

CHAPTER 110: GENERAL BUSINESS LICENSING AND REGULATIONS

Section

Privilege License Taxes

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PRIVILEGE LICENSE TAXES

§ 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT. The person having the agency for the manufacturer, producer, or distributor.

BUSINESS. Any trade, occupation, profession, business, franchise, or calling of any kind, subject by the provisions of this chapter to a license tax.

ENGAGED (OR ENGAGING) IN BUSINESS WITHIN THIS TOWN. A person is ***ENGAGED IN BUSINESS WITHIN THE TOWN*** when he engages in business activity of any type, either as owner or operator of the business:

- (1) By maintaining a business location within the town;
- (2) By soliciting business within the town; or
- (3) By picking up or delivering merchandise or performing services within the town.

FISCAL YEAR. The period beginning July 1 through June 30 of the following year.

PERSON. Any individual, trustee, executor, other fiduciary, corporation, association, partnership, company, firm, or any other legal entity or agent thereof.

SEASONAL IN NATURE. A business is seasonal in nature when it is taxed by this chapter on an annual basis, but is operated within the town for less than 6 months of the year.

§ 110.02 LICENSE TAX LEVIED.

- (A) A license tax shall be levied and collected each fiscal year on the privilege of engaging in any business within the town which is listed in the schedule of taxes as approved by the Board of Commissioners.
- (B) Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid. All licenses shall be a personal privilege and non-transferable.
- (C) Nothing contained in this chapter shall be construed to prevent the Board of Commissioners from imposing additional taxes from time to time, as they may deem necessary, that are not specifically defined in this chapter or from increasing or decreasing the amount of any special license tax, or from prohibiting or regulating the business or acts licensed, and all licenses are granted subject to the provisions of existing ordinance or those thereafter enacted.

§ 110.03 TOWN CLERK; DUTIES.

- (A) The Town Clerk or their designee is designated as the proper town official to collect license taxes and to issue privilege licenses.
- (B) The Town Clerk is authorized to designate this authority to members of his or her staff as deemed necessary and for purposes of this section where the Town Clerk is cited will include his or her designee.
- (C) The Town Clerk shall make any investigation necessary to determine the tax liability of persons engaged in business within the town. If necessary, the Town Clerk is authorized to enter upon the premises of any business during normal business hours for the purpose of determining whether this chapter has been complied with.

§ 110.04 LICENSE PERIOD; DUE DATE.

- (A) Unless otherwise provided in the schedule of taxes in § 110.16, each privilege license issued shall cover the 12-month period beginning July 1 of each calendar year and ending June 30 of the subsequent calendar year.

- (B) The privilege license tax is due on or before July 1 of each year. If, however, a person begins a business after July 1, the tax for that year must be paid before the business is begun.

§ 110.05 LICENSE APPLICATION; FALSE STATEMENT THEREON.

- (A) Every person desiring to obtain a license for the privilege of engaging in a business within this town shall make application therefore in writing to the Town Clerk. The application, to be made on a form provided by the Town Clerk, shall contain the following information:
 - (1) Name and nature of the business for which the license is sought;
 - (2) The address where the business is conducted and a mailing address for the business, if different;
 - (3) The name and address of the person filling out the application and his relationship to the business;
 - (4) The gross receipts of the business for the most recently completed tax year, if applicable;
 - (5) Any other information which the Town Clerk determines to be necessary.
- (B) Any person who willfully makes a false statement on a license application shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50, or imprisoned for not less than 30 days.

§110.06 REFUSAL OR REVOCATION OF LICENSE.

- (A) (1) The Town Clerk shall refuse to issue a license required by this chapter or shall revoke such license for any of the following reasons:
 - (a) The applicant misrepresents a fact relevant to the amount of tax due or his or her qualifications for a license.
 - (b) The applicant refuses to provide information necessary to compute the amount of tax due.
 - (c) The applicant has not obtained a certificate of occupancy when required to do so by local ordinance.
- (2) At the applicant's request, the Town Clerk shall give a written statement of reason for refusing the license. The applicant may, within ten days after the day he or she receives this statement, request a hearing to discuss the refusal or revocation. In the

applicant's request, they shall specify why the application should not be refused or revoked. The Town Clerk shall arrange a hearing within a reasonable amount of time, but no later than 30 days after the request for a hearing is received.

- (B) All decisions made by the Town Clerk, after a hearing, are final and may not be appealed.

§ 110.07 PRORATION OF TAX; SEASONAL BUSINESSES.

