

STATE OF SOUTH CAROLINA) ORDINANCE NO. 6-2019
COUNTY OF HORRY) TO AMEND ORDINANCE 96-06
) HOSPITALITY FEE / TAX
TOWN OF ATLANTIC BEACH)

WHEREAS, the Mayor and Town Council of the Town of Atlantic Beach duly assembled on this 7th day of October, 2019; and

WHEREAS, the Town of Atlantic Beach is authorized to collect taxes on prepared meals and beverages, including alcoholic beverages, pursuant to §6-1-700, S.C. Code et. seq. (“the Local Hospitality Tax Act”); and

WHEREAS, the Town of Atlantic Beach collects Hospitality Fees pursuant to its 1996 “Hospitality Fee Ordinance” ordinance at a rate of one percent (1%); and

WHEREAS, the Town is authorized to a Hospitality Tax and collect up to two percent (2%) if authorized by ordinance of Town Council; and

WHEREAS, The Mayor and Town Council have determined the hospitality industry is a significant industry for the Town’s economy, and that it is in the best interests of the Town of Atlantic Beach to preserve the general welfare by collecting a uniform hospitality tax for the public benefit, consistent with state law;

NOW, THEREFORE, by the power and authority granted to the Atlantic Beach Town Council by the State of South Carolina that Ordinance 96-06 establishing a One Percent (1%) Hospitality Fee is hereby amended and replaced in its entirety as set forth hereinbelow:

HOSPITALITY TAX

I. Authority

This article is enacted pursuant to the authority of §6-1-700 et. seq. (“the Local Hospitality Tax Act”) and §§ 5-7-10 and 5-7-30, which provide, that municipalities may adopt all ordinances which appear necessary and proper for the security, general welfare and convenience of the municipality and for the preservation of the general health, peace and order in the municipality and further that municipalities may establish uniform service charges.

II. Declaration of purpose and intent.

This article is enacted to preserve the general health, safety and welfare of the general public within the town by collecting a uniform hospitality tax to fund tourism-related projects and maintenance, infrastructure, access, and tourism-related public services, consistent with state law.

III. Hospitality Tax

A tax equal to two percent (2%) is hereby imposed on all gross proceeds derived from:

- (a) The sale of all prepared meals and beverages, including but not limited to alcoholic beverages sold in establishments licensed for on-premises consumption of same, that are sold in establishments within the town, to include any restaurant, club, hotel, motel, store, or other venue. In addition, the fee shall be imposed for all food and beverages prepared

or modified where such food or beverage is provided for consumption on or off of the premises.

- (b) Paid admissions to places of amusement within the town; provided, however, that those places of admission which are specifically exempted from payment of the state license tax on admissions established in S.C. Code 1976, § 12-21-2420 shall be exempt from this hospitality tax.

IV. Payment and Collection of Tax

- (a) Payment of the tax established herein shall be the liability of the consumer of the services or products described in this ordinance. The tax shall be paid at the time of delivery of the services or products to which the tax applies and shall be collected by the provider or seller of the service or products.
- (b) The taxes collected by the seller or provider of the services or products as required under shall be remitted to the town along with such return or forms as may be established by the town for such purpose.
- (c) Taxes and required reports shall be submitted to the Town monthly by the fifteenth day of the month and shall cover sales of the previous month. For amounts less than \$25, tax may be remitted annually. For amounts less than \$50 but more than \$25, tax may be remitted quarterly. Any taxes not timely remitted shall be subject to a penalty of ten (10) percent per month. The failure to collect from patrons the tax imposed by this article shall not relieve any establishment subject to the article from making the required remittance.
- (d) Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to punishment upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

V. Hospitality Tax account

The revenue account, to be known as the Town of Atlantic Beach Hospitality Tax Account, shall be established and all revenues received from the hospitality tax shall be deposited into this account. The principal and any accrued interest from this account shall be expended as permitted below.

VI. Permitted uses of funds

The town council is hereby authorized to utilize the funds collected from the imposition of the hospitality tax for the following purposes in accordance with the provisions of South Carolina Code §6-1-730:

- (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
- (2) tourism-related cultural, recreational, or historic facilities, to include but not be limited to parks and sports facilities;
- (3) public beach access and renourishment, including acquisition of access and capital improvement to beach-going-related facilities for the public; maintenance of beaches, and dune restoration and preservation;

(4) roads, streets, bridges, sidewalks, walkovers, bikeways, landscaping, access rights, and engineering design to provide transportation and access to tourist destinations;

(5) advertisements and promotions related to tourism development;

(6) water and sewer infrastructure to serve tourism-related demand; or

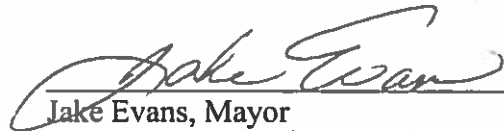
(7) operation and maintenance of those items provided in (1) through (6) including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

(8) The payment of bonded indebtedness required to provide the above-referenced uses.

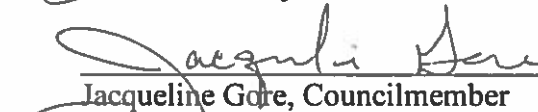
SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE. This ordinance shall take effect immediately upon second reading, with collection to begin with the first calendar month after the Effective Date.

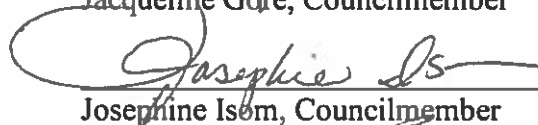
BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Atlantic Beach, South Carolina, in assembly and by the authority thereof, this 7th day of October, 2019.



Jake Evans, Mayor



Jacqueline Gore, Councilmember



Josephine Isom, Councilmember



Lenearl Evans, Councilmember

Attest:



Town Clerk



Town Manager

First Reading: September 11, 2019

Second Reading: October 7, 2019