

**A RESOLUTION AMENDING CHAPTER 6, BUSINESS REGULATION, LICENSING, AND  
TAXATION, OF THE CODE OF ORDINANCES, TOWN OF MOORESVILLE, NORTH CAROLINA**

**PART I. Article II, Privilege License, Amendments**

**Section 1. Article II, Privilege License, of Chapter 6, is repealed.**

**Section 2. Article II, Privilege License, is rewritten in its entirety to read as follows:**

DIVISION 1. GENERALLY

**Sec. 6-21. Purpose.**

- (a) The intent of this article is to raise funds for general municipal purposes. Therefore, it should be construed to require payment of the maximum tax permitted for the privilege of carrying on a business, trade, profession, calling or occupation within the corporate limits of the town.
- (b) A license issued pursuant to this article reflects that the appropriate tax has been paid. Issuance of a license does not constitute regulatory approval and does not excuse a licensee from compliance with any other applicable ordinance, regulation, or statute. By issuing a license, the town has not determined that the recipient is in compliance with any applicable local, state or federal regulation or law or that the recipient is otherwise engaged in a legal activity or operating a business in a legal manner.
- (c) This article does not prevent the town from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax or from regulating any business taxed.

**Sec. 6-22. Who must pay tax.**

- (a) Each person who conducts a business within the town is subject to this article. For purposes of this Article, "person" shall include both individuals, corporations, partnerships, or any other legal entity involving a business relationship.
- (b) A person "conducts a business" when he engages in one act of any business. A person or business listed in the yellow pages of the telephone directory issued by the telephone system serving the town shall be prima facie evidence that the person or business is conducting a business within the meaning of this Article.
- (c) A person conducts a business "within the town" if the person maintains a business location within the town, or if, either personally or through agents, such person: (1) solicits business within the town, (2) picks up or delivers goods or services within the town, (3) performs services within the town; or, maintains a building or other property for the purpose of conducting business.

**Sec. 6-23 Definitions.**

Whenever used in this Ordinance (unless the context requires a different meaning):

- (a) "*Agent*" means a person authorized to promote, represent, and/or sell for an agency or business.
- (b) "*Business*" includes each trade, occupation, profession, business and franchise or other activity engaged in by any person for gain, profit, benefit or advantage, taxed under this Ordinance.

- (c) “*Fiscal year*” means the period beginning with May 1 and ending on April 30.
- (d) “*Gross receipts*” of the business means total receipts from sales or services as indicated on the federal or state income tax return for that business.
- (e) “*Licensee*” means a person who has paid the privilege license tax levied by this Ordinance and obtained a privilege license.
- (f) “*Person*” includes any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm or other legal entity.
- (g) “*Revenue Collector*” means the designated individual(s) in the office of the Mooresville Finance Department who is charged with the responsibility of administering this Ordinance. The Revenue Collector is considered the individual charged with administering this Ordinance and collecting such taxes by all lawful means pursuant to North Carolina General Statute § 105-350.
- (h) “*Town*” means the Town of Mooresville.

**Sec. 6-24. Levy.**

*Levy of tax.* An annual privilege license tax is hereby levied on each business conducted within this town, in the amounts set forth in this article. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid. Additionally, every license issued under this article shall be a personal privilege and shall not be transferable.

**Sec. 6-25. License required.**

It shall be unlawful for any person or his agent to engage in or carry on a business in this town for which there is required a license. A violation of this Section shall constitute a misdemeanor as set out in this Article and each day, that such person shall engage in or carry on such business shall be construed to be a separate offense. A conviction under this section does not relieve a person of his liability for the license tax or taxes imposed by this article.

**Sec. 6-26. Exemptions.**

- (a) *Generally.* Except as otherwise provided in this section or by state law, no person is exempt from the payment of a privilege license tax levied by this article. In no event shall this article exempt any person from the payment of a Beer and Wine tax.
- (b) The following are expressly exempt from the payment of the privilege license tax levied under this article:
  - (i) *Charitable organizations.* Organizations considered tax-exempt under Sections 501(c)(3), (4), and (6) of the Internal Revenue Code are exempt from paying the privilege license tax levied under this article.
  - (ii) *Downtown Municipal Service District.* Any property owner or person who operates a business in or on property where the Downtown Municipal Service District tax is paid is exempt from the payment of a privilege license tax levied under this article.
  - (iii) *Hospitals.* Persons who operate an overnight healthcare facility where patients receive medical treatment from a physician.
- (c) A person exempt from paying a privilege license tax levied by this article shall nevertheless obtain a license from the Revenue Collector. The license shall state that the licensee is exempt from paying the privilege license tax.

