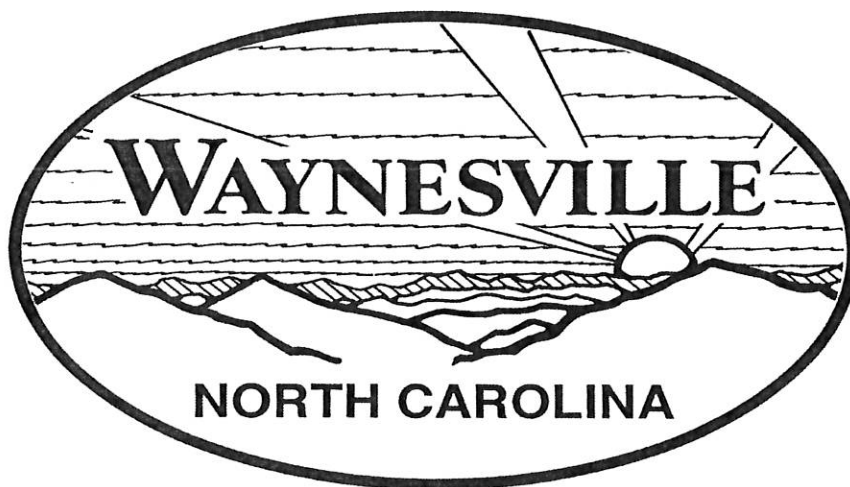


TOWN OF WAYNESVILLE BUSINESS LICENSE PROPOSAL 2013-2014



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Tax Collector-Waynesville

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INTRODUCTION

On the following pages are answers to questions that maybe of concern regarding the gross receipts method. Please note that all of the recommendations and formulas used are based upon examples and should not reflect any fees that the Town of Waynesville currently charges. However, the listings of the types of businesses in each fee schedule are regulated by the State of North Carolina and these charges are reflected in the following listings. This does not necessarily mean that the Town of Waynesville currently charges these fees as the Privilege License fees have not been reviewed for quite some time.

The rate schedule used in the examples has been determined after a comparable analysis of towns and cities with similar demographic factors related to the Town of Waynesville was considered. According to the research that was conducted, the City of Hendersonville instituted the gross receipts method two years ago and saw an increase of over \$320,000! In other towns, such as Aberdeen, which is smaller than the Town of Waynesville with roughly 5,000 people, saw their gross receipts produce a substantial revenue stream. Another neighboring town, Sylva, instituted the gross receipts system two years ago and saw an increase of \$55,000 just in gross receipts alone. However, while making these types of projections, it is important to note that many demographic factors make up these numbers as each city and town is unique.

Over the years, I have had the privilege to serve on the North Carolina Association of Business Licensing Officials as their past president as well as to serve on numerous committees within the association. This has allowed me to establish many contacts within the field of privilege license and to get a good understanding of how the gross receipts model works. While not all cities and towns use this model, it is safe to say that the majority of cities and towns across the state use this model as a vehicle to generate revenue for their respective organizations as budgeting has become more and more challenging. While this is certainly not all the cities and towns that use the gross receipts model, I have attached a list that I have retrieved from my peers that show many organizations using the gross receipts method. While the Town of Waynesville will be converting to a whole new system if the gross receipts model is adopted, please realize that many cities and towns across the state, have already made the switch to this type of system. It is important to note that many of the larger businesses that generate such large streams of income have adjusted to the gross receipts method in their business model as more and more cities and towns across the state of North Carolina are moving toward this system. When reviewing the privilege license rates and considering adjusting our current privilege license model, it is important to note that the gross receipt standard is the fairest and most equitable method for businesses.

While it is evident that many of the larger chain stores will generate a much larger revenue stream, I have tried to estimate an accurate and conservative picture of revenues for the Town of Waynesville. Since there is no way to see what each business currently is generating in sales, many factors went into my projections. After reviewing comparable cities and towns across the state, I went to the Department of Revenue for additional information. According to Article 39, which states the gross sales for Haywood County, I was able to make what I feel is an acceptable, reasonable, and conservative projection of revenues that can be generated. It is recommended that the Town of Waynesville pursue and adopt the proposed gross receipt model or one of similar fashion along with a review of the current town ordinance regarding privilege licenses.

Please review the following information that tries to answer any questions that you may have. I have divided this proposal in three sections. The first section gives examples for better understanding of how the model works, and have made projections and recommendations for the Mayor and Board of Alderman to consider. The second section lists provides recommended changes to the ordinance and a list of Schedule B and Schedule C businesses and the fees associated with them. The third section compiles different business license ordinances for comparison.

It is also important to note that the state of North Carolina is contemplating doing away with the Business License tax; however, from conversations with officials at a recent conference, there is no recommendation from the governor to eliminate this tax. This is coming from the senate and house floor and has been brought up in the past but there have been no action taken. The Board should be aware of such actions considered by our state legislatures.

Respectfully,

James Robertson

James Robertson, CTC, MBA

Tax Collector-Waynesville

SECTION I

QUESTIONS ABOUT BUSINESSES AFFECTED BY CONVERTING FEES FROM FLAT RATE TO GROSS RECEIPTS

- 1.) **What is a privilege license?** A privilege or business license as they are often called is an excise tax that is levied on the privilege of conducting a trade or business in a city or town.
- 2.) **What gives a municipality the right to charge a Privilege License?** Cities have broad authority pursuant to NCGS 160-A211 to impose privilege license fees on any business conducted inside the city, except businesses limited or prohibited by the North Carolina General Statutes.
- 3.) **Who is required to have a Privilege License?** Anyone conducting business within the city limits of Waynesville, whether home-based or at another location; whether it is a sole proprietorship, partnership, LLC, or corporation; full-time, part-time; regardless of size, unless the business is exempted by the North Carolina Department of Revenue and/or Federal law.
- 4.) **What do you mean by conducting a business?** Anyone engaging in a business activity; either as owner or operator, by means of maintaining a business location within the city limits; solicits business within the city limits; or performs services within the city limits.
- 5.) **What are Gross Receipts?** The term "gross receipts" in regards to privilege license, shall mean all earnings, receipts, fees, rentals, commissions, broker's charges, and income whatsoever arising from or growing out of the conduct of business, occupation, or profession as reported on the most recently completed federal tax return, without any deduction whatsoever, unless otherwise expressly provided.
- 6.) **Will a business's gross receipts be kept confidential?** Yes, NCGS 160A-208.1 prohibits any information about a taxpayer's income/receipts from being disclosed.
- 7.) **When will this be implemented?** If approved by the Board of Alderman the new gross receipt method will start on July, 1, 2013.
- 8.) **How much does a Privilege License cost?** Fees vary depending upon the type of business. Most businesses will be charged based upon gross receipts and will pay a minimum fee of \$25.00 for gross receipts up to \$1,000,000. Businesses with gross receipts over \$1,000,000 will have an additional fee of .50 per \$1,000 over the \$1,000,000 in receipts.
- 9.) **How much would a small business fee increase if the Town of Waynesville went to the gross receipts method?** Depending on the business and the charges that could apply from the North Carolina General Statutes, many businesses would see little to no change in the amount currently charged or even a lesser

amount if the \$1,000,000 threshold is not exceeded. For those that exceed the threshold of \$1,000,000 it would depend on the amount of gross receipts that the business generates throughout the year.

