons@thepccourier.com)

[rbarnett@thepccourier.com](mailto:rbarnett@thepccourier.com)

Friday, August 16, 11:34 AM



August 17th 2024- Special Called Session...

PDF - 191 KB

Hello,

Here is the City of Liberty's agenda for the *Special Called Session*, scheduled for tomorrow, August 17th, 2024, at 1:00 PM at the Rosewood Center, is attached.

Thank you for your attention.

Sincerely,

Bailee Locke

BL

blocke@libertysc.com



To: [Zachary Arms](#) [zarms@libertysc.com](mailto:zarms@libertysc.com)

[Rhonda Whitaker](#) [rwhitaker@libertysc.com](mailto:rwhitaker@libertysc.com)

[Daniel Graybeal](#) [dgraybeal@libertysc.com](mailto:dgraybeal@libertysc.com)

[Mayor](#) [mayor@libertysc.com](mailto:mayor@libertysc.com)

[Robbie Shoenleben](#) [rshoenleben@libertysc.com](mailto:rshoenleben@libertysc.com)

[Jeff Massie](#) [jmassie@libertysc.com](mailto:jmassie@libertysc.com)

[racinguy30@gmail.com](mailto:racinguy30@gmail.com)

[Lavant Padgett](#) [lavantpadgett@yahoo.com](mailto:lavantpadgett@yahoo.com)

[Lavant Padgett](#) [lpadgett@libertysc.com](mailto:lpadgett@libertysc.com)

Cc: [Philip Trotter](#) [ptrotter@libertysc.com](mailto:ptrotter@libertysc.com)

[marycmcc@aol.com](mailto:marycmcc@aol.com)

Friday, August 16, 11:31 AM



August 17th 2024- Special Called Session...

PDF - 191 KB

Dear Council Members,



You

blocke@libertysc.com



To: [Joshua Black](#) JBlack@libertysc.com

[Adam Gilstrap](#) agilstrap@libertypd.org

[Tim Moore](#) tmoore@libertysc.com

Cc: [Philip Trotter](#) ptrotter@libertysc.com

Friday, August 16, 11:32 AM



August 17th 2024- Special Called Session...

PDF - 191 KB

Hey Department Heads,

The agenda for the emergency *Special Called Session*, scheduled for tomorrow, August 17th, 2024, at 1:00 PM at the Rosewood Center, is attached.

Thank you for your attention.

Sincerely,



Date

Special Called Session

Published 2024/08/16 at 12:30 pm

<b>STATE OF SOUTH CAROLINA</b>	<b>ORDINANCE NO.: 2024-05</b>
<b>COUNTY OF PICKENS</b>	
<b>CITY OF LIBERTY</b>	

---

**AN ORDINANCE UPDATING THE SMOKING REGULATIONS CONTAINED IN CHAPTER 23 OF THE LIBERTY CITY CODE.**

---

**WHEREAS**, the City of Liberty last updated its Smoking Regulations in 2006; and,

**WHEREAS**, since 2006, the scientific, peer-reviewed studies regarding exposure to both secondhand tobacco smoke and the chemicals emitted as the byproducts of other tobacco use and of inhalant delivery systems, such as the use of vaping products, has continued to document negative health effects; and,

**WHEREAS**, few things are as important to any community as the health and general welfare of its citizens; and,

**WHEREAS**, it appears necessary and proper to update and retitle the Smoking Regulations at this time; and,

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the City of Liberty, South Carolina, in Council duly assembled with a quorum present, as follows:

1. Chapter 23 of the Liberty Code Code is retitled as “Tobacco and Inhalant Delivery Systems Regulations;” and,
2. Exhibit A contains the updated Chapter 23 of the Liberty City Code, effective upon enactment.

**IT IS SO ORDAINED.**

**SIGNED, SEALED, AND DELIVERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

**CITY COUNCIL:**

\_\_\_\_\_  
Erica Romo Woods, Mayor

**ATTEST:**

\_\_\_\_\_  
Bailee Locke, Clerk of Council

First reading:

Second reading:

## **ARTICLE V. SMOKING AND INHALANT DELIVERY SYSTEM REGULATIONS**

### **Sec. 23-101. Findings.**

As an incident to the adoption of this article, the city council ("city council") of the City of Liberty, South Carolina (the "city") makes the following findings:

- 1) Secondhand smoke as defined herein includes both smoke exhaled and smoke from the end of a burning cigarette, cigar or pipe; and includes a complex mixture of nearly 5,000 chemical compounds, including 43 chemicals that are known human carcinogens; and
- 2) The health consequences of involuntary smoking have been reported by the U.S. Surgeon General to be a cause of disease, including lung cancer, in healthy nonsmokers; and
- 3) The U.S. Surgeon General has concluded that a simple separation of smokers and nonsmokers within the same airspace does not eliminate the exposure of nonsmokers; and
- 4) Secondhand smoke has been classified by the Environmental Protection Agency (EPA) as a known cause of cancer in humans (Group A Carcinogen) like asbestos, arsenic, hexavalent chromium; and
- 5) The National Institutes of Health, Centers for disease Control and Prevention, National Toxicology Program, Report on Carcinogens and the International Agency for Research and Cancer have all reported that secondhand smoke is a human carcinogen; and
- 6) Numerous medical and scientific studies show substantial levels of exposure to secondhand smoke among the United States population, and over the past two decades, the health hazards resulting from exposure to secondhand smoke have been increasingly recognized; and
- 7) Secondhand smoke inhaled by a pregnant woman can increase the risk for low weight babies; and
- 8) Exposure to secondhand smoke by children leads to decreased lung function, asthma, pneumonia, ear infections, bronchitis and even sudden infant death syndrome; and
- 9) Exposure to secondhand smoke nearly doubles the risk of heart attack; and
- 10) 460,000 annual deaths in the United States directly attributed to tobacco use, of which 55,000 are involuntary tobacco users; and
- 11) Workplaces have been shown to be locations of significant exposure to secondhand tobacco smoke by employees working in the Town of Sullivan's Island; and
- 12) Both the Public Health Services National Toxicology Program and the World Health Organizations' International Agency for Research on Cancer identify secondhand smoke as a human Class A carcinogen and state that there is no safe level of exposure; and
- 13) There are laws, ordinances and regulations in place that protect workers from other environmental hazards, including Class A carcinogens, asbestos, arsenic and benzene, but none which regulate exposure to secondhand smoke; and
- 14) Prohibiting smoking in the workplace increases public awareness of the negative health effects of smoking, reduces the social acceptability of smoking and reduces harm to children and other nonsmokers; and

---

15) The South Carolina General Assembly at Section 44-95-10 et seq. (the "Clean Indoor Air Act of 1990") imposed certain limitations on smoking. For example, it limited smoking in government buildings (the definition of which includes city owned buildings) except where the owner of such building shall designate smoking areas; and,

16) The city enacted its Smoking Regulations in 2006; since that time, the United States Surgeon General has released reports indicating that aerosol emissions from inhalant delivery systems are not harmless, and can contain nicotine and other harmful and potentially harmful chemicals and metals, which can then be inhaled by non-users;

In 2006, city council determined that additional regulation of smoking in areas beyond those addressed in the Clean Indoor Air Act of 1990 was appropriate in furtherance of its duty to protect the health of its citizens and employees in the workplace. Based on increasing scientific knowledge of the effects of exposure to secondhand smoke and to the exhaled aerosols from inhalant delivery systems, city council now finds it appropriate and necessary to foster and promote public health by also decreasing citizen exposure to secondhand inhalant emissions by regulating the use of inhalant delivery systems in enclosed places normally accessible to the public at large, and in enclosed places normally accessible to and utilized by employees and city employees, and visitors to the city.