**Sec. 6-27. Duty to determine whether tax due.**

- (a) Each person has the duty to determine whether the business he conducts is taxed under this article, and if so, whether that tax has been paid for the current tax year.
- (b) No license shall be transferable or assignable.
- (c) A separate license is required and a separate privilege license tax must be paid for each place of business unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other and are operated as a unit.

**Sec. 6-28. Multiple businesses.**

If a person is engaged in more than one business, the licensee may be subject to additional license taxes under this chapter; such person shall pay the license tax prescribed in the tax schedules of this article for each such business, even if the businesses are conducted at the same business location.

**Sec. 6-29. Notice to taxpayer presumed.**

Each person who conducts a business may be subject to a business license. It is the duty of such person to verify what his requirements are. It shall be conclusively presumed that a person conducting business has notice of such requirements.

**Sec. 6-30. Period; due date.**

- (a) Unless otherwise specified, the license issued pursuant to this article is valid for the 12-month period beginning May 1 and ending April 30.
- (b) The tax is due and payable no later than May 31 of each year except that taxes for the period June 1, 2008 until April 30, 2009, are due and payable no later than August 31, 2008.
- (c) However, if a person begins a business after May 1 of a year, the tax for that year shall be due and payable before the business begins.
- (d) A person may not commence a business conducted within the town which is taxed pursuant to this article, until the privilege license tax due is paid, and may not continue such business beyond the period for which the license is issued.
- (e) The Beer and Wine license tax is due and payable after a permit is issued by the State and is renewed no later than May 31 of each year.

**Sec. 6-31. Proration of tax.**

If a business begins after December 31 and before May 1 the amount of tax due is half the amount otherwise due unless otherwise provided. However, beer and wine licenses cannot be prorated.

**Sec. 6-32. Application.**

- (a) A person shall apply to the Revenue Collector for each license required by this article no less than thirty (30) days before the date the tax is due. The application, which shall be submitted on forms provided by the Revenue Collector, shall contain:
  - (1) The name of the applicant and whether the applicant is an individual, a partnership, a corporation, or some other entity.
  - (2) The nature of the business.
  - (3) Where the business is conducted.
  - (4) An address where notices and statements may be mailed to as required by this article.
  - (5) All telephone numbers applicable to the business.

- (6) The gross receipts of the business for the most recently completed tax year, if applicable.
- (7) Any other information the Revenue Collector determines to be necessary to compute the amount of tax due.
- (b) Each new application or an established business moving to a new location must be approved as to zoning requirements by the town.
- (c) Each applicant must continue to comply with other sections of this article and the Mooresville Code of Ordinances concerning public health and safety, nuisances, police, building standards, and/or fire department requirements before the license shall be issued or renewed.

**Sec. 6-33. Change in the business during the tax year; fee for re-issuance of license.**

- (a) A licensee under this article shall report a change in the information contained in the license application to the Revenue Collector within ten days after the change occurs. If information shown on the license itself is affected thereby, the licensee shall surrender the license to the Revenue Collector when reporting the change. The Revenue Collector shall reissue a license reflecting the change upon payment of \$10.00. The license shall be subject to cancellation for failure to comply with this section.
- (b) *Duplicate copy.* Upon satisfactory proof that a license has been lost or destroyed, the Revenue Collector shall furnish a duplicate upon payment of \$10.00. Any other duplication of a license shall constitute a misdemeanor as set out in this Article.

**Sec. 6-34. Tax based on gross receipts.**

- (a) *Requirement.* Except as provided in subsection (d) of this section, if a license tax required by this article is based upon the gross receipts, an applicant for a business privilege license shall be required to submit the exact amount of its gross receipts as reported on their most recent completed federal tax return, in such detail and in such manner as the office of the Revenue Collector may require.
- (b) *Procedures.* When a license tax required under this article is based on gross receipts, the license tax will be computed by applying all gross receipts per location to the rate established in this section and purchase a license for such location. The licensee, however, may be subject to additional license taxes which the State of North Carolina authorizes the town to levy, depending on the licensee's business, and for which a separate license must be purchased. If the licensee is required to obtain multiple licenses, these revenues may be excluded from the total gross receipts. New businesses and/or businesses that have not been in business twelve (12) months must give a good-faith twelve (12)-month projection of their gross receipts. If necessary, the Revenue Collector shall estimate gross receipts for the business on the basis of gross receipts of comparable businesses, or any other information that the Revenue Collector considers useful.
- (c) *Definition of Gross Receipts.* The term "gross receipts," as used in this section, shall mean all earnings, receipts, fees, rentals, commissions, broker's charges and income whatsoever arising from or growing out of the conduct of the business, occupation or profession licensed under this article during the tax year immediately preceding the license tax year for which the tax is being computed, without any deduction whatsoever, unless otherwise expressly provided herein.
- (d) *Exception.* Any business that pays the maximum annual tax on its gross receipts shall not be required to submit the amount of its gross receipts in order to purchase a license.
- (e) *Confidentiality of information.* All information regarding gross receipts or other information furnished or secured under the authority of this article shall not be subject or open to public inspection except as provided by State law. Information obtained under this Article shall be utilized solely by the Office of the Finance Director, its officials and employees for administering the provisions of this article. However, summaries of such information may be shared with appropriate town officials and employees for purposes of research and analysis.