- 10.) **What if a business just started?** One of two things could be proposed. First, a business could be required to give a good-faith estimate based upon what the business may do. Second, the minimum fee could be charged for the first year with an estimated adjustment done when the second year tax records are calculated. A number of formulas could be used.
- 11.) **What if a business is located in another jurisdiction?** The business would get a license based upon the receipts made only within the Town of Waynesville.
- 12.) **Why would the Town of Waynesville change to gross receipts?** It is the most equitable and fairest way to charge a privilege license fee. Many small and large businesses have vastly different characteristics and demands on town services, yet pay the same amount under the old flat rate system. The new gross receipts system will ask the business owner to pay on a scale based upon their sales.
- 13.) **How does the Town of Waynesville know if businesses are reporting the correct receipts?** Businesses must use line 1 (a) of their Federal tax return (1040 Form Schedule C, 1065, or 1120) or their profit/loss statement, or record books.
- 14.) **Could a business be charged a combination of flat fees and gross receipts?** Yes. The Town of Waynesville would have three (3) different categories. (Schedule A is the classification used for all businesses that pay on gross receipts; Schedule B would be classifications that are limited by the State of North Carolina; and schedule C represents flat fee classifications set by the Town of Waynesville). If the gross receipts option is pursued the town's ordinance will need to be changed and reviewed to accommodate these new policies. A good example of a combination of flat fees and gross receipts would be a convenience store. They would pay a portion under gross receipts, but would also have some areas of their business that are state limited, such as service stations, sundries, ice cream, beer, and wine. The business would deduct these receipts and report the remainder as their sales.
- 15.) **What if a person or corporation has multiple business locations within the town limits?** Each person who conducts business must keep records and books necessary to commute their tax liability. Each business location must be licensed separately and all applicable fees paid.
- 16.) **Would these changes constitute hiring more employees?** While the gross receipts method is more in-depth and will require more time and information to calculate, this new method should not constitute hiring new

personnel. However, it will require additional training to the customer service representatives to know how to proceed with the new changes.

FEE SCHEDULES

Schedule A Fees- This is for business that is conducted inside the Town of Waynesville. Schedule A is defined as all businesses, trades, professions, etc. that operate for a profit.

Fee Table for Schedule A

Gross sales 0 to 1,000,000 = License fee of \$25.00

For receipts over \$1,000,000 use the formula of $\$25.00 \times 1^{\text{st}} \$1,000,000 + .50$ per additional \$1,000 thereafter.

Example #1

If Schedule A Gross Receipts is LESS THAN \$1,000,000, the following formula would be used.

1. Gross Receipts.....\$939,830
2. Round to nearest thousand.....940,000
3. Subtract 1st 1,000,000.....(60,000)
4. Difference.....(40,000)

The Gross Receipts are less than the \$1,000,000 threshold. Therefore, the business license amount would be the general fee of \$25.00.

Example #2

If Schedule A Gross Receipts is GREATER THAN \$1,000,000, follow the example below. Otherwise use the fee table listed above.

1. Gross Receipts.....\$1,579,830
2. Round to nearest thousand.....1,580,000
3. Subtract 1st 1,000,000.....(580,000)
4. Divide by 1,000.....580.00
5. Multiply by .50 (tax rate).....290.00
6. Add \$25.00 flat fee for the 1st \$1,000,000 and then add \$290.00 for additional revenue consideration. The TOTAL AMOUNT of the Gross Receipts for a business that generates this type of revenue would be \$315.00 for the year.

Example #3

It is proposed that there should be no cap in the fee schedule. By having no cap limit on the fees it still makes the business license tax equitable across the board for everyone. Look at the following example for clarification.

LARGE RETAILER: GROSS RECEIPTS \$100 MILLION DOLLARS ESTIMATED ANNUAL GROSS RECEIPTS; IN ADDITION THE LICENSE WOULD STILL INCLUDE THE FLAT FEES THAT ARE COVERED UNDER NC G.S. SCHEDULE.

1. Gross Receipts.....\$100,000,000
2. Subtract 1st 1,000,000.....99,000,000
3. Divide by 1,000.....99,000
4. Multiply by .50 (tax rate).....49,500
5. Amount Due Gross Receipts.....49,500
6. Additional Flat Rate Fees under NC G.S.....319.00
7. Total Amount Due.....49,819.00

IF A CAP OF A MAXIMUM OF \$5,000; THE RETAILER WOULD PAY \$5,000.000 TOTAL FOR GROSS RECEIPTS FOR A LOSS OF \$45,138.00.

FLAT RATE FOR LARGE RETAILER: CURRENTLY WHAT THEY PAY	FEES	FLAT RATE FOR LARGE RETAILER: GROSS RECEIPTS APPLIED	FEES
Bakery-Inside Town	10.00	Beer-Off Premises	5.00
Beer-Off Premises	5.00	Chain Stores	50.00
Chain Stores	50.00	Knives/Darts/Daggers	200.00
Tobacco Products	4.00	Firearms	50.00
Knives/Darts/Daggers	200.00	Tobacco Products	4.00
Firearms	50.00	Wine-Off Premises	10.00
Drug Stores	35.00		
Meats/Fish/Poultry	30.00		
Jewelry Store	30.00		
Merchants-Retail	25.00		
Popcorn/Peanuts/Snacks	5.00		
Soft Drinks	2.50		
Wine-Off Premises	10.00		
TOTAL	456.50	TOTAL	319.00

THE TOTAL PRIVILEGE LICENSE TAX FOR THE RETAILER WOULD BE (IF GROSS RECEIPTS APPLIED): \$49,819.00 + \$319.00 = \$50,138.00

Schedule B Fees- Listed below are the categories of business activities governed and defined within Schedule B, Privilege License Taxes of North Carolina Revenue Laws or specifically taxed under the Town of Waynesville. Businesses conducting these activities are taxed under this schedule in addition to Schedule A if applicable. Each activity is taxed separately under this law.

Advertising-Outdoor \$35.00

Amusements-riding devices, pinball, etc. \$25.00

Amusement-Admission charged \$25.00

Automatic Sprinkler Installation \$100.00

Automobile Dealership \$25.00

Automotive Equipment (Retail) \$12.50

Automotive Equipment (Wholesale) \$ 37.50

Barber Shop-Each Operator \$2.50

Beauty Shop-Each Operator \$2.50

Beer-On-Premises \$15.00

Beer-Off –Premises \$5.00

Bicycles/Accessories \$25.00

Bowling Alley-per alley \$10.00

Café, Cafeteria, Restaurant-0 to 4 seats \$25.00

Café, Cafeteria, Restaurant>4 seats \$42.50

Chain Store \$50.00

Check Cashing Business \$100.00

Collections Agency \$50.00

Construction Contractor if State Licensed \$10.00

Construction Contractor if not licensed Schedule A

Dry Cleaning/Laundries-Inside \$50.00

Electrical Contractor \$50.00

Electronic Video Game-per machine \$5.00
Elevator Installation \$100.00
Employment Agency \$100.00
Firearms dealer (Federal License Required) \$50.00
Fortunetellers, Palmists \$2,600.00
Garage-Car Repair \$12.50
Heating/Mechanical Contractor \$50.00
Hotels/Motels-per room minimum \$25.00/1.00 per room
Ice Cream-Retail Sales \$2.50
Itinerant Merchant \$100.00
Knives, Daggers, Slingshots, etc. \$200.00
Laundries & Linen Supply \$50.00
Loan Agency or Loan Broker \$100.00
Manicurist-Each Operator \$2.50
Motorcycle Dealers \$12.50
Movie Theaters-per screen \$200.00
Movie Video/Rental/Retail \$25.00
Music Machines \$5.00
Musical Merchandise Retailer/Repair \$5.00
Pawnbroker \$275.00
Plumbing-Contractor licensed \$50.00
Pool Tables \$25.00
Precious Metals Managers \$10.00
Radios/Records/TV; Retail Repair \$5.00
Service Stations/Garage/Fuel \$12.50

Specialty Market Operators \$200.00

Sundries (soft drinks, tobacco, vending) \$4.00

Tobacco Warehouse \$50.00

Trailer Camps \$12.50

Undertakers \$50.00

Wholesale Dealers Beer Only \$37.50

Wholesale Dealers Wine Only \$37.50

Wholesale Beer & Wine \$62.00

Wine-On Premises \$15.00

Wine-Off Premises \$10.00

Schedule C Fees- Businesses that are taxed in this category are specifically taxed and are subject to Schedule A and Schedule B fees.