Further, as knowledge from scientific and medical studies concerning secondhand exposure to tobacco and to emissions from inhalant delivery systems has advanced, it has become apparent that significant secondhand, harmful exposures are not limited to the use of such products in enclosed spaces. Thus, council has determined that it should foster and promote public health by decreasing involuntary exposure to secondhand smoke and inhalant emissions by regulating smoking and the use of inhalant delivery systems in certain outdoor spaces within the city, as well as in all city owned public parks and recreational facilities within the city.

(Ord. No. 06-0901, § 1(A), 10-9-2006)

### **Sec. 23-102. Intent.**

City council finds that it is appropriate and necessary to protect nonsmokers from involuntary exposure to secondhand smoke and emissions from inhalant delivery systems in the workplace, on city property, in city vehicles, and in public places. Therefore, city council declares that the purpose of this act is to preserve and improve the health, comfort, safety, and environment for workplaces in the city, as well as for the citizens of and visitors to this city. Toward these goals, it is the intent of Council to prohibit smoking and the use of inhalant delivery systems whenever the private choice to smoke or use an inhalant delivery device intrudes or has the capacity to intrude upon the choice of others to be free from the hazards and inconvenience of secondhand smoke or other inhalants in places where they work, stand, sit, dine, drink, read, study or engage in entertainment and recreation in public places or places of employment. Provisions of this article shall be construed to achieve these purposes.

(Ord. No. 06-0901, § 1(B), 10-9-2006)

### **Sec. 23-103. Definitions.**

- 1) *Employee* means any person who performs services for an employer in return for wages, profit or other valuable consideration.
- 2) *Employer* means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and

---

operation of any workplace, workspace, or workspaces as defined herein, that employs one or more persons.

- 3) *Enclosed* means a space bounded by walls (with or without windows), and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls, **regardless of whether the windows or doors are open or closed.**
- 4) *Inhalant delivery system* means any device or thing, including, but not limited to, devices composed of a heating element, battery, and/or electronic circuit, which provides a vapor or aerosol of nicotine or any other substance(s) for the purpose of inhalation. The term "inhalant delivery system shall include, but shall not be limited to, devices and things manufactured, distributed, marketed, or sold under the description of electronic smoking device, electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or electronic hookah. The term inhalant delivery systems shall include, but shall not be limited to, devices and things used to facilitate "vaping" or the act of inhaling vapor from a liquid via a personal vaporizer or atomizer.

This definition is not intended to prohibit the prescribed use of a product specifically approved by the United States Food and Drug Administration for the use in mitigation, treatment, or prevention of disease, as long as the use of such products does not present a risk of secondhand inhalation or of contact with any residue or emission by non-users.

- 5) *Secondhand smoke* is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as "passive smoking," "secondhand smoking" or "involuntary smoking".
- 6) *Police department* means the City of Liberty Police Department.
- 7) *Public building* means any building owned, operated or leased by the city.
- 8) ***Public place* means an area to which the public is invited or to which the public is permitted to have access, including, but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, theaters, waiting rooms, sports arena, stadiums, parks, and ball parks. A private club is a public place when being used for a function to which the general public is allowed entry. A private residence is not a public place unless it is used as a childcare, adult day care, or health care facility.**
- 9) *Retail tobacco store* means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times.
- 10) *Smoking* means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.
- 11) *Smoking materials* includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.
- 12) *Workplace* means any enclosed indoor area, structure, building or facility or any portion thereof at which one or more employee(s) perform services for their employer, including but not limited to: retail food stores; retail stores; restaurants; bars; cabarets, cafes; public or private clubs; pool halls and bowling alleys.
- 13) *Workspace or workspaces* means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas; common areas; hallways; waiting areas; restrooms; lounges and eating areas.

**Sec. 23-104. Prohibition of smoking and the use of inhalant delivery systems.**

- 1) It shall be unlawful for any person to use any tobacco product, including a lit cigarette, cigar, pipe or other lighted smoking material or equipment, chewing tobacco, "dip" or snuff, in any enclosed city owned building. Similarly, it shall be unlawful for any person to use any inhalant delivery system, in any enclosed city owned building.
- 2) It shall be unlawful for any person to use any tobacco product, including a lit cigarette, cigar, pipe or other lighted smoking material or equipment, chewing tobacco, "dip" or snuff, in a city owned or leased vehicle. Similarly, it shall be unlawful for any person to use any inhalant delivery system in any city owned or leased vehicle.
- 3) Each employer in the city shall provide a smoke free and inhalant emission free environment for all employees working in all workspace, workspaces and workplaces as those terms are defined herein. Further, the employer and all employees shall prohibit any persons present in said workspace, workspaces and workplaces from smoking tobacco products or using inhalant delivery systems therein.
- 4) Smoking and use of inhalant delivery systems shall be prohibited in all workspace, workspaces, and workplaces in a workplace. This includes all common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms, and all other enclosed areas in the workplace.
- 5) Smoking and the use of inhalant delivery systems shall be prohibited in all enclosed public places (as defined in these regulations) within the city, including but not limited to, the following places:
  - a) Galleries, libraries, and museums;
  - b) Areas available to and customarily used by the general public in businesses and nonprofit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels;
  - c) Bars;
  - d) Bingo facilities;
  - e) Convention facilities, conference centers, and exhibition halls;
  - f) Educational facilities, both public and private;
  - g) Elevators;
  - h) Health care facilities;
  - i) Hotel and motel lobbies;
  - j) Childcare and adult day care facilities;
  - k) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer and mobile home parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
  - l) Polling places;
  - m) Private clubs when being used for functions to which the general public is invited;