- (f) *False Statements.* Any person who willfully makes a false statement on a license application shall be guilty of a misdemeanor as set out in this Article.

**Sec. 6-35. Ability to produce additional facts.**

If the Revenue Collector requires additional proof before rendering a determination of a person's tax liability, the Revenue Collector may require a sworn statement of sales or other proof as needed prior to making that decision.

**Sec. 6-36. Requested information.**

A taxpayer must give information to the Revenue Collector when information is requested. The Revenue Collector may request a business owner to provide the following:

- (a) Information that identifies the taxpayer.
- (b) Information needed to determine the tax liability of a taxpayer.
- (c) Information that enables the Revenue Collector to collect a tax.
- (d) Other information needed for the Revenue Collector to perform his duty as a Revenue Collector.

**Sec. 6-37. Decisions by the Revenue Collector.**

The Revenue Collector shall assess the tax set out herein based upon the best information available to determine a person's tax liability.

**Sec. 6-38. Revenue Collector's authority; Duties of business operators.**

- (a) *Investigations by Revenue Collector.* If the Revenue Collector has reason to believe that a person is conducting a business in the town in violation of this article, the Revenue Collector shall conduct an investigation to determine the person's tax liability.
- (b) *Duty to provide information.* Each person who conducts a business taxed under this article shall provide upon request information necessary to compute the tax liability. If a person fails to provide such information, the Revenue Collector shall make a determination of that person's tax liability from the information available to the Revenue Collector and in the absence of such information, the Revenue Collector is hereby authorized to assess a privilege license tax based upon a good faith estimation of the gross profits of a business of like kind in the same or similar location.
- (c) *Duty to permit inspection.* Each person who conducts business in the town shall permit the Revenue Collector or his designee to inspect the business premises during normal business hours to determine the nature of the business conducted therein and to examine the books and records to determine the nature and amount of business transacted.

**Sec. 6-39. Issuance of license.**

After obtaining the necessary information needed in order to issue or deny a license, if the Revenue Collector believes that no reason exists for refusal of a license under Section 6-42 herein, the Revenue Collector shall determine the amount of tax due and notify the applicant of that amount. The Revenue Collector shall not issue a license until the tax is paid.

**Sec. 6-40. Duty to post.**

- (a) A licensee under this article shall post the license conspicuously in the place of business licensed. Failure to post this license shall raise the presumption that such business is not licensed under the provisions of this Article.
- (b) If there is no regular place of business, the license must be kept where it may be inspected at all times by the appropriate town officials.

- (c) Each coin-operated machine, device, or other equipment for which a town privilege license is required shall have affixed thereto in a conspicuous place, a sticker as provided by the Revenue Collector, indicating that the privilege license tax has been paid. Failure to display this sticker shall raise a presumption that the machine, device or other equipment is operated by the owner, and/or tenant of the premises, whereupon such person shall be responsible for payment of all town taxes and penalties which may be due and payable.
- (d) Every coin-operated machine, equipment or device for which a town privilege license is required shall have affixed thereto in a conspicuous place, identification showing the name and address of the owner, operator, distributor or other person responsible for such coin-operated machine. Failure to display this information shall indicate the machine or device is owned by the operator on the location, as set forth in subsection (c) of this section.

**Sec. 6-41, Refunds for discontinued business.**

No license tax shall be abated nor shall any refund of any part thereof be made in any case where the licensee discontinues his business before the end of the period for which such license was issued.

**Sec. 6-42. Reasons for refusal or revocation.**

The Revenue Collector shall refuse to issue or shall revoke a license required by this article for any of the following reasons:

- (a) The applicant misrepresents a fact relevant to the amount of tax due or the qualifications for a license.
- (b) The applicant refuses to provide information necessary to compute the amount of tax due.
- (c) The applicant fails or refuses to provide all information required in the application.
- (d) Upon the revocation of any license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business within the Town of Mooresville

**Sec.6-43. Unqualified Applicants; Right to a Conference.**

- (a) If, after receipt of the completed application, the Revenue Collector believes that a reason exists for refusing a license under Section 6-42 herein, he shall refuse to accept payment of the tax and shall not issue the license.
- (b) At the applicant's request, the Revenue Collector shall give him a written statement of the reasons for refusing the license. The applicant may, within ten days after the day he receives notice, request a conference to discuss the refusal. In his request he shall specify why his application for a license should not be refused. The Revenue Collector shall arrange for a conference not to exceed thirty days after request for such conference.
- (c) Within ten (10) days after such conference, the Revenue Collector shall report his decision to the applicant; such decision shall be either to issue a license; deny such license, or request additional information in order to make a determination giving the applicant notice of when such information must be submitted and when a decision will be rendered upon the receipt of such additional information.
- (d) If the Revenue Collector refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the Revenue Collector shall issue the license.