Adult Entertainment- \$1,000.00 per dancer along with criminal background checks required. (All stipulations based upon the current town ordinance regarding this business).

Taxi Cabs- \$15.00 per Cab and based upon an inspection completed by the Waynesville Police Department.

EXEMPTIONS

The following business activities are exempt from the Town of Waynesville's Privilege License fee. Exempt businesses engaging in non-exempt business activities are taxable.

Accountants

Alarm Dealer

Alarm Monitoring

Appliance Retail

Appliance Rental

Architects

Attorneys

Auctioneers

Bail Bondsmen

Banks

Breweries

Bus Companies

Chiropodists

Chiropractors

Computer Hardware (Retail and/or Rental)

Dentists

Embalmers/Morticians

Engineers

Healers

Home Inspectors

Insurance Co/Agents

Land Surveyors

Landscape Architects
Massage Therapists
Motor Fuels-Distribution Wholesale
Non-Profit/Charitable
Oculists
Office Equipment Rental
Ophthalmologist
Opticians
Optometrists
Osteopaths
Pest Control Applicators
Pharmacist
Photographers
Physicians/Surgeons
Private Detectives
Railway Companies
Real Estate Agents
Real Estate Appraisers
Savings & Loan Associations
Telephone Companies
Trucking Companies
Users of Newsprint
Veterinarians
Wineries

ANALYSIS

After reviewing Article 39 and composing a total amount of revenue that was generated in Haywood County, there was \$626,651,697.00 that was spent in Haywood County from July 2011 to June 2012. Based upon Waynesville being the county seat and having more population than surrounding towns, along with more anchor stores within the city limits, it is estimated that roughly 40% of those sales were generated within the Town of Waynesville. To get a better understanding of this, consider some of the businesses that are within the city limits. K-Mart, Advance Auto Stores, Auto Zone, McDonald's, Burger King, Wendy's, Hardees, Wal-Mart, Belk, Michael's, Pet Smart, Best Buy, Ingles (2 locations), Bi-Lo, Haywood Builders, and several gas stations. Based upon the 40% sales projection, these businesses could possibly generate \$242,857,142.00 in gross sales. If considering the \$1,000,000.00 base amount for the standard fee, an additional \$20,000,000.00 could be added to the projection for a total of \$262,857,142.00 in estimated sales as all of the mentioned business would more than likely produce over \$1,000,000.00 in gross sales.

To put it in perspective, if the Town of Waynesville used a rate of .50 per \$1,000.00 over the \$1,000,000.00 base amount, this would generate \$121,500.00 to \$131,500.00 in business license revenue along with a projected amount of \$17,500.00 from Schedule B and Schedule C fees. This would put the business license revenue amount at approximately \$139,000.00 to \$149,000.00. I have discussed these numbers with Finance Director, Eddie Caldwell, and he agrees with my analysis of the projected revenue.

RECOMMENDATION

Based upon these findings and projections, I recommend that the Town of Waynesville consider going to the gross receipts model for business licensing. First, I believe that this system puts everyone on a level playing field. It is an equitable and fair model that does not hurt the small business owner and does not overburden the higher end businesses. As a matter of fact, many large businesses and organizations have these fees allocated into their business model as many cities and towns exercise this tax to generate revenue. Second, I believe that the Town of Waynesville rate for such taxes should be set at .50/\$1,000.00 with a \$1,000,000.00 base. There should be no cap set for this tax as this would limit the Town of Waynesville in future revenues and would not make things equitable across the board for all of the businesses involved. All businesses should be set forth in this schedule without any classifications such as retail, manufacturing, and industrial.

SECTION II

Town of Waynesville Ordinance BUSINESS LICENSES

Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

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

Businesses: Any business, trade, occupation, avocation or calling of any kind subject, by the provision 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 such business:

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

Fiscal year: The period beginning with the first day of July and ending with the thirtieth day of June the following year.

Quarter: Any three- (3) consecutive months beginning on January 1, April 1, July 1, or October 1.

Levy Generally

In addition to the tax on property as otherwise provided for, and under the power and authority conferred in the laws of the state, there shall be levied and collected annually, or oftener, where provided for, a privilege license tax on trades, professions, agencies, business operations, exhibitions, circuses, carnivals, and all subjects authorized to be licensed, as set out in this list of schedules.

Continuing authority of council

Nothing contained in the provisions of this shall be construed to prevent the Town Board from imposing, from time to time as it may see fit, such license taxes as are not specifically defined or included in this schedule, or from increasing or decreasing the amount of any special license tax, or from prohibiting or regulating the businesses or acts licensed, when not in conflict with the state or federal law.

Collecting official

The Tax Collector is hereby designated as the proper town official to collect license taxes and to issue privilege licenses.

Required

It shall be unlawful for any person or his agent or servant to engage in or carry on a business in the town for which there is required a license, without first having paid the license tax and obtained the license. For the purpose of this schedule the opening of a place of business, or offering to sale, followed by a single sale or the doing of any act or thing in furtherance of the business shall be construed to be engaging in or carrying on such business; and each day that such person shall engage in or carry on such business shall be construed to be a separate offense.

Exemptions

- (a) Any person who engages in business within the town for religious, educational or charitable purposes shall be exempt from paying any privilege license tax levied by this schedule.
- (b.) Privilege license tax levied by this schedule, to the extent provided by the General Statutes.
- (c.) Any person serving in any branch of the armed forces of the United States or in the merchant marine during the period of such service shall be exempt from liability for any and all license taxes levied by the town in the state for the privilege of engaging in or carrying on any trade or profession in the state, which trade or profession such a person immediately prior to being called into such service was engaged in.
- (d.) In addition to the above, certain businesses are exempted from privilege license taxes by state law. A list of such exempted businesses falls under Professionals in this fee schedule.

Multiple businesses

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

Separate places of business

Unless otherwise provided by state law or by the tax schedules of this chapter, if a person engages in a business in two (2) or more separate places. A separate license tax shall be required for each such place of business. For purposes of this Section, if a person engages in the same business at two (2) or more locations within the Town of Waynesville, which locations:

- 1.) Are contiguous,
- 2.) Communicate with and open directly into each other, and,
- 3.) Are operated as a unit, this person is liable for only one license tax.

Application- Generally

Every person desiring to obtain a license for the privilege of engaging in a business within the Town of Waynesville 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:

- (a.) Name and nature of the business for which the license is sought;
- (b.) The address where the business is conducted and a mailing address for the business, if different. If the application is for a new business or for a new location of an existing business the application shall be accompanied by a certificate of occupancy obtained from the inspections department certifying that the location meets all building code requirements and meets all the zoning requirements for the intended use;
- (c.) The name and address of the person filling out the application, and his relationship to the business;
- (d.) The gross receipts of the business for the most recently completed tax year, if applicable; and
- (e.) Any other information, which the Tax Collector determines to be necessary to issue out the proper license tax.

(f.) All information should be filled out before application can be processed.

Falsified information

Any person who willfully makes a false statement on a license application shall be guilty of a misdemeanor.

Investigations

The Tax Collector shall make any investigation necessary to determine the tax liability of a person engaged in business within the Town of Waynesville. If necessary, the Tax Collector is authorized to enter upon the premises of such business during normal business hours for the purpose of determining whether this chapter has been complied with. Also the Fire Dept., Building Inspections and the Police Dept. should have the right to ask for any business for proof of a valid privilege license when doing routine inspections.

Issuance conditional

All licenses provided for by this schedule are granted subject to the provisions of this schedule.

Forms and contents

Every license issued under the provisions of this chapter shall show on the face thereof the name of the licensee, the nature of the business, the location thereof and the license expiration date. Any license requiring the approval of the Town Board or of any officer of the Town shall show its approval on its face; and it shall be the duty of the Tax Collector before issuing any such license to see that the required approval is properly endorsed on the application for the license.

The Tax Collector shall keep an exact copy of every license issued under the provisions of this schedule.