- 
- n) **Public transportation facilities, including buses and taxicabs, and ticket, boarding, and waiting areas of public transit depots;**
  - o) **Restaurants;**
  - p) **Restrooms, lobbies, reception areas, hallways, and other common-use areas;**
  - q) **Retail stores;**
  - r) **Rooms, chambers, places of meeting or public assembly, including those located at school buildings;**
  - s) **Service lines;**
  - t) **Shopping malls;**
  - u) **Sports arenas; and,**
  - v) **Theaters, performance halls, lecture halls, and similar facilities, inclusive of lobbies, audience seating areas, dressing rooms, projections booths, back stage areas, and the stage, but excluding smoking or the use of inhalant delivery systems on stage when an integral part of the theatrical performance.**
- 6) **No person shall possess lighted smoking materials in any form, including, but not limited to, lighted cigarettes, cigars, pipes or other tobacco products, nor shall any person use an inhalant delivery system, at an entrance to or exit from a building where smoking and the use of inhalant delivery systems are prohibited.**

**Specifically, smoking and the use of inhalant delivery systems are prohibited within a distance of ten feet from any entry into an enclosed area where smoking and inhalant delivery systems are prohibited, so as to ensure that emissions do not enter the area through entrances, windows, ventilation systems, or other means. Smoking and the use of inhalant delivery systems are also prohibited within ten feet of the boundary of the outdoor areas where they are prohibited. Persons who have begun smoking prior to approaching the ten-foot distance may continue doing so, provided they do not stop, stand, sit or linger within the ten-foot distance.**

- 7) **Certain outdoor events, such as parades, festivals, and other public gatherings, result in nonsmokers finding themselves in close proximity to persons who are smoking or using inhalant delivery systems. This has the potential of burning those with whom they inadvertently come into direct contact and making the air quality and peaceful enjoyment of outdoor events unreasonably restricted for nonsmokers and or persons with breathing or other medical conditions. Accordingly, smoking and the use of inhalant delivery systems shall also be prohibited in certain outdoor areas when the use involves a gathering of the public, regardless of the number actually assembled for the event, performance, or competition. This prohibition shall apply to:**
- a. **Amphitheaters and outdoor performance locations;**
  - b. **Ballparks, stadiums, and other outdoor sports arenas when in use for athletic competitions or public performances;**
  - c. **Parades and special events on public streets and city property, although the City Administrator has the discretion, but not the obligation, to establish designated areas in or in proximity to the parade or event area or any other city property in which smoking and the use of inhalant delivery systems is allowed;**
  - d. **Dining areas on sidewalks, plazas, and parks and dining areas on sidewalks, plazas, decks, balconies, and patios of restaurants and bars; and,**
  - e. **Zoos open to the public.**



- 
- 8) **Smoking and the use of inhalant delivery systems is prohibited in all city owned, leased, or controlled parks, playgrounds, ball fields, trails, and other outdoor recreation areas, except solely within limited areas designated and marked by the City Administrator or Director of Parks and Recreation specifically for the use of such products by persons of legal age to do so.**

Similarly, in order to eliminate the possibility of secondhand exposure to expectorated or other emitted or discarded tobacco products and materials, the use of all other tobacco products, including smokeless tobacco, is also prohibited in all city owned, leased, or controlled parks, playgrounds, ballfields, trails, and other outdoor recreation areas, except solely within limited areas designated and marked by the City Administrator or the Director of Parks and Recreation specifically for the use of such products by persons of legal age to do so.

Provisions for designated areas to be used for smoking, tobacco use, and the use of inhalant delivery systems may be revoked at any time at the discretion of the City Administrator, particularly if use of the areas is abused or if a problem arises with respect to the disposal of tobacco or inhalant delivery systems products.

(Ord. No. 06-0901, § 1(D), 10-9-2006)

### **Sec. 23-105. Smoking restrictions inapplicable.**

In providing for the inapplicability of this section to the following subsections (1) through (7), it is specifically recognized that such locations are addressed in the Clean Indoor Air Act, enacted by the General Assembly of South Carolina and codified in South Carolina Code section 44-95-10, et seq., **with respect to smoking only. Therefore, to the extent smoking is already addressed by state or federal law, the instant regulations shall not apply to:**

- 1) Public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held including libraries;
- 2) All other indoor facilities providing children's services to the extent that smoking is prohibited in the facility by federal law and all other child day care facilities, as defined in [S.C. Code] 20-7-2700, which are licensed pursuant to Subarticle 11, Article 13, Chapter 7, of Title 20 of the South Carolina Code;
- 3) Health care facilities as defined in S.C. Code § 44-7-130;
- 4) Government buildings as defined in S. C. Code § 44-95-20(4), except to the extent regulation by the city is authorized therein;
- 5) Elevators;
- 6) Public transportation vehicles, except for taxicabs; **and,**
- 7) Arenas and auditoriums of public theaters or public performing art centers.

**Section 23-105 is not intended to permit smoking in the listed areas; instead, it is only intended to recognize that state or federal statutes appear to regulate such activities in the listed locations. Attention is drawn to the state Indoor Clean Air Act by reference. If not regulated by state or federal statutes, the city's prohibition against the use of inhalant delivery systems may be enforced to the extent applicable to the listed locations.**

(Ord. No. 06-0901, § 1(E), 10-9-2006)

---

### Sec. 23-106. Exceptions.

- 1) Notwithstanding the provisions of section 23-104 herein, smoking **and the use of inhalant delivery systems** may be permitted in the following places and/or circumstances:
- 2) Private residences;
- 3) Retail tobacco stores as defined herein;
- 4) **Establishments** licensed, and holding a current liquor license from the State of South Carolina, known as bars, taverns, or pubs that do not serve sit-down meals **to clientele**;
- 5) Hotel, motel, inn, bed and breakfast and lodging home rooms that are rented to guests, designated as "smoking rooms" ("rooms") provided that the total percentage of such rooms does not exceed 25 percent in such establishment. A room so designated shall have signs posted indicating that smoking and the use of inhalant delivery systems is allowed therein; and,
- 6) Religious ceremonies where smoking **or legal inhalant use** is part of the ritual.

