

**ORDINANCE NO.: 2009-044**

*Repealing Ordinance No.: 2008-065 authorizing a property tax credit to taxpayers within the corporate limits of the City of Columbia for installation of fire sprinkler systems in compliance with S.C. Code Ann. §12-6-3622*

WHEREAS, Columbia City Council enacted Ordinance 2008-065 on December 17, 2008, authorizing a fire sprinkler tax credit pursuant to S.C. Code Ann. §12-6-3622; and

WHEREAS, the South Carolina Department of Revenue requested an opinion from the South Carolina Attorney General regarding the validity of certain aspects of the City's Fire Sprinkler Ordinance; and,

WHEREAS, the South Carolina Attorney General opined that the tax credit may be used only in the year generated unless state law provides otherwise; and,

WHEREAS, S.C. Code Ann. §12-6-3622 does not provide that the tax credit can be used in a year other than the year in which it is generated; and,

WHEREAS, taxpayers who install systems after the cut-off date imposed by local taxing entities necessary to make adjustments to the taxpayers' real property tax prior to issuance of the notice would not be able to receive the tax credit in the year generated; and,

WHEREAS, the South Carolina Attorney General opined that the tax credit could not be applied ratably over a period years; and,

WHEREAS, a taxpayer would not receive the full benefit of the tax credit if the amount of the tax credit exceeded the amount of the real property tax in the year generated; and,

WHEREAS, the City of Columbia believes that the South Carolina Legislature intended for all taxpayers qualifying for the tax credit to receive the full benefit of the same; and,

WHEREAS, despite the best efforts of the City to allow all taxpayers qualifying for the tax credit to receive the full benefit of the same, it appears that certain provisions of the City's ordinance may be contrary to state law; and,

WHEREAS, Columbia City Council deems it appropriate to repeal the Fire Sprinkler Ordinance and hereby requests that the South Carolina Legislature amend the legislation authorizing the fire sprinkler tax credit to provide that the tax credit be allowed to be claimed in a year or years other than the year in which it is generated; and,

WHEREAS, Columbia City Council further requests that the South Carolina Legislature amend the legislation authorizing the fire sprinkler tax credit to allow the tax credit to be

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applied ratably over a period years so the taxpayer might receive the full benefit of the credit in the event the credit exceeds the real property tax a single year; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and Council this 20th day of May, 2009, that Ordinance No.: 2008-065 authorizing a property tax credit to taxpayers within the corporate limits of the City of Columbia for installation of fire sprinkler systems in compliance with S.C. Code Ann. §12-6-3622 is hereby repealed in its entirety.

Requested by:

City Attorney's Office



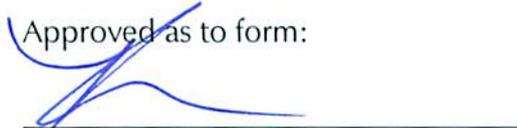
MAYOR

Approved by:



Interim City Manager

Approved as to form:

  
City Attorney

ATTEST:

  
City Clerk

Introduced: 5/6/2009

Final Reading: 5/20/2009