Effect of discontinuance of business

No license tax shall be abated nor shall any refund or 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.

Refunds

A taxpayer may obtain a release or refund of a tax if he can demonstrate to the satisfaction of the Town Board that the tax was illegal, levied for an illegal purpose, or

imposed through clerical error. If the tax has been paid, the taxpayer's request for a refund must be made within three (3) years after the tax became due or within six (6) months after the date of payment, whichever is later.

Duration

All taxes provided for and fixed in the following sections and schedules shall be for twelve (12) months, unless otherwise specified, and shall so remain for each subsequent year to come until amended or changed by the Town Board. All of the licenses provided for in this chapter, except beer and wine, shall expire on June thirtieth of each year. Unless otherwise specifically provided, any licensee applying for and obtaining a license after and before June 30th shall be required to pay only a prorated amount of the annual license tax prescribed. This provision excludes any itinerant merchant that acquires a privilege license through the Town of Waynesville. The license on all itinerant merchants shall not be prorated.

Change in place of business

If a person has obtained a license for a business taxed under this chapter desires to move from one business location to another within the town limits the license that 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, such person shall inform the Tax Collector of the change in address.

Replacement of license

If for any reason during the course of the year a business needs to change its location on the license or if the license has been lost or destroyed, there will be a \$5.00 replacement cost fee charged to replace and print out a new license.

Transfer

All license issued under the provisions of this chapter shall be a personal privilege and shall not be transferable. This would include any business that the name and location remain the same but the ownership has changed. Any name change or address change should be reported to the Tax Collector as soon as possible as so a new license can be issued.

Display of license

Every license shall be kept prominently displayed at the place of business of the license named in the license, or if the licensee has no fixed place of business, such licensee shall keep the same wherever such business is being operated and can be inspected at any time by the proper municipal official. Taxi cab drivers should keep their license in their cars at

all times. If a taxi cab company has more than one cab the license is not transferable to any other vehicle in their fleet.

Injunctive relief

The town may seek an injunction against any person engaging in business in violation of this chapter.

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 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 the North Carolina General Statutes.
 - (3.) The town may decline or fail or cease to furnish utility service to any person who may be in debt to the town for any reason, except ad valorem taxes and special assessments.
- (b.) Any person who begins or continues to engage in a business taxed under this schedule without payment of such tax is liable for an additional tax of five (5) percent of the original tax due for each thirty (30) days or portion thereof that the tax is delinquent.
- (c.) The payment of any penalty or unpaid tax under the provisions of this schedule shall not bar or otherwise preclude the imposition of a fine or imprisonment for the violation of this schedule.

Revocation

Any license issued under this chapter may be revoked by the Town Board upon the finding by the Board that the license has willfully or persistently violated anyone or more sections of this code or other ordinances of the town laws of the state, or that such licensee is conducting his business or obtained his license hereunder in a fraudulent or unlawful manner or abusing the privileges granted by his license or at such license has a criminal record from this or another state which would warrant the Town Board is undesirable. Any such license shall be entitled to a hearing on reasonable notice before his license shall be revoked, and the findings of the Town Board as a result of such hearing shall be final and conclusive.

Town of Waynesville
Fee Schedule
BUSINESS LICENSES

Schedule of taxes

On the following trades, professions, agencies, business operations and other subjects herein set out, the following taxes shall be levied and collected:

Schedule A: TOWN OF WAYNESVILLE PRIVILEGE LICENSE TAXES BASED on GROSS RECEIPTS. The amount of any Privilege License Taxes as set out in this ordinance shall be calculated using the schedule as set out in this article. 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.

Minimum charge 0 to 1,000,000.....\$50.00

Over 1,000,000 .35/1,000

Schedule B: PRIVILEGE TAX STATUTORY CATEGORIES (G.S.160A-211)

Privilege License Taxes Limited under North Carolina General Statutes:

Listed below are classifications of business activities governed within the North Carolina Revenue Laws, pursuant to G.S. 160A-211. Businesses conducting these activities are taxed under this schedule **in addition** to schedule A and schedule C, if applicable.

ADVERTISING- (0200)

G.S. 160A-211

- (a.) Every person engaged in the business of outdoor advertising by placing, erecting or maintaining signboards, billboards or any other outdoor advertising devices, erected upon the grounds, walls or roofs of buildings. Also included would be placing of placards in business, distributing samples, favors or novelties.....\$35.00

AMUSEMENTS- (0204)

G.S. 105-37.1

Giving, offering, or managing any form of entertainment or amusement for which an admission is charged and not otherwise taxed or exempt.....\$25.00

AUTO DEALERS- (0207)**G.S. 160A-211**

Engaging in the business of buying, selling, distributing, servicing, storing, or exchanging motor vehicles, trailers, semitrailers, tires, tools, batteries, electrical equipment, lubricants, or automotive equipment, radios designed for exclusive use in automobiles, and supplies\$25.00

AUTO EQUIPMENT- SUPPLY / WHOLESALE- (0208)**G.S. 105-89 (G.S. 160A-211 and 153A-152)**

Engaging in the business of buying, selling, distributing, exchanging, or delivering automotive accessories, including radios designed for exclusive use in automobiles, parts, tires, tools, batteries, other automotive equipment or supplies, or any such commodities at wholesale\$37.50

AUTO SUPPLY –RETAIL- (0209)**G.S. 160A-211**

Engaging in the business of buying, selling, distributing, servicing, storing, or exchanging motor vehicles, trailers, semitrailers, tires, tools, batteries, electrical equipment, lubricants, or automotive equipment, radios designed for exclusive use in automobiles, and supplies\$25.00

AUTO-GAS/OIL/PARTS- (0211)**G.S. 160A-211**

Every person engaged in the business of servicing, storing, painting, repairing, welding, or upholstering of motor vehicles, trailers, semitrailers, or in the business of retail selling or delivering of tires, tools, batteries, electrical equipment, automotive accessories, including radios, or supplies, motor fuels or lubricants, or such commodities\$37.50

AUTO SERVICE REPAIRS- (0212)**G.S. 160A-211**

Every person engaged in the business of servicing, storing, painting, repairing, welding, or upholstering of motor vehicles, trailers, semitrailers, or in the business of retail selling or delivering of tires, tools, batteries, electrical equipment, automotive accessories, including radios, or supplies, motor fuels or lubricants, or such commodities \$37.50

AC-REFRIGERATION-PLUMBING-ELECTRIC-HEATING- (0447)**G.S. 105-91 (160A-211)**

Engaging in the business of a plumber, installing plumbing fixtures, piping or equipment, steam or gas fitter, hot-air heating systems, electrical equipment, or offering to perform such services.....\$15.00

Individual or Individual with 1 employee.....\$7.50

BARBER SHOP- (0232)**G.S. 160A-211(b)**

Engaging in the business of conducting a barbershop, beauty salon or parlor, or other shop of like kind..... **\$2.50 per chair**

BEAUTICIAN/MANICURIST- (0233)**G.S. 160A-211(b)**

Engaging in the business of conducting a barbershop, beauty salon or parlor, or other shop of like kind.....**\$2.50 per chair**

BEER- ON PREMISES- (0234)**G.S. 105-113.77**

Every person engaged in the business of buying, selling, distributing or storing beer and wine.....**\$15.00**

BEER-OFF PREMISES- (0235)**G.S. 105-113.77**

Every person engaged in the business of buying, selling, distributing or storing beer and wine.....**\$5.00**

BLANK CARTRIDGES- (0283)**G.S. 105-80 (G.S. 160A-211and 153A-152)**

Every person engaged in the business of selling or offering for sale firearms
.....**\$50.00**

BOARDING/ROMM HOUSES- (0237)**G.S. 160A-211**

Every person engaged in the business of operating any hotel, motel, tourist court, tourist home or similar place advertising in any manner for transient patronage, or soliciting such business, in the town shall pay a tax as follows.....**\$10.00**

BOWLING ALLEYS- (0239)**G.S. 105-102.3**

Every person engaged in operating a bowling alley, per alley.....**\$10.00**

CHAIN STORES- (0240)**G.S. 105-98 (160A-211)**

- (a.) Engaging in the business of operating or maintaining in this state, (a.) two or more stores or merchantile establishments under the same general management, supervision, or ownership where goods, wares, or merchandise are sold or offered

for sale, or from which such goods, wares, or merchandise are sold or distributed at wholesale or retail; or

(b.) controlling by lease, either as lessor or lessee or by contract, the manner in which any such store or stores are operated, or the varieties, character, or brands of merchandise which are sold therein.....\$50.00

CONTRACTORS-GENERAL- (0260)

G.S. 105-54 (160A-211)

Offering or bidding for a fixed price, commission, fee, or wage to construct any building, highway, street, sidewalk, bridge, culvert, sewer or water system, drainage or dredging system, electric or steam railway, reservoir or dam, hydraulic or power plant, transmission line, tower, dock, wharf, excavation, grading, or other improvement or structure.