(Ord. No. 06-0901, § 1(F), 10-9-2006)

### Sec. 23-107. Posting of signs.

The owner, manager or person in control of an establishment or area in which smoking **and the use of inhalant delivery systems** is prohibited pursuant to **these regulations** shall post a conspicuous sign at the main entrance to the establishment or area. The sign shall contain the words "No Smoking" and the universal symbol for no smoking. **The sign shall also indicate that the use of inhalant delivery systems is also prohibited.**

(Ord. No. 06-0901, § 1(G), 10-9-2006)

### Sec. 23-108. Reasonable distance.

**At places of employment, smoking and the use of inhalant delivery systems** outside a workspace, workplace, or any other indoor area where prohibited shall be permitted, provided that **neither tobacco smoke nor inhalant emission enters the workplace, workspaces, or other indoor area through entrances, windows, ventilation systems or other means.**

(Ord. No. 06-0901, § 1(H), 10-9-2006)

### Sec. 23-109. Jurisdiction, enforcement, and fines.

- 1) The municipal court of the City of Liberty shall have jurisdiction over **alleged** violations of the provisions of **these regulations**.
- 2) The police and fire departments shall enforce the provisions of this section. In addition, designated code enforcement employees of the city shall have the power to enforce the provisions of **these regulations**.
- 3) Any person who violates any provision of **these regulations shall be guilty of an infraction and subject to a civil fine of not less than \$10.00 or more than \$25.00.**
- 4) **Each violation of these regulations shall be considered a separate and distinct offense.**

(Ord. No. 06-0901, § 1(I), 10-9-2006)

---

### **Sec. 23-110. Severability.**

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(Ord. No. 06-0901, § 1(J), 10-9-2006)

### **Sec. 23-111. Nonretaliation.**

No person or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel action against any employee, applicant, customer or person because such employee, applicant, customer or person takes any action in furtherance of the enforcement of this section or exercises any right conferred by this section.

(Ord. No. 06-0901, § 1(K), 10-9-2006)

### **Sec. 23-112. Conflict with other laws, ordinances or regulations.**

Nothing in this section shall be deemed to amend or repeal any applicable fire, health or other law, ordinance or regulation so as to permit smoking or the use of inhalant delivery systems in areas where prohibited by applicable fire, health or other law, ordinance or regulation.

(Ord. No. 06-0901, § 1(L), 10-9-2006)

### **Sec. 23-113. Waivers.**

- (1) Any employer, owner, manager or other person having control of a workplace subject to this section may apply to the City of Liberty's city clerk for a waiver of any provision of this regulation for a period not to exceed 90 days.
- (2) All waivers shall be submitted to City of Liberty's city clerk, on an application form provided by such director along with a \$100.00, nonrefundable filing fee.
- (3) The decision to grant such a waiver shall be in the sole discretion of Liberty's city clerk, and/or city council based upon their determination that such waiver is in the public interest. In determining, Liberty's city clerk and/or city council, may take into account, but is not limited to the following:
  - (a) The efforts that the employer, owner, manager or other person having control of a workplace has made toward compliance with this section;
  - (b) Whether or not the workplace will be in compliance with all terms of this section within 90 days; and,
  - (c) Whether or not the granting of the waiver will result in an appreciable danger to the health of the public.
- (4) No employer, owner, manager or other person having control of a workplace shall be granted more than one waiver.

(Ord. No. 06-0901, § 1(M), 10-9-2006)

---

**Sec. 23-114. Declarations by Private Establishments**

Even when not covered by these regulations, and notwithstanding any other provision herein, any owner, operator, manager, or other person in control of any privately-owned establishment, facility, or outdoor area may declare that establishment, facility, or outdoor area as a nonsmoking place wherein smoking and the use of inhalant delivery systems are prohibited, regardless of whether such location is open to the public or not.

**Sec. 23-155. Effective Date**

This article shall be effective immediately upon enactment.

<b>STATE OF SOUTH CAROLINA</b>	<b>ORDINANCE NO.: 2024 - 06</b>
<b>COUNTY OF PICKENS</b>	
<b>CITY OF LIBERTY</b>	

---

**AN ORDINANCE UPDATING LIBERTY CITY CODE SECTION #2-41 IN ORDER TO PROVIDE MORE FLEXIBILITY AND EFFICIENCY IN THE SCHEDULING AND CONDUCT OF CITY COUNCIL MEETINGS.**

---

**WHEREAS**, pursuant to the provisions of S.C. Code §30-4-80, South Carolina municipalities are required to prepare and make available an agenda for each regular meeting of their governing bodies; and,

**WHEREAS**, in accordance with §30-4-80, Liberty City Code #2-41(a) provides, "Matters to be considered by council at a regular meeting shall be placed on a written agenda prepared by the clerk, approved by the mayor."

**WHEREAS**, #2-41 continues, allowing for any additional matters for the agenda to be presented "no later than 4:30 on the Monday preceding the council meeting;" and,

**WHEREAS**, #2-41(b) sets a mandatory list of ten items that "shall be" addressed in each regular meeting:

- (1) Call to order.
- (2) Invocation.
- (3) Pledge.
- (4) Reading of the minutes of the meeting of the council, unless otherwise dispensed with by motion.
- (5) Requests and presentations from visitors.
- (6) Reports of committees.
- (7) Unfinished business, ordinances, resolutions, etc.
- (8) New business, ordinances, resolutions, etc.
- (9) Individual reports and recommendations of members.
- (10) Adjournment.

**WHEREAS**, including each of these items in every regular meeting can be time-consuming, duplicative, and often may unnecessarily extend the length of meetings; and,

**WHEREAS**, it appears necessary and appropriate to update Sec. #2-41 of the Liberty City Code in order to provide adequate time for the Mayor to consider and decide whether to add to the agenda matters presented by staff and Council members, to avoid unnecessarily long Council meetings, and to afford the Mayor and Council flexibility in determining the timing, substance, and effective conduct of the agenda items of each Council meeting; and,

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the City of Liberty, South Carolina, in Council duly assembled with a quorum present, as follows:

1. Liberty City Code #2-41(a) is amended and updated to read:

**(a) Matters to be considered by Council at a regular meeting shall be listed on a written agenda prepared by the Clerk, to be reviewed and approved by the Mayor. Any additional items desired by Council or staff for inclusion on the agenda shall be presented to the Mayor no later than 48 hours (2 business days) before the start time of the regular meeting, so that the agenda may be prepared, reviewed, approved, and published in accordance with the requirements of the South Carolina Freedom of Information Act.**

2. Liberty City Code #2-41(b) is revised to read:

**(b) The order of the proceedings at regular Council meetings may include any or all of the following agenda items, may be supplemented with additional items, and shall be set in an order to be determined by the Mayor:**

- Call to order**
- Invocation**
- Pledge**
- Public Session**
- Mayor's Announcements**
- Approval of minutes**
- Presentations**
- Unfinished Business/Old Business (2<sup>nd</sup> Readings)**
- New Business (1<sup>st</sup> Readings and Resolutions)**
- City Administrator/ Department Reports**
- City Council Remarks**
- Adjournment**

**IT IS SO ORDAINED.**

**SIGNED, SEALED, AND DELIVERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

**CITY COUNCIL:**

\_\_\_\_\_  
Erica Romo Woods, Mayor

**ATTEST:**

\_\_\_\_\_  
Bailee Locke, Clerk of Council

First reading:

Second reading:

**State of South Carolina**

**County of Pickens**

**City of Liberty**

**Ordinance 2024-07**

**BUSINESS LICENSE ORDINANCE**

**Section 1. License Required.** Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the City of Liberty, South Carolina ("City"), is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

**Section 2. Definitions.** The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

*"Business"* means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

*"Charitable Organization"* means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

*"Charitable Purpose"* means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

*"Classification"* means that division of businesses by NAICS codes 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 the Council.