- (A) Except when a tax is based on gross receipts, if a business is begun after January 1 but before July 1, the tax shall be one-half of the amount otherwise due.
- (B) Except when a tax is based on gross receipts, a person engaged in a business which is seasonal in nature is liable for one-half of the amount of tax otherwise due.

§ 110.08 MULTIPLE BUSINESSES.

If a person is engaged in more than one business made subject to a license tax under this chapter, the person shall pay the license tax prescribed in the tax schedule approved by the Board of Commissioners for each business, even if the businesses are conducted at the same business location.

§ 110.09 SEPARATE PLACES OF BUSINESS.

- (A) Unless otherwise provided by state law or by the tax schedule approved by the Board of Commissioner, if a person engages in a business in two or more separate places, a separate license tax shall be required for each place of business.
- (B) For purposes of this section, if a person engages in the same business at two or more locations within the town, which locations are contiguous, communicate with and open directly into each other, and are operated as a unit, the person is liable for only one license tax.

§ 110.10 LICENSE CONTENT; DISPLAY OF LICENSE.

A license issued pursuant to this chapter shall show the name of the business licensed, the place where business is conducted, the nature of the business, the period for which the license is issued, and the amount of tax paid. Each person issued a license under this chapter shall post the license in a conspicuous place in his or her regular place of business. If there is no regular place of business, the license shall be kept where it may be inspected at appropriate times by the Town Clerk. If a machine or other item of personal property is licensed, the license shall be affixed to the machine or item.

§ 110.11 CHANGE IN PLACE OF BUSINESS.

If a person who has obtained a license for a business taxed under this chapter desires to move from one business location to another within the town, the license which has been issued shall be valid for the remainder of the license year at this new location, and no additional tax need be paid. Within a reasonable time after the change in location, however, the person shall inform the Town Clerk of the change in address.

§ 110.12 NO ABATEMENT OF TAX.

If a licensee discontinues a business before the end of the period for which the license was issued, the license tax shall not be abated nor shall a refund of any part of the license tax be made.

§ 110.13 EFFECT OF LICENSE.

The issuance of a license under this chapter does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law, nor does the issuance of a license prevent the town from enacting additional regulations applicable to the licensee.

§ 110.14 EXEMPTIONS.

Except as herein provided or as provided by state law or in the schedule of licenses taxes hereinafter set forth, there shall be no exemption of any person from the payment of the license taxes levied by this chapter.

- (A) Any person who engages in business within this town for religious, educational or charitable purposes shall be exempt from paying any privilege license tax levied by this chapter.
- (B) Any blind person engaging in business within the town shall be exempt from paying any privilege license tax levied by this chapter to the extent provided by G.S. 105-249.
- (C) Any person serving in any branch of the armed forces of the United States or in the merchant marine, and desiring to engage in business within the town, shall be exempt from paying any privilege license tax levied by this chapter during the period of that service, to the extent provided by G.S. 105-249.

§ 110.15 UNLAWFUL TO CONDUCT BUSINESS WITHOUT A LICENSE.

- (A) It shall be unlawful for any person to engage in a business within this town upon which a privilege license tax is imposed by this chapter, without having paid the license tax and obtaining the license. Violators shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50.00, or imprisoned for not more than 30 days. Each day that a person engages in business in violation of this section constitutes a separate offense.
- (B) The town may seek an injunction against any person engaging in business in violation of this section.
- (C) A conviction under this section does not relieve a person of his or her liability for the license tax or taxes imposed by this chapter.

§ 110.16 COLLECTION OF UNPAID TAX.

- (A) If a person begins or continues to engage in a business taxed under this chapter without payment of the required privilege license tax, the Town Clerk may use either of the following methods to collect the unpaid tax:
 - (1) The remedy of levy and sale or attachment and garnishment, in accordance with G.S. 160A-207; or
 - (2) The remedy of levy and sale of real and personal property of the taxpayer in accordance with G.S. 105-109(d).
- (B) Any person who begins or continues to engage in a business taxed under this chapter without payment of the tax is liable for an additional tax of 5 % of the original tax due for each 30 days or portion thereof that the tax is delinquent.

§ 110.17 SCHEDULE OF LICENSE TAXES.

Taxes shall be levied and collected on the trades, professions, agencies, business operations, and other subjects set out in the schedule of license taxes, hereby made a part hereof, which is on file in the town office. Privilege license shall be issued without an administrative charge.