**Sec. 6-44. Amount of Tax Disputed.**

If the applicant disputes the amount the Revenue Collector determines to be due, he may either refuse to pay the tax and request a conference with the Revenue Collector to discuss the determination, or pay the amount

and request a conference to discuss his right for a refund. If a conference is requested, the Revenue Collector shall arrange it in a reasonable time not to exceed thirty days after request for such a conference.

- (a) The Revenue Collector shall revoke a license if a reason exists to revoke it as set forth in Section 6-42. Before the Revenue Collector may revoke a license, he shall give the licensee written notice of the grounds for revocation. The licensee may, within ten days after the day on which the notice is served, request in writing a conference with the Revenue Collector. The request shall specify the reasons why the license should not be revoked. The Revenue Collector shall arrange the conference within a reasonable time, not to exceed thirty days.
- (b) If the licensee fails to request a conference within ten days after the day on which notice is served, the Revenue Collector shall revoke the license. If the licensee requests a conference, the Revenue Collector may not revoke the license until after the conference.
- (c) If the Revenue Collector revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists, and if no other reason exists for refusing to issue a license, the Revenue Collector shall issue the license.

#### **Sec. 6-45. Providing Notice to an Applicant or Licensee.**

Whenever this article requires the Revenue Collector to give a written statement or notice to an applicant or a licensee, he may do so in any one of three ways:

- (a) By personally delivering the statement or notice to the applicant or licensee.
- (b) By mailing the statement or notice by registered or certified mail, return receipt requested, to the address specified for that purpose in the licensee application or to the last known address.
- (c) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service or process under Rule 4, North Carolina Rules of Civil Procedure.

#### **Sec. 6-46 Collection of Deficiency.**

The Revenue Collector may use any of the following methods to collect a deficiency:

- (a) Criminal prosecution in accordance with Section 6-50(a) herein
- (b) Equitable relief in accordance with Section 6-50(b) herein.
- (c) The remedies of levy and sale and attachment and garnishment, in accordance with North Carolina G.S. § 160A-207.
- (d) The remedies of levy and sale of real and personal property of the taxpayer within the town in the same manner and to the same extent as apply to taxes levied by the State as set out in North Carolina G.S. § 105-109 and Articles 9 and 26 of Chapter 105 of the North Carolina General Statutes.
- (e) Any person who commences or continues to conduct a business taxed under this section without payment of the tax is liable for the additional tax as defined in Section 6-49. No license shall be granted until the tax plus the additional tax has been paid.

#### **Sec. 6-47. Licensee's remedies.**

- (a) *Assertions of valid defense.* Any licensee asserting a valid defense to the enforcement of the collection of any license levied in this article shall proceed as provided in this section:
  - (1) A valid defense shall include the following:
    - a. A license imposed through clerical error.
    - b. An illegal license.
    - c. A license levied for an illegal purpose.
  - (2) If the license has been paid, the licensee, at any time within three years after such license became due, may make a demand for a refund of the license paid by submitting to the Town Board of Commissioners a written statement of his defense and a request for a refund thereof.

- (b) *Action of governing body.* Upon receiving a licensee's written statement of defense and request for release or refund, the Board of Town Commissioners shall within 90 days after receipt of such request determine whether the licensee has a valid defense to the license imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct license liability or notify the licensee in writing that no release or refund will be made. The action of the Town Board of Commissioners on applications for refunds shall be recorded in its minutes. If a refund is made, the finance department shall forward such refund to the Revenue Collector, who shall note on all records the amount of refund, check number and refund date.
- (c) *Suit for recovery of license taxes.* If within 90 days after receiving a licensee's request for refund and the Board of Town Commissioners have failed to refund the full amount requested by the licensee, or has notified the licensee that no refund will be made, or has taken no action on the request, the licensee may bring a civil action against the town for the amount claimed. Such action may be brought at any time within three years from the expiration of the period in which the Board of Town Commissioners are required to act.
- (d) *Civil action.* Civil action brought pursuant to subsection (c) of this section shall be brought in the appropriate division of the general court of justices for Iredell County. If, upon trial it is determined that the license or any part of it was illegal, levied for an illegal purpose, or excessive as a result of a clerical error, judgment shall be rendered therefore with interest thereon at the then-current rate of interest as set by state statute, plus costs as determined by the court.