*"Council"* means the City Council of the City of Liberty, South Carolina.

*"Domicile"* means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a licensee may be deemed to have more than one domicile.

*"Gross Income"* means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the City. If the licensee has a domicile within the City, business done within the City shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the City, business done within the City shall include only gross receipts or revenue received or accrued within the City. In all cases, if the licensee pays a business license tax to another county or City, then the licensee's gross income for the purpose of computing the tax within the City must be



reduced by the amount of revenues or receipts taxed in the other county or City and fully reported to the City. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues 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 Department of Insurance, or other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the City shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

*"License Official"* means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the City may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

*"Licensee"* means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

*"Municipality"* means the City of Liberty, South Carolina.

*"NAICS"* means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

*"Person"* means any individual, firm, partnership, limited liability partnership, limited liability company, 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 principal.

**Section 3. Purpose and Duration.** The business license required by this ordinance 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. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the twelve-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the completion of the construction project; *provided*, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

**Section 4. Business License Tax, Refund.**

- A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- 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 business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.
- C. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the City before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The City shall approve or deny the refund

request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

**Section 5. Registration Required.**

- A. The owner, agent, or legal representative of every business subject to this ordinance, 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 City, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.
- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants shall be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue 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, personal property taxes on business property, and other monies due and payable to the City have been paid.
- D. The City shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or Licensee from existing business license or business license tax obligations.

**Section 6. Deductions, Exemptions, Special Events, and Charitable Organizations.**

- A. No deductions from gross income shall be made except income earned outside of the City on which a license tax is paid by the business to some other City or county and fully reported to the City, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. 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 ordinance by reason of the lack of an established place of business within the City, 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 NAICS. No person shall be exempt from this ordinance 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 or fee by reason of application of this ordinance.

- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the City. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. Vendors participating in limited-time special events must apply for short-term permits for the length of such events or may maintain a regular year-long license. The activities of the vendor must be otherwise legally allowed and in accordance with State and City laws, rules, and regulations. Non-food and non-beverage vendors qualifying for the short-term special event license will be required to apply for the permit and will be charged a \$25 fee for each special event or occasion.

Should a vendor obtain a special event permit, but subsequently decide to apply for an annual business license during the thirty calendar days following the date on which the special event permit was issued, that vendor may request that the cost of the special event permit be applied toward the cost of annual business license permit.

A "food vendor" is a vendor selling consumable food products, such as snacks, drinks, sandwiches, cotton candy, peanuts, ice cream, etc. Food and beverage vendors applying for the short-term special event permit will be charged \$40. Food and beverage vendors, if subject to the hospitality tax ordinance, must also remit hospitality tax returns and taxes.

For special events taking place on private property and involving participating vendors, the event host must notify the business license official and pay a \$5 administrative fee not later than three calendar weeks prior to the first day of the event. All participating vendors must submit their applications and special event permit fees to the business license official two business days prior to the first day of the special event.

- E. A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

- F. A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

**Section 7. False Application Unlawful.**

- A. It shall be unlawful for any person subject to the provisions of this ordinance 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 tax required by this ordinance.

**Section 8. 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 person or in a vehicle used in the business readily available for inspection by any authorized agent of the City.
- B. A change of address must be reported to the license official within ten (10) 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.

**Section 9. Administration of Ordinance.**

- A. The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

**Section 10. Inspection and Audits.**

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the City is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to 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 business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

**Section 11. Assessments, Payment under Protest, Appeal.**

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the City pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may 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 business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the City, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

**Section 12. Delinquent License Taxes, Partial Payment.**

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of fifteen percent (15%) of the unpaid tax for the first month or portion thereof after the due date, with five percent (5%) imposed and collected for each additional month or portion thereof until the tax and all penalties and fees due are paid. The City shall charge a \$25 administrative processing late fee for each year in which a business fails to pay on time. Penalties shall not be waived. If any business

license tax remains unpaid for sixty (60) days after its due date, the license official shall report it to the municipal attorney for appropriate legal action. Taxes, penalties, and annual administrative fees shall be collected for past years in which a business operated within the City without obtaining or renewing a business license, in accordance with South Carolina law. Collections shall cover at least the three most recent business license years, in addition to the current year.

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.

**Section 13. Notices.**

- A. The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be a published notice of the due date in a newspaper of general circulation within the City three (3) 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.

**Section 14. Denial of License.** The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact.
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods.
- D. The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the City or in another jurisdiction;
- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the City of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or

- G. The license for the business or for a similar business of the licensee in the City or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

**Section 15. Suspension or Revocation of License.** When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance.
- C. 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.
- D. A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods.
- E. A licensee has engaged in an unlawful activity or nuisance related to the business; or
- F. A licensee is delinquent in the payment to the City of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the City by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld, and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

**Section 16. Appeals to Council or its Designee.**

- A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.
- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after



receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. 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 or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the City.

- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.
- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the City may establish a different procedure by ordinance.

**Section 17. Consent, franchise, or license required for use of 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 City 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 Council by ordinance that 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 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 taxes unless specifically provided by the franchise or consent agreement.

**Section 18. Confidentiality.** Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the City may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this ordinance. 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 ordinance.

**Section 19. Violations.** Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this ordinance.

**Section 20. Severability.** A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 *et seq.*, the standardization act shall control.

**Section 21. Classification and Rates.**

- A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council.
- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the City shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the City, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.
- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the City Clerk and/or the City's Business License office.

**APPENDIX A  
RATE SCHEDULE**

Based on the 2023 NAICS Class Schedule

<b>RATE CLASS</b>	<b>INCOME: \$0 - \$2,000 BASE RATE</b>	<b>INCOME OVER \$2,000 RATE PER THOUSANDE OR FRACTION THEREOF</b>
1	\$36	\$1.10
2	\$42	\$1.13
3	\$48	\$1.20
4	\$53	\$1.30
5	\$60	\$1.31
7	\$72	\$1.43
8.1	\$48	\$1.20
8.2	\$ SET BY STATE	-
8.3	MASC TELECOMMUNICATIONS	-
8.4	MASC INSURANCE	-
8.51	\$66	\$0.72
8.52	\$66	\$1.40
8.6	\$66 + \$6 PER TABLE	\$1.40

**Section 22. Non-Resident Rates.**

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the City.