With State license.....\$10.00

DAIRY PRODUCTS- IN/OUTSIDE DELIVERY- (0261A)

ICE CREAM

G.S. 105-97 (G.S. 160A-211)

Engaging in the business of manufacturing or distributing ice cream at wholesale.

If equipment used is not of the continuous freezer type. This includes but does not limit to the sale of frozen custards, sherbets, water ices, and similar frozen products.....\$25.00

DRY CLEANERS- (0448)

(G.S.160A-211)

Engaging in the business of operating a cleaning plant, pressing club, or hat-blocking establishment.....\$50.00

ELECTRIC-PLUMBING-HEATING-A/C REFRIGERATION- (0447)

Any person engaging in any of the below occupations or trade. Under (G.S. 105-54) these who hold this occupation or trade is not required to purchase a contractor's license. These individuals or companies will be taxed according to the tax schedule listed below:

Electricians.....\$15.00

Plumber.....\$15.00

Refrigeration.....\$15.00

Heating.....\$15.00

Individual or Individual with 1 employee.....\$7.50

FIREARMS- (0284)

G.S. 105-80 (G.S. 160A2110 and 153-152)

Every person engaged in the business of selling or offering for sale firearms.....\$50.00

FLEA MARKETS- (0312)**G.S. 105-53 (G.S. 160A-211 and 153a-152)**

Engaging in the business of itinerant merchant, defined as “a merchant, other than a merchant with an established retail store in the county (city), who transports an inventory of goods to a building, vacant lot, or other location in a county (city) and who, at that location, displays the goods for sale and sells goods, other than farm products, in a county (city) for less than six consecutive months is considered an itinerant merchant unless he stopped selling goods in that county because of his death or disablement, the insolvency of his business, or destruction of his inventory by fire or other catastrophe.”.....\$100.00

FORTUNE TELLERS- (0315)**G.S. 105-55 (G.S. 160A-211 and 153A-152)**

Engaging in the business of telling or pretending to tell fortunes, practicing the art of palmistry, clairvoyance, and other crafts of a similar kind for a reward.

.....**PROHIBITED BY TOWN ORDINANCE**

FUEL OIL DISTRIBUTORS- (0318)**G.S. 105-99 (G.S. 160A-211)**

Engaging in the business of distributing or selling at wholesale any motor fuels.

.....\$25.00

HOTELS/MOTELS- (0351)**G.S. 105-61 (G.S. 160A-211)**

Operating a hotel, motel, tourist court, tourist home, or similar place advertising in any manner or soliciting for transient patronage. A hotel is defined as a building or group of buildings providing lodging and usually (but not necessarily) meals, entertainment, and various personal services for the public. A motel is a building or group of buildings where rooms usually are directly accessible from an outdoor parking area and are used primarily as lodging for the public.....**MINIMUM \$25.00 plus \$1.00 per each room**

ITINERANT PHOTOGRAPHER- (0363)

Photographer who travels from place to place.....\$100.00

ITINERANT MERCHANTS/SALESPERSON- (0364)**G.S. 105-53 (G.S. 160A-211 and 153a-152)**

Engaging in the business of itinerant merchant, defined as “a merchant, other merchants with an established retail store in the county (city), who transports an inventory of goods to a building, vacant lot, or other location in a county (city) and who, at that location, displays the goods for sale and sells goods, other than farm products, in a county (city) for less than six consecutive months is considered an itinerant merchant unless he stopped selling goods in that county because of his death or disablement, the insolvency of his business, or destruction of his inventory by fire or other catastrophe.”.....\$100.00

ITINERANT PEDDLERS- (0444)**G.S. 105-53 (G.S. 160A-211 and 153A-152)**

Engaging in the business of peddler, defined as “a person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods he carries with him.”.....\$100.00

KNIVES/DARTS/DAGGERS- (0282)**(Formerly G.S. 105-80)**

Engaging in the business of selling or offering for sale bowie knives, dirks, daggers, leaded canes, iron or metallic knuckles, or similar weapons.....\$200.00

LAUNDRIES-INSIDE TOWN- (0394A)**G.S. 105-85 (G.S. 160A-211)**

Engaging in the business of operating a laundry, including wet- or damp-wash laundries and businesses known as launderettes, launderalls, and similar types of businesses; or engaging in the business of supplying or renting clean linen or towels or wearing apparel (solicits business outside county).....\$25.00

LAUNDROMAT- (0448)**G.S. 105-85 (G.S. 160A-211)**

Engaging in the business of operating a laundry, including wet- or damp-wash laundries and businesses known as launderettes, launderalls, and similar types of businesses; or engaging in the business of supplying or renting clean linen or towels or wearing apparel (solicits business outside county).....\$50.00

LOAN AGENCIES- (0395)**G.S. 105-88**

Every person engaged in the regular business of making loans or lending money, accepting liens on, or contracts of assignment of salaries, wages, or any part thereof, or other security or evidence of debt for repayment of such loans in installment payment or otherwise; and maintaining in connection with such activity any office or established place for the conduct, negotiation, or transaction of such business, or advertising or soliciting such business in any manner.....\$100.00

MOTORCYCLE DEALERS- (0416)**G.S. 105-89.1 (G.S. 160A-211 and 153-152)**

Engaging in the business of buying, selling, distributing, or exchanging motorcycles, motorcycle supplies, or any such commodities.....\$12.50

MOTOR VEHICLE DEALERS- (0417)

G.S. 160A-211 Engaging in the business of buying, selling, distributing, servicing, storing, or exchanging motor vehicles, trailers, semitrailers, tires, tools, batteries, electrical equipment, lubricants, or automotive equipment, radios designed for exclusive use in automobiles, and supplies
.....\$25.00

MOVIE THEATERS- (0419)**G.S. 105-37 (G.S. 160A-211)**

Every person engaged in the business of operating a movie theater or place where movies are shown for compensation. The license tax levied under this section is on each "room" used for screening movies. Therefore, movie theaters that operate two, three, or more screening rooms must pay a separate tax for each room.....**\$125.00 per room**

NEWSPAPER PUBLISHERS- (0430)**G.S. 105-102.6**

Any business engaged in the selling newspapers or selling advertising.....**\$100.00**

NEWS STANDS- (0431)**G.S. 105-102.6**

Any business engaged in the selling newspapers or selling advertising.....**\$15.00**

PARKING LOTS- (0440)

Any person who is engaged in the storing and/or parking of motor vehicles for compensation.....**\$50.00**

PAWN SHOPS- (0441)**G.S. 105-88**

Every person engaged in the business of lending or advancing money or other thing of value for profit and taking as a pledge for such loan specific articles of personal property to be forfeited, if payment is not made within a definite time. Anyone engaging in the business of pawnbroker, as regulated by Chapter 91A of the General Statutes.....**\$275.00**