**Sec. 6-48. Free licenses prohibited; exception.**

No free license under this article shall be granted except to disabled veterans for peddling, provided such peddling is done on foot and not from any vehicle. Any such person must be approved by the County Director of Veteran's Affairs in order for the license to be granted.

**Sec. 6-49. Failure to pay tax by due date**

- (a) All license taxes imposed by this article shall be due and payable in advance no later than May 31 in the year in which they are due. If any person conducts any business without first paying such tax and obtaining a license by that date, there shall be assessed an additional tax equal to five percent (5%) of the amount prescribed for the license per month or fraction thereof until paid, not to exceed twenty-five percent (25%) of the amount so prescribed, but in any event shall not be less than five dollars (\$5.00).
- (b) No license shall be granted until the license tax plus the additional tax assessed has been paid.
- (c) All licenses imposed on businesses under Section 6-31 herein shall be paid prior to the beginning of such business. If not paid within 30 days, the penalties provided in subsections (a) and (b) of this section shall apply from the date such business began.

**Sec. 6-50. Penalty for violations.**

- (a) *Criminal penalties.* Conducting business within the town limits without having paid the license tax imposed, conducting business without a valid license issued pursuant to this article, or engaging in business without posting a license as required in Section 6-40 herein shall constitute a misdemeanor and punishable as set out in this Article. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of his liability for taxes imposed under this article.
- (b) *Equitable remedies.* In addition to the criminal remedies set forth in subsection (a) of this section, this ordinance may be enforced by an appropriate equitable remedy pursuant to North Carolina General Statute § 160A-175(d).
- (c) *Garnishment and levy remedies.* The Revenue Collector may set forth the sale of tangible personal property (levy) or attach wages, rents, bank deposit and other compensation (garnish) to eliminate any delinquent license tax in accordance with North Carolina General Statutes §§ 105-368 and 160A-207.

**Sec. 6-51. General penalty; additional remedies.**

- (a) Unless a punishment is otherwise set out herein, any person violating any section of this Article shall be guilty of a class 3 misdemeanor and, upon conviction, shall be subject to punishment in accordance with North Carolina G.S. § 14-4 with the maximum fine thereunder to be greater than \$50.00 but not exceeding five-hundred dollars (\$500.00).
- (b) This Article may be enforced as authorized and in accordance with North Carolina G.S. § 160A-175. Specifically, and without limitation, any section of this Article may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction. In such case, the General Court of Justice for Iredell County shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

**Sec. 6-52. Each day's violation a separate offense.**

Unless otherwise specified, each day's continuing violation of any section of this article shall be a separate and distinct offense.

DIVISION 2. SCHEDULES

**Sec. 6-53. License tax schedules.**

**Schedule A -- Privilege License Taxes Based on Gross Receipts**

The amount of any Privilege License Taxes as set out in this article shall be calculated using the scheduled as set out in this Section. The imposition of taxes based on the gross receipts basis does not prevent or prohibit the application of Schedules B and C as set out in this Section.

- (i) All businesses, trades, professions, gaming devices or other undertakings, initiated for profit or gain, with the exception of manufacturers and wholesalers, shall be taxed at the rate of \$0.60 per \$1,000.00 of annual gross receipts with the minimum tax not to be less than \$50.00.
- (ii) All manufacturers and wholesalers not included in subsection (i) of this Section shall be taxed at a rate of \$.60 per \$1,000 of annual gross receipts with the minimum tax not to be less than \$50.00 and the maximum tax not to exceed \$5,000.00.

**Schedule B -- Privilege License Taxes Limited under North Carolina General Statutes:**

Listed below are classifications of business activities that are subject to a privilege license tax pursuant to North Carolina G.S. § 160A-211 and amount of such tax. Businesses conducting these activities are taxed under this schedule **in addition to** Schedules A and C, as applicable.

- (1) Advertising (outdoor) ..... \$35.00  
Every person who is engaged in the business of outdoor advertising by means of signboards, poster boards or printed bulletins or any other outdoor advertising devices erected upon grounds, walls or roofs of buildings, or other advertising

(2) Auto garage ..... \$12.50

(3i) Auto service station and accessories v ..... \$12.50

Engaging in the business of servicing motor vehicles, trailers or semi-trailers, or engaged in retail selling of automotive accessories or delivering to the user or consumer parts, tires, tools, batteries, electrical equipment or supplies, motor fuels or lubricants, any or all of the above. Such license tax shall be paid for each place of business so operated or maintained.