**Exhibit A: Amendment to Classes 1 – 8 in Appendix B of the  
Current Business License Ordinance**

**APPENDIX B**

**Classes 1 – 8: Business License Class Schedule by NAICS Codes**

<b>NAICS Sector/Subsector</b>	<b>Industry Sector</b>	<b>Class</b>
<b>11</b>	Agriculture, forestry, hunting and fishing	<b>1</b>
<b>21</b>	Mining	<b>2</b>
<b>22</b>	Utilities	<b>1</b>
<b>31 - 33</b>	Manufacturing	<b>3</b>
<b>42</b>	Wholesale trade	<b>1</b>
<b>44 - 45</b>	Retail trade	<b>1</b>
<b>48 - 49</b>	Transportation and warehousing	<b>1</b>
<b>51</b>	Information	<b>4</b>
<b>52</b>	Finance and insurance	<b>7</b>
<b>53</b>	Real estate and rental and leasing	<b>7</b>
<b>54</b>	Professional, scientific, and technical services	<b>5</b>
<b>55</b>	Management of companies	<b>7</b>
<b>56</b>	Administrative and support and waste management and remediation services	<b>3</b>
<b>61</b>	Educational services	<b>3</b>
<b>62</b>	Health care and social assistance	<b>4</b>
<b>71</b>	Arts, entertainment, and recreation	<b>3</b>
<b>721</b>	Accommodation	<b>1</b>
<b>722</b>	Food services and drinking places	<b>2</b>
<b>81</b>	Other services	<b>4</b>
<b>Class 8</b>	<b>Subclasses</b>	
<b>23</b>	Construction	<b>8.1</b>
<b>482</b>	Rail Transportation	<b>8.2</b>
<b>517111</b>	Wired Telecommunications Carriers	<b>8.3</b>
<b>517112</b>	Wireless Telecommunications Carriers (except Satellite)	<b>8.3</b>
<b>517122</b>	Agents for Wireless Telecommunications Services	<b>8.3</b>
<b>5241</b>	Insurance Carriers	<b>8.4</b>
<b>5242</b>	Insurance Brokers for non-admitted Insurance Carriers	<b>8.4</b>
<b>713120</b>	Amusement Parks and Arcades	<b>8.51</b>
<b>713290</b>	Nonpayout Amusement Machines	<b>8.52</b>
<b>713990</b>	All Other Amusement and Recreational Industries ( pool tables)	<b>8.6</b>

*2023 Class Schedule is based on a three-year average (2017 - 2019) of IRS statistical data.*

**IT IS SO ORDAINED. (2024-07)**

**SIGNED, SEALED, AND DELIVERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

**CITY COUNCIL:**

\_\_\_\_\_

Erica Romo Woods, Mayor

**ATTEST:**

\_\_\_\_\_

Bailee Locke, Clerk of Council

First reading:

Second reading:

**RELATING TO THE RECOVERY OF COLLECTION COSTS AS A PART OF DELINQUENT DEBTS COLLECTED PURSUANT TO THE SETOFF DEBT COLLECTION ACT**

WHEREAS, the City of Liberty is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the City of Liberty

WHEREAS, "delinquent debt" is defined in the Act to include "collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;"

WHEREAS, the City of Liberty has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the SC Department of Revenue pursuant to the Act;

WHEREAS, the Municipal Association of South Carolina, charges an administrative fee for the services it provides pursuant to the Act;

WHEREAS, the administrative fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the City of Liberty that arises through contract and is therefore properly considered as a part of the delinquent debt owed to the City of Liberty as that term is defined in the Act;

WHEREAS, the City of Liberty also incurs internal costs in preparing and transmitting information to the Municipal Association, which are also collection costs that are part of the delinquent debt owed to the City of Liberty.

WHEREAS, the City of Liberty may desire to recover its internal costs of collection by adding such costs to the delinquent debt.

NOW, THEREFORE, be it enacted by the Mayor and Council of the City of Liberty follows:

1. The City of Liberty may impose a collection cost of up to \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-5610 et. seq. This cost is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.
2. The City of Liberty hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the City, which shall also be added

to the delinquent debt and recovered from the debtor.

3. All Ordinances in conflict with this Ordinance are hereby repealed.

4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

---

City of Liberty, Mayor Erica Romo Woods

Attest:

---

City of Liberty Clerk of Council,  
Bailee Locke

First Reading Approval: \_\_\_\_\_

Final Reading Approval: \_\_\_\_\_

<b>STATE OF SOUTH CAROLINA</b>	<b>RESOLUTION NO.: 2024-__</b>
<b>COUNTY OF PICKENS</b>	
<b>CITY OF LIBERTY</b>	

---

**A RESOLUTION DESIGNATING A SCRWA VOTING DELEGATE AND AN ALTERNATE VOTING DELEGATE TO REPRESENT THE CITY OF LIBERTY.**

---

**WHEREAS**, the South Carolina Rural Water Association (SCRWA) was established in 1976 as a 501(c)(3) trade association to assist public and private water and wastewater systems statewide with the goal of ensuring that the residents of South Carolina all have access to clean water; and,

**WHEREAS**, SCRWA makes available technical assistance, training, public education and outreach, publications, member services, and legislative monitoring; and,

**WHEREAS**, as a member of SCRWA, the City of Liberty is required to have designated a Voting Delegate and an Alternate Voting Delegate prior to the Annual SCRWA Conference in November; and,

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Liberty, South Carolina, in Council duly assembled with a quorum present, as follows:

The delegates for the City of Liberty in Voting District 3 are:

Voting Delegate:

Alternate Voting Delegate:

Accordingly, the Mayor is authorized to complete and submit the required SCRWA Voting Delegate form.



**IT IS SO RESOLVED.**

**SIGNED, SEALED, AND DELIVERED THIS \_\_\_\_\_ DAY OF SEPTEMBER 2024.**

**CITY COUNCIL:**

\_\_\_\_\_  
Erica Romo Woods, Mayor

**ATTEST:**

\_\_\_\_\_  
Bailee Locke, Clerk of Council

State of SOUTH CAROLINA

County of \_\_\_\_\_



VOTING DELEGATE

\_\_\_\_\_, a member of the South Carolina Rural Water Association  
*System Name*

pursuant to Article VI, Section Six of the Association Bylaws, does hereby constitute and

appoint \_\_\_\_\_ as the voting delegate and \_\_\_\_\_  
*Delegate's Name* *Alternate Delegate's Name*

as the alternate voting delegate. The authority granted herein shall begin on \_\_\_\_\_  
*Date*

and expire on \_\_\_\_\_.  
*Date or "Upon Written Notice"*

\_\_\_\_\_  
*President of and for, on behalf of the Corporation*

OR

\_\_\_\_\_  
*Mayor of the Town*

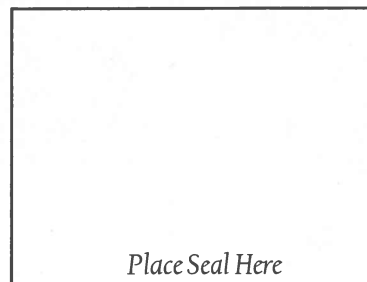
I, \_\_\_\_\_ representing the system of \_\_\_\_\_,  
*Official's Name* *System Name*

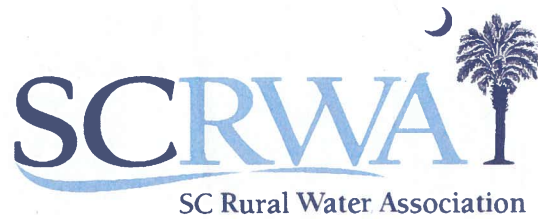
do herein attest and confirm that the above-named delegate and alternate delegate have been

appointed in accordance with a resolution duly adopted by \_\_\_\_\_,  
*Governing Body for System*

the governing body for the Corporation on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Secretary's Signature*





Phillip Trotter  
Liberty, City of  
PO Box 716  
Liberty, SC 29657

Liberty, City of may need to submit a Voting Delegate form if one was never submitted, expired, or the delegates need to be updated. If the information is correct, no action is required.