PEDDLERS-ON FOOT- (0443)**G.S. 105-53 (G.S. 160A-211 and 153A-152)**

Engaging in the business of peddler, defined as "a person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods he carries with him.".....**\$25.00**

POPCORN-PEANUTS-SNACKS- (0442)

Every person who engages in the business of distributing snack foods by truck or vehicle (vendors) and/or selling snack foods.....**\$50.00**

MERCHANTS-ITINERANT- (0444)**G.S. 105-53 (G.S. 160A-211 and 153A-152)**

Engaging in the business of itinerant merchant, defined as "a merchant, other than a merchant with an established retail store in the county (city), who transports an inventory of goods to a building, vacant lot, or other location in a county (city) and who, at that location, displays the goods for sale and sells the goods at retail or offers for sale at retail." "A merchant who sells goods, other than farm products, in a county (city) for less

than six consecutive months is considered an itinerant merchant unless he stopped selling goods in that county because of his death or disablement, the insolvency of his business, or destruction of his inventory by fire or other catastrophe.”.....\$100.00

PEDDLERS-PER VEHICLE- (0445)

G.S. 105-53 (G.S. 160A-211 and 153A-152)

Engaging in the business of peddler, defined as “a person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods he carries with him.”.....\$25.00

PISTOLS-BLANK CARTRIDGES- (0283)

G.S. 105-80 (G.S. 160A-211 and 153A-152)

Engaging in the business of selling or offering for sale firearms.....\$50.00

PISTOLS- (0285)

G.S. 105-80 (G.S. 160A-211 and 153A-152)

Engaging in the business of selling or offering for sale firearms.....\$50.00

PIANOS-TV-RADIOS- (0286)

G.S. 105-102.5 (G.S. 160A-211 and 153A-152)

Selling, offering or ordering for sale, repairing or servicing pianos, organs, record players, records, tape players, tape cartridges designed for use in tape players, television sets, television accessories and repair parts, radios (including radios designed for exclusive use in motor vehicles), and radio accessories and repair parts.....\$5.00

PINBALL/VIDEO/- (0205)

G.S. 105-102.5 (G.S. 160A-211 and 153A-152)

Operating a bagatelle table; merry-go round or other riding device; hobbyhorse; switchback railway; shooting gallery; swimming pool; skating rink; other amusements of like kind; or a place for other games or play with or without name at a permanent location\$5.00 per machine

POOL/BILLIARD TABLES- (0236)

G.S. 105-102.5 (G.S. 160A-211 and 153A-152)

Every person who shall rent, maintain or own a building wherein there is a table at which billiards or pool is played, whether operated by slot or not.....\$25.00 per location

PRINTING COMPANY- (0382)

G.S. 105-102.6

Engaging in the business of producing publications printed on newsprint and acquiring and using newsprint for this business.....\$50.00

PRINTING ESTABLISHMENTS- (0449)**G.S. 105-102.6**

Engaging in the business of producing publications printed on newsprint and acquiring and using newsprint for this business.....\$15.00

PRODUCE STANDS- (0450)**G.S. 105-53 (G.S. 160A-211 and 153A-152)**

Every person dealing in produce or a peddler of farm products only.....\$25.00

SERVICE STATIONS- (0472)**G.S. 105-89 (G.S. 160A-211 and 153A-152)**

Engaging in the business of servicing, storing, painting, repairing, welding, or upholstering motor vehicles, trailers, and semitrailers; or retail selling or delivering of any tires, tools, batteries, electrical equipment, automotive accessories, radios designed for exclusive use in automobiles, supplies, motor fuels, lubricants, or any such commodities.....\$5.00

SPECIAL EVENT- 1 DAY- (0479)**G.S. 105-37.1**

Exhibiting performances, such as a circus or dog show, or any other similar show, exhibition, or performance not taxed on other sections of Schedule B.....\$5.00

SEATING-DINING & CLUBS- (0251)**G.S. 105-62 (G.S. 160A-211)**

Operating a restaurant, café, cafeteria, hotel with dining service on the European plan, drugstore, or other place where prepared food is sold

(a.).....50 per seat

TOBACCO PRODUCTS- (0256)**G.S. 105-102.5 (G.S. 160A-211 and 153A-152)**

Retailing or jobbing cigarettes or other tobacco products.....\$4.00

UNDERTAKERS-COFFIN SALES- (0510)**G.S. 105-46 (G.S. 160A-211)**

Engaging in the business of burying the dead or the retail sale of coffins.....\$50.00

VENDING MACHINE- (0205A)**G.S. 105-102.5 (G.S. 160A-211 and 153A-152)**

Operating, maintaining, or placing on location fewer than five of the following types of dispensers or machines: dispensers of cigarettes or other tobacco products, dispensers of soft drinks, dispensers of food or other merchandise, or weighing machines; retailing soft drinks; or retailing or jobbing cigarettes or other tobacco product...\$5.00 per machine

WINE-ON PREMISES- (0520)**G.S. 105-113.77**

Every person engaged in the business of buying, selling, distributing or storing beer and wine.....\$15.00

WINE-OFF PREMISES- (0521)**G.S. 105-113.77**

Every person engaged in the business of buying, selling, distributing or storing beer and wine.....\$10.00

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 schedule A and schedule B, if applicable.

ADVERTISING AGENCIES- (0202)

A business that makes profit in advertisement of but not limited to sales papers, flyers, banners, etc. \$25.00

ADULT ENTERTAINMENT- (SEPARATE APPLICATION)

Do not issue, unless the proper application and approval has been given. This type of business will have to fill out a separate privilege license application form and meet all requirements set forth by the Town of Waynesville.

ANTIQUE GIFT SHOPS- (0206)

Any business that is engaged in the sale of antiques\$25.00

AUTO RECAPPING- (0210)

Any business that engages in recapping tires for sale or resale.....\$25.00

AWNING INSTALLATION- (0446)

Any business that specifically engages in the installation of awning, guttering, vinyl siding\$25.00

BAKERIES- INSIDE TOWN- (0230)

Any business that operates a business within the town limits selling breads, cakes, etc.
\$25.00

BAKERIES- DELIVERY FROM OUTSIDE- (0231)

Any business that delivers breads, cakes, etc. located outside of the town limits to any bakery or store located in the town limits.....\$25.00 per vehicle

BOOK STORES- (0238)

Engaging in the business of buying, selling, distributing, exchanging, or delivering any books or magazines inside the town limits.....\$25.00

BUILDING MATERIALS & LUMBER- (0281)

Engaging in the business of buying, selling, distributing, exchanging, or delivering any building materials or lumber within the town limits.....\$25.00

CABINET SHOPS- (0250)

Engaging in the business of making or selling cabinets or any type of woodworking shops located inside the town limits.....\$25.00

CARRY-OUT FOOD SERVICE- (0252)

Every person engaged in operating a restaurant, café, cafeteria, drugstore, or lunch stand or any other place where food is prepared and a carryout service is available. This will cover only the carryout.....\$25.00

CARWASHES- (0253)

Every person engaged in the business that uses a mechanical or a hand washed car wash. Any carwash for non-profit organizations will be exempt.....\$25.00

CARNIVALS-SIMILAR ATTRACTION- (0254)

Every person engaged in the business of a carnival company or a show of like kind. Per week.....\$100.00

CHRISTMAS TREES \$25.00

Dealers in Christmas trees and perishable Christmas decorations, not prorated, each lot

CLOTHING STORES- (0255)

The same qualifications of a chain store whether it be retail or wholesale selling clothes or any type of consignment shop.....\$25.00

COAL DEALERS- (0257)

Any business that sells coal for heating fuel or a coal yard.....\$25.00

COMPUTER GAMING ESTABLISHMENT per location\$1,000.00

Each machine/computer thereafter whether or not in operation \$1,000.00

Includes but not limited to Internet sweepstakes, internet cafés, cybercafés, etc.