(4) Auto accessories at wholesale

(a) Every person engaged in receiving, buying, selling, distributing, exchanging or delivering automotive accessories, parts, tires, tools, fuels, lubricants, batteries or other automotive equipment or supplies, any or all of the above at wholesale, for each place of business ..... \$37.50

(b) Plus, for each tanker or truck operated on public streets . . . . . \$25.00

(c) Every person engaged in the business of selling wholesale and having no place of business but selling to retail dealers by use of some form of vehicle ..... \$25.00

The term "wholesale" shall apply to those who receive, buy, sell, distribute, exchange or deliver to retail dealers, or sell otherwise to the consumer.

(5) Amusements ..... \$25.00

(6) Barbers (each) ..... \$2.50

(7) Beer licenses, from May 1 to April 30, not prorated

(a) On-premises ..... \$15.00

(b) Off-premises ..... \$5.00

(c) Chain stores applicable, per NCGS 105-77(b)

(d) Wholesale beer ..... \$37.50

(8) Bicycles, each dealer or agent selling, renting or repairing ..... \$25.00

(9) Boarding houses, per room (not hotels or motels) ..... \$1.00  
(Minimum tax of \$25.00)

(10) Bowling alleys, whether used or not, each alley ..... \$10.00

(11) Building contractors, under NCGS 105-54 ..... \$10.00

(12) Chain store, each store over one ..... \$50.00

(13) Circuses, dog and pony shows, and like amusements, per day .. . . . \$25.00

(14) Collection or claim agencies ..... \$50.00

A collection or claim agency includes every person engaged in the business of operating for profit a collection agency for the purpose of collecting bills, notes, or to pay other indebtedness from one person in favor of another.

(15) Electricians ..... \$50.00

- (16) Elevators or sprinkler systems, selling and/or installing . . . . . \$100.00
- (17) Employment agencies . . . . . \$100.00
- (18) Firearms (rifles, handguns, etc.)
  - (a) Firearms sale and/or manufacturers, including, but not limited to, rifles, handguns, shotguns, etc, . . . . . \$50.00
  - (b) Dealers in bowie knives, dirks, slingshots, leaded canes, iron or metallic knuckles or similar weapons . . . . . \$200.00
- (19) Games, for sport or play, operated for profit (e.g., golf, putt-putt) . . . . . \$25.00
- (20) Hair Stylist (each) . . . . . \$2.50
- (21) Heating contractors. . . . . \$50.00
- (22) Hotels, motels  
 Every person engaged in the business of operating any hotel or motel, tourist court, tourist home or similar place advertising in any manner for transient patronage, or soliciting such business, in the town:
  - (a) For each room . . . . . \$1.00
  - (b) The minimum tax shall not be less than \$25.00 and shall apply whether the rental charges are made by patrons on a daily, weekly, biweekly or monthly basis. It is immaterial as to any particular room whether such room is occupied by a permanent guest.
- (23) Ice cream, at retail . . . . . \$2.50
- (24) Ice Cream Manufacturers/Distributers:  
*"Ice cream"* shall include but not be limited to ice cream, frozen custards, sherbets, water ices or similar frozen products
  - (a) Continuous freezer equipment, per gallon capacity . . . . . \$0.38  
 (Based on the rated capacity in gallons per hour according to the manufacturer's rating.)  
 With a minimum tax per freezer of . . . . . \$12.50
  - (b) Equipment that is not a continuous freeze, per gallon capacity . . . . . \$1.25  
 With a minimum tax per freezer of . . . . . \$12.50
  - (c) Equipment that is not a standard freezer with a manufacturer's capacity rating, per freezer . . . . . \$12.50
- (25) Laundries, laundrettes, and similar type businesses . . . . . \$50.00  
 Each steam or electric laundry, including wet or damp wash laundry, and each business supplying or renting clean linen or towels or wearing apparel
- (26) Loan companies, personal . . . . . \$100.00  
 Persons lending money on personal securities, such as household and kitchen articles, watches, jewelry, automobiles, etc., by mortgage, pledge or otherwise.