The current delegates for Liberty, City of in Voting District 3 are:

Voting Delegate:

Alternate Voting Delegate: Brian Peterson

An original copy of the voting delegate form must be mailed to SCRWA ASAP or bring an original to the Annual Conference in November. The verbiage in the enclosed document may seem a little strict; the person signing just needs signatory authority. Whether or not this form requires council approval is for your internal process to determine.

Let me know if you have any questions.

Thank you,

*Phyllis Peterson*

**Phyllis Peterson**  
Member Services Coordinator

SC Rural Water Association  
128 Stonemark Lane | Columbia, SC 29210

Office: 803.667.9699  
Direct: 803.602.3676

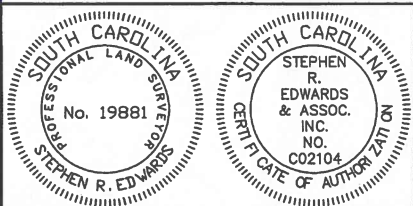
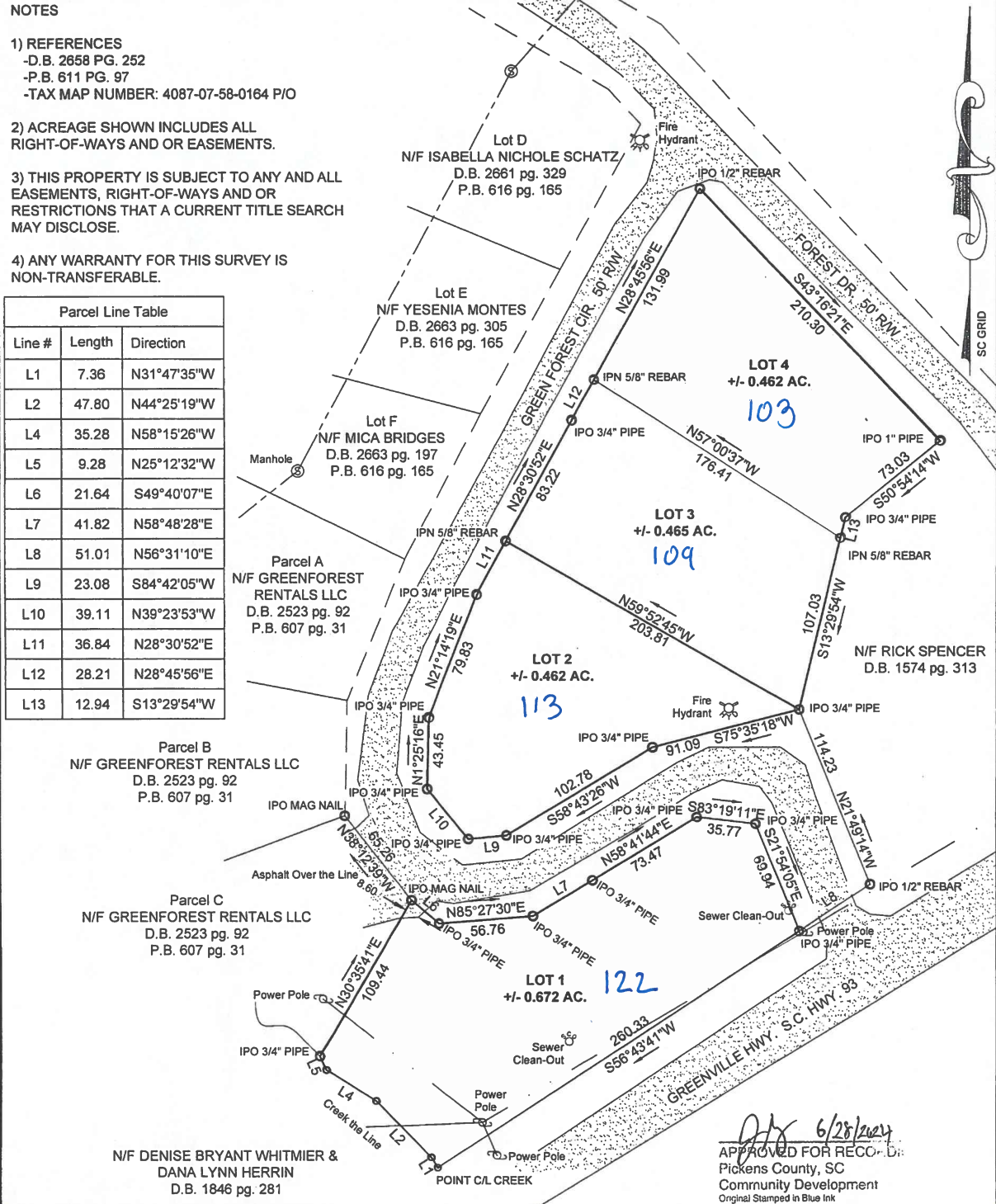
[phyllis@scrwa.org](mailto:phyllis@scrwa.org)  
[www.SCRWA.org](http://www.SCRWA.org)



**NOTES**

- 1) REFERENCES  
 -D.B. 2658 PG. 252  
 -P.B. 611 PG. 97  
 -TAX MAP NUMBER: 4087-07-58-0164 P/O
- 2) ACREAGE SHOWN INCLUDES ALL RIGHT-OF-WAYS AND OR EASEMENTS.
- 3) THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS AND OR RESTRICTIONS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
- 4) ANY WARRANTY FOR THIS SURVEY IS NON-TRANSFERABLE.

