

Charitable Organizations Instructions

1. Tax exemptions do not automatically exempt you from a business license. Please provide a copy of your Article of Incorporation or Charter and/or any documentation presented to the IRS to receive tax exemption status. Also please submit a brief description of what your organization will be doing in the City limits.
2. Tax exempt corporations should register with our office by filling out our “Charitable Organizations Application”. A \$50.00 processing fee will be required on all non-profit applications (per location).
3. All tax-exempt corporations are subject to all ordinances of the City of Greenville, including, but not limited to, the sections of the ordinance below.

Section 8-2. Definitions.

“*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.

Section 8-6. Deductions, Exemptions, and Charitable Organizations.

- A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the Municipality provided said license tax is calculated based upon the amount of said income, 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. In no event may allowable deductions be used to avoid paying the base license fee.
- D. 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.
- E. 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.



Office Use Only: Year _____ NPB # _____
Entered By _____ C/O # _____

Charitable Organizations Application

REGISTRATION INFORMATION:

1. Name of applicant/registrant: _____
2. Business name (DBA – Doing Business As): _____
3. Physical address of business (full address required): _____
4. Mailing address of business: _____
5. Phone number of applicant/registrants: _____ Phone number of Business: _____
6. Name of organization (if any) with whom affiliated: _____
7. Address of organization: _____
8. Phone number of organization(s): _____
9. Date of this registration: _____
10. Effective date original non-profit filing with the South Carolina Secretary of State: _____
11. Federal identification number: _____
12. Certificate of occupancy number: _____
13. **Does the Organization File Federal Form 990 or 1023 if so which:** _____
14. Email address: _____

I _____ hereby certify that I, and/or the organization that I represent and/or am a part of, have registered with the Secretary of State of South Carolina as a charitable organization per the terms of chapter 56 of Title 33 of the South Carolina Code; or have received a letter of exemption for such registration from the office of the Secretary of State. Evidence of such registration and/or exemption is submitted herewith and attached hereto.

I further certify that all charitable solicitations by me in the city of Greenville shall be subject to that registration with, or exemption letter from, the Secretary of State of South Carolina.

I understand that I am subject to all ordinances of the city of Greenville, including, but not limited to, particular sections 16-91 through 16-94, 24-214 and 42-46, copies of which particular provisions have been given to me.

Signature of registrant _____

NOTE: Check off list: Include with application.

1. Mission/Purpose Statement
2. All Bylaws and or Charter
3. Listing of Officers of the Organization to include their titles.
4. Copy of State of SC Non-Profit Certificate or Letter.
5. \$50.00 Processing fee for Non-Profit application (Each location)
6. Occupancy Permit Application Submitted (**Below Zoning)

Zoning: Covenants & Restrictions*

The applicant affirms that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts. The applicant affirms that the structure which is the subject of this application is, or is not, restricted by any covenant or contract that is contrary to, conflicts with, or prohibits, the requested activity. In the event the applicant is not the property owner, the applicant affirms that s/he has made due inquiry of the property owner concerning the existence of any such covenants or restrictions.

If the planning office has actual notice *that a restrictive covenant or contract* is contrary to, conflicts with, or prohibits the requested activity, the office must not issue the permit unless the office receives confirmation from the applicant that the restrictive covenant or contract has been released by action of the appropriate authority, property holders, or by court order.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application *is ____ or is not ____ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

Sec. 16-91. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as otherwise provided, all words in this division shall be given their ordinary and customary meaning.

Ambient noise means the generally prevailing sound or combination of sounds at the location where a listener receives the sound of the noise about which a complaint is being made. It is the sound or combination of sounds which a person of ordinary sensibilities would reasonably expect to encounter at the location in the ordinary and customary use of the premises.

Central business district (CBD) means the downtown area, more particularly identified as zoning district C-4, as the boundaries may from time to time be amended or adjusted under the city's zoning ordinances.

Day and daytime mean the period between 7:00 a.m. and 11:00 p.m. of the same calendar day.

Night and nighttime mean the period between the hours of 11:00 p.m. one calendar day and 7:00 a.m. the following calendar day.

(Code 1985, § 7-2-12; Ord. No. 96-26, § 2(7-2-12(k)), 4-22-96)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 16-92. Prohibited noise generally.