CONCRETE DEALERS- (0258)

Any business that is engaged in the selling or making of any concrete products such as brick, concrete blocks, etc.....\$25.00

CLOSING OUT SALES- (0262)**NO CHARGE**
(Must file with Town Clerk)

COLD STORAGE- (0352)

Any business engaged in the storage of meats, etc. Such as a meat cutter.....\$25.00

DAIRY PRODUCTS- IN/OUTSIDE DELIVERY- (0261) TRANSPORT

Engaging in the business of manufacturing or distributing milk at wholesale, such as a milk truck.....\$25.00

DAYCARE FACILITIES- (0280)

Every person engaged in the business of caring for children not related by blood or marriage to, or not the legal wards or foster children of, the operator, by operating a nursery, day care center, day school, kindergarten, or other related child care facility. Provided, approval by the building inspections department, fire department and county health department shall be required prior to issuance of this license or renewal thereof. Provided, further, non-profit childcare centers shall be exempt from the payment of the license tax.....\$25.00

DEPARTMENT STORES- (0288)

Engaging in the business of operating or maintaining a merchantile establishment under the same general management, supervision, or ownership where goods, wares, or merchandise are sold or offered for sale, or from which such goods, wares, or merchandise are sold or distributed at wholesale or retail.....\$25.00

DRUG STORES- (0289)

Any business engaged in the selling of physician prescribed drugs and other health products.....\$25.00

FARMER'S MARKETS- (0310)

Every person engaged in the business of operating a confectionery, fruit or vegetable stand.....\$25.00

FITNESS CENTER- (0311)

Every person engaged in the operation of exercise, health club or spas or a physical fitness club, including but not limited to judo, karate, schools, etc. Non-profit and governmental agencies are exempt.....\$25.00

FRUIT STANDS- (0259)

Any person dealing in produce or fruits.....\$25.00

FLOOR FINISHERS- (0313)

Offering or bidding for a fixed price, commission, fee, or wage services for finishing or restoring any type flooring.....\$25.00

FLORISTS- (0314)

Any business engaged in the selling of any type floral arrangements.....\$25.00

FURNITURE STORES- (0317)

Any business engaged in the selling of all types of furniture at wholesale or retail, and or for a profit.....\$25.00

FISH/MEAT/POULTRY- (0316)

(a.) **Retailers.** Every person engaged in the business of selling fresh fish, meat or poultry at retail.....\$25.00

GAS DISTRIBUTORS- (0330)

Any business that is engaged in the transport and distributing or selling of propane or natural gas at wholesale, such as a tanker.....\$25.00

GAS BOTTLED- (0331)

Any business that is engaged in the selling and delivery of propane or natural gas to anyone within the town limits.....\$25.00

GAS DISTRIBUTORS-OUTSIDE TOWN- (0332)

Any business that is engaged in the transport and distributing or selling of propane or natural gas at wholesale, such as a tanker.....\$25.00

GENERAL MERCHANDISE- (0333)

Any business that is engaged in the selling of any type of merchandise that is not listed in this privilege license listing.....\$25.00

GOING OUT OF BUSINESS- (0263)NO CHARGE

GROCERY STORES- (0334)

Any business that sells food or produce at a permanent location.....\$25.00

HARDWARE STORES- (0350)

Any business that engages in the selling of tools, power equipment or any type of merchandise that would be classified as hardware.....\$25.00

INSULATING COMPANIES- (0361)

Offering or bidding for a fixed price, commission, fee, or wage by installing or selling insulation.....\$25.00

JEWELRY-REPAIR ONLY- (0380)

Any one doing business repairing jewelry or watches or any other repairs on any type of jewelry.....\$25.00

JEWELRY STORE- (0381)

Any business that engages in the selling of any type of jewelry at wholesale or retail
\$25.00

JUNK DEALER- (0383)

Any one who engages in the business of a scrap yard or junkyard selling used auto parts
 or any type of merchandise that would be classified as junk.....\$25.00

LOCKSMITH- (0396)

Any person who engages in the trade of making or mending locks.....\$25.00

MACHINE SHOP- (0410)

Any business that cast, molds or makes any type of metals or any type of machine
 shop.....\$25.00

MEATS- RETAIL- (0460)

(a.) **Retailers.** Every person engaged in the business of selling fresh meat at
 retail.....\$25.00

MERCHANTS-RETAIL- (0412)

Retail and wholesale merchants, dealers or jobbers doing any kind of business at retail or
 wholesale, not otherwise specifically taxed by this chapter.....\$25.00

MERCHANTS-WHOLESALE- (0413)

Retail and wholesale merchants, dealers or jobbers doing any kind of business at retail or
 wholesale, not otherwise specifically taxed by this chapter.....\$25.00

MISCELLANEOUS - (414)

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 Collector shall determine the tax
 amount due using the following basis:

- (a) 1 to 10 full- or part-time employees at any one time during the year . . . \$ 25.00
- (b) 11 to 20 full- or part-time employees at any one time during the year . . . \$50.00
- (c) 21 to 30 full- or part-time employees at any one time during the year . . . \$75.00
- (d) 31 or more full- or part-time employees at any one time during the year ..\$100.00

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.

MOBILE HOME DEALERS- (0415)

Every person operating as a dealer of mobile homes, trailers or any type of manufactured housing.....\$25.00

MONUMENT DEALERS- (0418)

Any business engaged in the selling, setting, making or any other type of activity regarding monuments such as tombstones, statues, etc.....\$25.00

PARCEL/PACKAGE DELIVERY- (0287)

Any business engaged in the business of parcel and package delivery services. Independent owned businesses that have these services. This does not include the U.S. Postal Service, UPS, Fed Ex, etc. as these are exempt.....\$25.00

PHOTOGRAPHERS- (0363)

Photographers who travel from place to place.....EXEMPT

() **PRECIOUS METAL DEALERS** \$100.00

As defined in State Law reference: G.S. 66-165

ROOFING CONTRACTORS- (0461)

Contractor without state license as listed under General-Contractors.....\$25.00

RAIL/MOTOR EXPRESS- (0300)

Any business engaged in the business of parcel and package delivery services. Independent owned businesses that have these services. This does not include the U.S. Postal Service, UPS, Fed Ex, etc. as these are exempt.....\$25.00

SECOND HAND DEALERS- (0471)

Any business engaged in the sale or trading of any type of used merchandise not specified in this privilege license listing, such as a consignment shop.....\$25.00

SOFT DRINKS- (0473)

Any business engaged in the selling of any soft drink products.....\$25.00

SHOE SHOPS- (0474)

Any business engaged in the selling or repair of any type of shoes.....25.00

SIGN INSTALLATION- (0475)

Contractor that specializes in the installation of signs.....\$25.00

SODA FOUNTAIN-CARBONATED-DRAFT- (0476)

Any business engaged in the selling of any soft drink products from a fountain machine or dispenser.....\$25.00

SOLICITORS- (0477)

.....\$25.00

STREET VENDORS- (0478)

.....See listing under Itinerant Merchants

() **TATTOO PARLORS** \$25.00

TAXI CABS- (0490)

Every taxicab in operation within the city.....\$15.00 per vehicle

TELEGRAPH COMPANY- (0491)

Any company that engages in the transmitting of messages along a wire by electricity or wireless communication (Phone companies are exempt).....\$25.00

TRADING STAMPS- (0493)

Anyone who engages in the trading of stamps.....\$25.00

TRAILER PARKS- (0494)

Any person who rents lots or spaces for mobile homes or any type of manufactured housing.....\$12.50 per space

UPHOLSTERY DEALERS- (0511)

Any business that engages in the sale of upholstery goods at wholesale or retail.....\$25.00