- (26) Manicuring, each . . . . . \$2.50
- (27) Merchant itinerant (cash or money order) . . . . . \$100.00  
Merchant, other than an established retail merchant in county, who transports goods to a building, vacant lot or alley, etc., and offers for sale at retail for less than six consecutive months
- (28) Motion picture shows, indoor, per screen . . . . . \$200.00
- (29) Motorcycle dealers . . . . . \$12.50  
Every person engaged in buying, selling, servicing, distributing or exchanging motorcycles, motorcycle supplies or equipment, for each place of business so operated
- (30) Motor vehicle dealers
  - (a) Every person engaged in buying, selling or exchanging motor vehicles, trailers, semi-trailers, tires, tools, batteries, electrical equipment, fuels, lubricants or automotive equipment, for each place of business so operated at retail and/or wholesale . . . . . \$25.00
  - (b) Seasonal, temporary, transient or itinerant nature, each location . . . . . \$300.00
- (31) Music box (juke box) each . . . . . \$5.00  
License must be attached to machine before being placed in operation
- (32) Oil dealers in lubricating  
For each tanker, or truck operated on the public streets . . . . . \$25.00
- (33) Pawnbrokers . . . . . \$275.00
- (34) Peddlers – (cash or money order) . . . . . \$25.00
  - (a) Person who travels from place to place with inventory and offers for sale at retail the actual inventory, occupying no space for more than 30 minutes during any 24-hour period. Must comply with the regulations in this Ordinance concerning Peddlers and any applicable state law.
  - (b) Farmers selling their own produce must apply for grower's certification to be exempted.
- (35) Phonographs, tapes, recorders, etc.,
  - (a) Each dealer or agent . . . . . \$5.00
  - (b) Service or repair . . . . . \$5.00
- (36) Piano and or organ dealers . . . . . \$5.00
- (37) Plumbers . . . . . \$50.00
- (38) Pool tables, pocket billiards, or bagatelle tables, unless used for private amusement alone without charge, per location . . . . . \$25.00  
The above tax shall apply whether the pool tables are operated by slot or otherwise.
- (39) Pressing clubs (dry cleaning) . . . . . \$50.00  
Includes nonresident and coin-operated dry cleaning machines
- (40) Radio and/or TV
  - (a) Each dealer or agent . . . . . \$5.00

- (b) Repair or service . . . . . \$5.00
- (41) Restaurants
  - (a) Seating capacity of four customers or fewer . . . . . \$25.00
  - (b) Seating capacity of five or more . . . . . \$42.50
- (42) Shooting galleries . . . . . \$25.00  
Whether used or not a place for any other games or play with or without name (unless used for private amusement or exercise alone, without charge)
- (43) Sign erectors, sign hangers . . . . . \$35.00  
Construction, repairing, repainting or erecting any sign on walls, buildings or roofs, or hanging or supported steps over streets or sidewalks, any and all work in which is used ladders or scaffolding
- (44) Skating rinks/swimming pools . . . . . \$25.00
- (45) Slot machines  
No license tax shall be charged upon or issued for a slot machine illegal under the state law.  
Pinball machines and other amusement games and devices, per location . . . . . \$25.00
- (46) Sundries (soft drinks, tobacco) . . . . . \$4.00  
The sundries license shall be procured and tax paid on any one or more of the following business activities:
  - (a) Sale of pre-wrapped sandwiches in drugstores, service stations or any stands or places not licensed and taxed as a restaurant.
  - (b) Operating, maintaining or placing on location any of the following types of dispensers or machines:
    - (1) Dispensers of cigarettes or other tobacco products.
    - (2) Dispensers of soft drinks.
    - (3) Dispensers of food or other merchandise.
    - (4) Weighing machines.
 (Not to exceed 4 machines of like kind.)
  - (c) Operating a soda fountain or soft drink stand.
  - (d) Retailing or jobbing cigarettes, cigars, chewing tobacco, snuff or any other tobacco product.  
License for each location, regardless of the number of activities engaged in.
- (47) Specialty markets (flea markets) . . . . . \$200.00  
Person who rents space, other than permanent retail store, to someone selling retail.
- (48) Taxicabs . . . . . \$15.00  
Subject to approval of police department and Town Code. As of May 31, delinquent license fees and/or penalties shall become the responsibility of the taxicab company under which it operates.
- (49) Trailer parks . . . . . \$12.50
- (50) Undertakers . . . . . \$50.00
- (51) Video games, each machine . . . . . \$5.00  
Each electronic video game's serial number must be provided with the application. The license must be shown in a conspicuous place.

- (52) Video sales and rentals . . . . . \$25.00  
(Subject to (12) and other applicable licenses)
- (53) Wine license, from May 1 to April 30, not prorated:
  - (a) On-premises . . . . . \$15.00
  - (b) Off-premises . . . . . \$10.00
  - (c) Chain stores applicable, per NCGS 105-77(b)
  - (d) Wholesale wine . . . . . \$37.50

**Schedule C--Privilege License Taxes Limited by Town Ordinance**

Business categories in this schedule are specifically taxed. Businesses conducting these activities are taxed under this schedule **in addition to** Schedules A and B, as applicable.

(301) Bankrupt or fire stock . . . . . \$450.00  
Every itinerant salesman or merchant who shall expose for sale, either on the street or in a house rented temporarily for that purpose, any goods, wares or merchandise, bankrupt stock, or fire stock, not being a regular merchant in the town, shall apply for in advance and procure a license for the privilege of transacting such business.