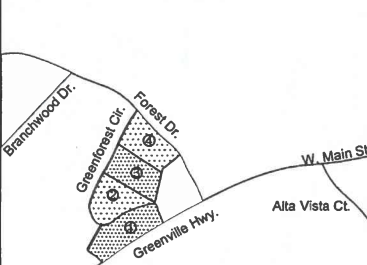
Parcel Line Table		
Line #	Length	Direction
L1	7.36	N31°47'35"W
L2	47.80	N44°25'19"W
L4	35.28	N58°15'26"W
L5	9.28	N25°12'32"W
L6	21.64	S49°40'07"E
L7	41.82	N58°48'28"E
L8	51.01	N56°31'10"E
L9	23.08	S84°42'05"W
L10	39.11	N39°23'53"W
L11	36.84	N28°30'52"E
L12	28.21	N28°45'56"E
L13	12.94	S13°29'54"W



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.

*Stephen R. Edwards*  
 STEPHEN R. EDWARDS PLS NO. 19881

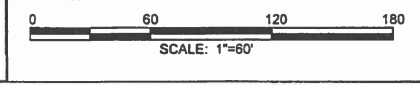
LOCATION MAP  
 no scale



BOUNDARY SURVEY FOR  
 NOVA HOMES LLC  
 PICKENS COUNTY, S.C.

STEPHEN R. EDWARDS & ASSOCIATES, INC.  
 330 South Hwy 11- West Union, S.C.- 29696  
 (864) 718-1120

DATE: 06-11-2024 JOB NUMBER: 22-001-C



*6/28/2024*  
 APPROVED FOR RECORD  
 Pickens County, SC  
 Community Development  
 Original Stamped in Blue Ink  
 SOU-24-002  
 Approved 6/10/24

**100 PERCENT PETITION FORM**

TO THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY:

The undersigned, being 100 percent of the freeholders owning 100 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat or map, hereby petition for annexation of said territory to the City of Liberty by ordinance effective as soon as hereafter as possible, pursuant to South Carolina Section 5-3-150(3).

The territory to be annexed is described as follows: Lot 1, as shown on Pickens County GIS map and shown as Exhibit "A" attached.

Signature: [Signature] (must owner or authorized agent)

Print Name Scott Savage Date 8-30-24

Signature: \_\_\_\_\_ (must be owner or authorized agent)

Print Name: \_\_\_\_\_ Date \_\_\_\_\_

Street Address of Property: 122 Greenforest Circle, Liberty, SC 29671

**ABOVE PORTION MUST BE COMPLETELY FILLED OUT BY VERIFIED OWNER**

\*\*\*\*\*

**FOR MUNICIPAL USE:**

Petition received by: Philip Trotter Date: 8-30-24

Description and Ownership Verified by: Philip Trotter Date: 8-30-24

Recommendation: Council to annex property into City of Liberty,

to be zoned: 500-Low Density Residential District

By: [Signature] Date: 9/3/24

First Reading Date \_\_\_\_\_ Second Reading Date \_\_\_\_\_

Approved \_\_\_\_\_  
(Date)

Denied \_\_\_\_\_  
(Date)

**100 PERCENT PETITION FORM**

TO THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY:

The undersigned, being 100 percent of the freeholders owning 100 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat or map, hereby petition for annexation of said territory to the City of Liberty by ordinance effective as soon as hereafter as possible, pursuant to South Carolina Section 5-3-150(3).

The territory to be annexed is described as follows: Lot 2, as shown on Pickens County GIS map and shown as Exhibit "A" attached.

Signature: [Signature] (must owner or authorized agent )  
Print Name Scott Savage Date 8-30-24

Signature: \_\_\_\_\_ (must be owner or authorized agent)

Print Name: \_\_\_\_\_ Date \_\_\_\_\_

Street Address of Property: 113 Greenforest Circle, Liberty, SC 29671

**ABOVE PORTION MUST BE COMPLETELY FILLED OUT BY VERIFIED OWNER**

\*\*\*\*\*

**FOR MUNICIPAL USE:**

Petition received by: Philip Trotter Date: 8-30-24

Description and Ownership Verified by: Philip Trotter Date: 8-30-24

Recommendation: Council to annex property into City of Liberty,

to be zoned: 500 - Low Density Residential District

By: [Signature] Date: 9/3/24

First Reading Date \_\_\_\_\_ Second Reading Date \_\_\_\_\_

Approved \_\_\_\_\_  
(Date)

Denied \_\_\_\_\_  
(Date)

**100 PERCENT PETITION FORM**

TO THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY:

The undersigned, being 100 percent of the freeholders owning 100 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat or map, hereby petition for annexation of said territory to the City of Liberty by ordinance effective as soon as hereafter as possible, pursuant to South Carolina Section 5-3-150(3).

The territory to be annexed is described as follows: Lot 3, as shown on Pickens County GIS map and shown as Exhibit "A" attached.

Signature: [Signature] (must owner or authorized agent)

Print Name Scott Savage Date 8-30-24

Signature: \_\_\_\_\_ (must be owner or authorized agent)

Print Name: \_\_\_\_\_ Date \_\_\_\_\_

Street Address of Property: 109 Greenforest Circle, Liberty, SC 29671

**ABOVE PORTION MUST BE COMPLETELY FILLED OUT BY VERIFIED OWNER**

\*\*\*\*\*

**FOR MUNICIPAL USE:**

Petition received by: Philip Trotten Date: 8-30-24

Description and Ownership Verified by: Philip Trotten Date: 8-30-24

Recommendation: Council to annex property into City of Liberty, to be zoned: 500 - Low Density Residential District

By: [Signature] Date: 9/3/24

First Reading Date \_\_\_\_\_ Second Reading Date \_\_\_\_\_

Approved \_\_\_\_\_ (Date)

Denied \_\_\_\_\_ (Date)

**100 PERCENT PETITION FORM**

TO THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY:

The undersigned, being 100 percent of the freeholders owning 100 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat or map, hereby petition for annexation of said territory to the City of Liberty by ordinance effective as soon as hereafter as possible, pursuant to South Carolina Section 5-3-150(3).

The territory to be annexed is described as follows: Lot 4, as shown on Pickens County GIS map and shown as Exhibit "A" attached.

Signature: Scott Savage (must owner or authorized agent )

Print Name Scott Savage Date 8-30-24

Signature: \_\_\_\_\_ (must be owner or authorized agent)

Print Name: \_\_\_\_\_ Date \_\_\_\_\_

Street Address of Property: 103 Green Forest Circle, Liberty, SC 29671

**ABOVE PORTION MUST BE COMPLETELY FILLED OUT BY VERIFIED OWNER**

\*\*\*\*\*

**FOR MUNICIPAL USE:**

Petition received by: Philip Torker Date: 8-30-24

Description and Ownership Verified by: Philip Torker Date: 8-30-24

Recommendation: Council to annex property into City of Liberty,  
to be zoned: SPD - Low Density Residential District

By: [Signature] Date: 9/3/24

First Reading Date \_\_\_\_\_ Second Reading Date \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_  
(Date) (Date)