

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 subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. Any trade, occupation, profession, business, franchise, or calling of any kind, subject by the provisions of this subchapter 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 performing services within the town.

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

(1978 Code, § 2-4011)

§ 110.02 LICENSE TAX LEVIED.

A license tax is hereby levied on the privilege of engaging in every business within this town which is listed in the schedule of taxes provided for in § 110.16. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid.

(1978 Code, § 2-4012)

§ 110.03 TAX COLLECTOR; DUTIES.

(A) The Town Tax Collector is designated as the proper town official to collect license taxes and to issue privilege licenses.

(B) The Tax Collector shall make any investigation necessary to determine the tax liability of persons engaged in business within the town. If necessary, the Tax Collector is authorized to enter upon the premises of any business during normal business hours for the purpose of determining whether this subchapter has been complied with.

(1978 Code, § 2-4013)

§ 110.04 LICENSE; 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 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.

(1978 Code, § 2-4014)

§ 110.05 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 Tax Collector. The application, to be made on a form provided by the Tax Collector, 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 Tax Collector 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.

(1978 Code, § 2-4015)

§ 110.06 PRORATION OF TAX; SEASONAL BUSINESSES.

(A) Except when a tax is based on gross receipts, if a business is begun after January 31 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.

(1978 Code, § 2-4016)

§ 110.07 MULTIPLE BUSINESSES.

If a person is engaged in more than 1 business made subject to a license tax under this subchapter, the person shall pay the license tax prescribed in the tax schedule in § 110.16 for each business, even if the businesses are conducted at the same business location.

(1978 Code, § 2-4017)

§ 110.08 SEPARATE PLACES OF BUSINESS.

(A) Unless otherwise provided by state law or by the tax schedule provided for in § 110.16, if a person engages in a business in 2 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 2 or more locations within the town, which locations:

- (1) Are contiguous;
- (2) Communicate with and open directly into each other; and

(3) Are operated as a unit, the person is liable for only 1 license tax.
(1978 Code, § 2-4018)

§ 110.09 DISPLAY OF LICENSE.

Each person issued a license under this subchapter shall post the license in a conspicuous place in his 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 Tax Collector. If a machine or other item of personal property is licensed, the license shall be affixed to the machine or item.
(1978 Code, § 2-4019)

§ 110.10 CHANGE IN PLACE OF BUSINESS.

If a person who has obtained a license for a business taxed under this subchapter desires to move from 1 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 Tax Collector of the change in address.
(1978 Code, § 2-4020)

§ 110.11 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.
(1978 Code, § 2-4021)

§ 110.12 EFFECT OF LICENSE,

The issuance of a license under this subchapter 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.
(1978 Code, § 2-4022)

§ 110.13 EXEMPTIONS.

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 subchapter.
(1978 Code, § 2-4023)

§ 110.14 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 subchapter, without having paid the license tax specified in § 110.16. Violators shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50, 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 liability for the license tax or taxes imposed by this subchapter.

(1978 Code, § 2-4024)

§ 110.15 COLLECTION OF UNPAID TAX.

- (A) If a person begins or continues to engage in a business taxed under this subchapter without payment of the required privilege license tax, the Tax Collector 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 subchapter 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.

(1978 Code, § 2-4025)

§ 110.16 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 licenses shall be issued without charge.

(1978 Code, § 2-4026)

Statutory reference:

Privilege license taxes, see G.S. § 160A-211. See also Schedule "B" of the Revenue Act of 1939, as amended (G. S. Ch. 105)