Any noise of such character, intensity or duration which substantially interferes with the comfortable enjoyment of persons of ordinary sensibilities occupying, owning or controlling nearby properties, or persons making use of public properties for their intended purposes, is hereby declared to be unlawful and to be a nuisance, and is prohibited.

(Code 1985, § 7-2-12; Ord. No. 96-26, § 2(7-2-12(a)), 4-22-96)

Sec. 16-93. Standard of reasonableness and use of technology.

It is the intent of the city council in regulating noise to take into account the latest scientific advances in noise measurement and control while at the same time preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, technological sound level measurements, while desirable, shall not be required to demonstrate a violation of this division or any other ordinance or statute which establishes the creation of disturbance or public nuisance. Decibel level measurements less than those specified in this division may still establish a violation of this division when due regard is made for the time, place and circumstances of the noise.

(Code 1985, § 7-2-12; Ord. No. 96-26, § 2(7-2-12(b)), 4-22-96)

Sec. 16-94. Specific noises prohibited.

(a) Operation of certain instruments, devices and equipment. Nuisance noises shall include but not be limited to the use or operation of the following instruments, devices or pieces of equipment when operated in the manner prohibited by section 16-92:

- (1) Musical instruments.
- (2) Radios, receivers, stereos, televisions, disc players, tape players, and comparable mechanical and electronic devices which produce sound.
- (3) Loudspeakers, amplifiers or other devices which enhance or influence the level of sound in any way.
- (4) Mechanical devices operating by compressed air, such as pneumatic drills and jack hammers.
- (5) Horns, sirens and signal devices using loud, brash or harassing noises, whether on vehicles or otherwise.
- (6) Motor vehicle exhausts without mufflers or with inefficient or ineffective mufflers.
- (7) The human voice when used to yell, shout, scream or the like.
- (8) When operated at night, construction machinery, heavy duty equipment used in street repair and maintenance, and domestic and commercial power tools, unless a permit is obtained.

(b) Continuous or repeated noises. Regardless of the level of sound, the following shall be deemed a nuisance and shall be prohibited under section 16-92:

- (1) To keep any animal, including a bird, causing a frequent or long continued noise, such as barking, howling or screeching, disturbing the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
- (2) To install or operate a burglar alarm system which uses an audible warning or bell without a functioning device that will shut off the warning or bell within 20 minutes after application of the system when the alarm cannot be readily or conveniently silenced manually by persons who are disturbed by its activation. Each activation of such an alarm that continues beyond 20 minutes shall be deemed a separate offense.

(Code 1985, § 7-2-12; Ord. No. 96-26, § 2(7-2-12(c), (d)), 4-22-96)

Sec. 24-214. Obstructing public property.

(a) It shall be unlawful for persons to obstruct any street, alley, park, square, public right-of-way or sidewalk by congregating in crowds.

(b) It shall be unlawful for any person to obstruct any street, alley, park, square, public right-of-way or sidewalk by sitting in chairs or on boxes or windowsills or other objects within the limits of such street, alley, park, square, public right-of-way or sidewalk.

(Code 1985, § 7-2-6)

Sec. 42-46. Obstruction of vehicular or pedestrian traffic.

(a) Prohibited.

(1) It shall be unlawful for any person within the city to obstruct any public street, public highway, public sidewalk or other public place or building by hindering or impeding, or tending to hinder or impede, the free and uninterrupted passage of vehicles, traffic or pedestrians when such conduct occurs in any public place.

(2) As used in this subsection, the term "public place" shall be defined as any place to which the general public has access and the right to resort for business, entertainment or other lawful purpose. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business, and also public grounds or areas, public streets or public sidewalks.

(b) Enforcement. When any person causes or permits any of the conditions enumerated in subsection (a) of this section, a police officer or any law enforcement officer shall order that person to stop causing or

committing such conditions and to move on, disperse and/or leave the premises. Any person who fails or refuses to obey such order shall be guilty of a violation of this section.

(c) Interpretation. This section shall not be construed so as to prohibit any lawful use of the public right-of-way.

(Code 1985, § 7-6-6760)

Sec. 8-281. Solicitation of occupants of vehicles.

No solicitation shall be permitted of any occupants of vehicles being operated on any public right-of-way, while such vehicles are either moving, standing or parked.

(Code 1985, § 6-8-1)