(302) Catering trucks, each truck . . . . . \$50.00  
Selling tobacco, soft drinks, wrapped sandwiches and prepared food from a truck; does not include sale of ice cream and must be approved by health department. The license must be posted in the cab of the truck, automobile or any form of vehicle used.

(303) Christmas trees . . . . . \$50.00  
Dealers in Christmas trees and perishable Christmas decorations, not prorated, each lot

(304) Fortunetellers . . . . . \$1,000.00

(305) Ice cream vendors, each vehicle . . . . . \$75.00  
Ice cream and flavored ice products peddlers who retail from a cart, truck, wagon or other type vehicle. The license must be posted in the cab of the truck, automobile or any other form of vehicle used.

(306) Miscellaneous  
Every person engaged in business carried on or enjoyed within the corporate limits of the town shall apply for and pay a privilege license tax unless specifically exempted by a local, state or federal authority. In those cases where the privilege license tax amount cannot be determined by any other means, the tax administrator shall determine the tax amount due using the following basis:

- (a) 1 to 5 full- or part-time employees at any one time during the year . . . . . \$150.00
- (b) 6 to 10 full- or part-time employees at any one time during the year . . . . . \$500.00
- (c) 11 to 15 full- or part-time employees at any one time during the year . . . . . \$1,000.00
- (d) 16 to 20 full- or part-time employees at any one time during the year . . . . . \$1,500.00
- (e) 21 to 25 full- or part-time employees at any one time during the year . . . . . \$2,000.00
- (f) 26 to 35 full- or part-time employees at any one time during the year . . . . . \$3,000.00
- (g) 36 or more to 45 full- or part-time employees at any one time during the year . . . . . \$4,000.00
- (h) 46 or more full- or part-time employees at any one time during the year . . . . . \$5,000.00

The tax is not subject to be prorated for a period of less than one year. The number of full- or part-time employees to be used in determining this tax shall be the maximum number of full- or part-time employees working out of this business location at any one time during the license year and shall include owners,

management and persons compensated in any way, including commission for work done at or for this business location.

(307) Pushcarts . . . . . \$50.00

DIVISION 3. Exemptions

**Sec. 6-54. Exemptions from Municipal privilege license taxes; based on State Statutes.**

The following are exempt from the payment of municipal privilege license taxes pursuant to North Carolina law:

(a) ***Occupations and Professionals:***

- Accountants
- Architects
- Art of Healing
- Attorneys-at-law
- Auctioneers
- Banks –banking associations, national bank, etc
- Bondsmen
- Burglar Alarm dealers
- Bus companies
- Chiropodists
- Chiropractors
- Dentists
- Doctors
- Embalmers/Morticians
- Engineers
- Exterminators
- Insurance companies
- Landscape Architects
- Massage Therapists
- Mortgage companies
- Ophthalmologists
- Opticians
- Optometrists
- Osteopaths
- Photographers
- Physicians
- Private Detectives
- Real Estate Agents/Brokers
- Real Estate Appraisers
- Real Estate Mortgage companies
- Surgeons
- Surveyors
- Telephone companies
- Trucking companies
- Veterinarians

(b) ***Household Appliances / Office Machines: (selling or renting)***

10-Key – for office use  
Alarm Systems – Installing, servicing and monitoring  
Billing machines– for office use  
Calculators – for office use  
Cash Registers  
Check Processors  
Computer Hardware – for office use  
Copiers – for office use  
Fax machines – for office use  
Printers – for office use  
Refrigerators – for home use  
Sewing machines – for home use  
Typewriters – for office use  
Vacuum cleaners – for home use  
Washing machines – for home use

(c) ***Miscellaneous Businesses:***

Breweries  
Lighting Systems  
Lottery Games  
Motion Picture distributors  
Manufacturing Motion Pictures  
Motor Fuels - distributors/wholesaler  
Natural Gas Supplier  
Telecommunication Services (taxed under GS 105-164.4(a)(4c)  
Vending Merchandising machines (5 of same type)  
Video Programming (taxed under GS 105-164.4(a)(6)  
Wineries

**Part II. Authority:**

a. This Ordinance is enacted pursuant to the provisions of G.S. § 160A-211; G.S. § 105-33 -109; G.S. § 105-113.68 - 105-113.79; and Article 9 in Chapters 105 and 160A of the North Carolina General Statutes.

**Part III. Effective Date:** The Ordinance is effective on the date of its enactment and applies to all persons doing business on or after such date.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Bill Thunberg, Mayor

Attest: \_\_\_\_\_  
Janet O. Pope, Town Clerk

Approved as to form:

\_\_\_\_\_  
Stephen P. Gambill, Town Attorney