APPENDIX B

Business illege License Tax Comparison
Apr. '12

City		Schedule of BPLT Rates		Cap	Date(s) of last rate change(s)		Additional Info
	Aberdeen						Population - 5,000
1	Albemarle	\$0.25 per \$1,000; Min=\$50; No Cap		in 2007 NO CAP	6/99 was .10 per 1,000 with max of 3,000, increased in 2007		Population - 15,665
2	Archdale	\$0.50 per \$1,000 for first 1,000,000; Min=\$50; No Maximum		No Cap	Effective in 2006-07		Population 9,692 Revenue thus far in '06 \$55,287.18 (Jan)
3	Asheboro	Retail on gross receipts of \$15 for first \$20,000 +.65 for each add'l \$1,000. Mfg and Wholesale on a graduated table, others are a flat rate.		No Cap on Retail	Jun-05		Population -22,957
4	Asheville	Retail & Mfrtg \$25 for first \$15,000 + .60 for each add'l \$1,000 in GR. \$1,500 max. Service \$25 for first \$15,000 + .60 for each add'l \$1,000 in GR. \$1,000 max. Wholesale \$45 for first \$100,000 + .35 for each add'l \$1,000. \$1,500 max.		\$1,000 / \$1,500	5/21/91 Increased rates used to calculate fees for retail and wholesale merchants, service establishments and manufacturers.		Uses the State's guidelines for other businesses that are not based on GR. Population - 73,239
5	Beaufort	4 tier: 1) small retail minimum \$10.00 up to \$250. and >\$3,000=\$35.00. 2) <\$5,000 is \$40.00; and >\$20,000 = \$75.00. 3) < \$35,000 is 25.00 and >\$100,000,000= \$100.00; 4) <\$30,000 is \$95.00 and >\$1,000,000 = \$155.00		\$35 / \$75 /100 /155	1997	N/A	Uses the State's guidelines for other businesses that are not based on GR. Population - 4,261 in 2006
6	Burlington	Graduated tax until receipts reach - \$110,001 - \$990,000 is \$10.00 for each \$20,000 in gross receipts, in addition to the previous tax levels.		No cap on Retail or Wholesale			All other classifications are flat rates. Population 44,917
7	Burnsville	Retail is 0 to \$15,000 = \$15.00. Each additional \$1,000 is .50, with a maximum tax of \$1,200. Manufacturers & Service is 0 to \$15,000 = \$15.00 and .50 per 1,000 with max of \$750.00. Wholesale is 0 to \$100,000 = \$35.00, each add'l \$1,000 is .25 with a max of \$1,200.		\$750 - Service & Manufacturer \$1,200 - Retail & Wholesale	2000		Est. population - 1,623
8	Carolina Beach	\$30.00 for gross receipts <\$20,000; \$40 for \$20,001 to \$40,000; \$60 for \$40,001 to \$60,000; \$80 for \$60,001 to \$80,000; \$100 for \$80,001 to \$100,000; \$140 for 100,001 to \$150,000; \$180 for \$150,001 to \$200,000; \$220 for \$200,001 to \$250,000 \$260 for \$250,001 to \$300,000; \$300 for \$300,001 to \$350,000; \$350 for \$350,001 to \$400,000; >\$400,000 - tax of \$20 for each add'l \$50,000 or part thereof.		No Max	N/A		Est. population - 5,625 in 2006

Business License Tax Comparison
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City		Schedule of BPLT Rates		Cap	Date(s) of last rate change(s)	Additional Info
9	Carrboro	\$25.00 for GR< \$25,000; \$50 for 25,001-\$50,000; \$100 for \$50,001-\$500,000; \$200 for \$500,001-\$1,000,000; > \$1,000,000 is \$200 plus \$200 per each \$1,000,000 or portion over \$1,000,000		No Max	Previous schedule was \$50.00 for GR< \$100,000; \$100 for 100,001-\$500,000; \$200 for \$500,001-\$1,000,000; \$200 plus \$200 per each \$1,000,000 or portion over \$1,000,000	Population 16,785
10	Cary	Graduated tax up to gross receipts of \$100,000; then \$100 plus \$0.50 per \$1,000 or fraction thereof for GR > \$100,000.		\$5,000	Effective in 06/07	Population is 115,854. 05/06 Revenue \$1,191,867
11	Chapel Hill	Graduated tax until receipts reach max tax of \$300.00		\$300	2003	Population 48,751
12	Charlotte	\$0.60 per \$1,000; Min=\$50; Max=\$10,000		\$10,000	1988-All businesses taxed based on gross receipts with max @ \$2,000. Increase to \$10,000 went into affect in fy '06/07	When change was made in 1988, Council made a suggestion to review the cap every 5 years to maintain equitability in light of growth
13	Concord	Merchant Retail: Graduated tax up to \$400,000; 3) \$60 plus \$0.60 per \$1,000 for gross receipts; Merchant Wholesale: 1) \$50 for gross receipts up to \$50,000; 2) \$50 plus \$0.40 per \$1,000 for \$51,000-\$450,000; 3) \$50 plus \$0.20 per \$1,000 for gross receipts > \$450,000		Retail cap is \$10,000 Manufacturers & Service cap is \$4,000 Wholesale cap is \$2,000.	2003-Raised cap on retail from \$2000, lowered rate per \$1000 to make it more small business friendly. 2007 Raised cap would only effect large corporations.	population 57,000
14	Conover	Minimum tax of \$100, with gross receipts up to \$1,000,000. \$.60 for each add'l \$1,000 > than \$1,000,000		No max	Effective 2012/13	
15	Cornelius	\$0.60 per \$1,000; Min=\$50; Max=\$2,000		\$2,000	6/2004-Set cap for gross receipts based tax at \$2,000	Population - 11,969
16	Davidson	The town of Davidson does not require a business license.		N/A	N/A	Population - 7,139
17	Durham	Schedule A: Section 72, 73A, 73D & 74: The tax rate is \$50.00 for the first \$15,000.00 plus \$.50 per each additional \$1000.00. Section 73B: \$50.00 for the first \$100,000.00 plus \$.25 per each additional \$1000.00.		\$ 72= \$8,000 max; \$ 73A & 73D= no max; \$ 74 & 73B= \$2,500 max.	June-04	Population 209,009

Business illege License Tax Comparison
Apr. '12

City		Schedule of BPLT Rates		Cap	Date(s) of last rate change(s)	Additional Info
18	Elizabeth City	Retail - \$25 minimum; >\$50,000 is \$.50 per \$1,000. Wholesale - \$50 minimum; >\$100,000 is \$.50 per \$1,000		No Max	2007	Approx. 17,500
19	Farmville	Graduated tax with a maximum of \$1,500.		\$1,500	6/2/2002 Tax increase was doubled in FY'04	Population - 4,302
20	Fayetteville	1) \$50 for gross receipts up to \$500,000; 2) Level 1 plus \$0.10 per \$1,000 for \$500,001-\$1,000,000; 3) 1&2 plus \$0.20 per \$1,000 for \$1,000,001 - \$4,999,999; 4) 1, 2 & 3 plus \$0.30 per \$1,000 for \$5,000,000		No Cap	3/27/2000 - Set rates based on gross receipts, effective July 1, 2000	Population 168,033
21	Gastonia	Flat Rates &/or Number of Employees			Per Municode	
22	Granite Falls	\$30 minimum; Gross Receipts >\$1,500,000 @ \$.60 per \$1,000 NO maximum.		No Max	Effective 7/1/2011	
23	Greensboro	\$50 minimum; Gross Receipts >\$15,000@ \$.50 per \$1,000 with maximum \$1,200		\$1,200	Retail, Wholesale, Manufacturing & Services - 1992; Soliciting - 1993	Recommendations for increases in 2001 & 2002 were not adopted due to slow economy and to avoid additional hardship on local businesses.
24	Greenville	\$50.00 minimum; Gross Receipts > \$25K are \$0.50 per \$1,000. Maximum fee of \$2,000.00 per year, per business classification.		\$2,000 Max.	1994	Approx. Population - 75,500
25	Haveloc	Graduated tax up to . . . Over \$500,000 = \$200.00 plus \$20 each additional \$50,000		No Cap	N/A	Approx. Population - 22,000
26	Hendersonville	Up to 250,000.00 = \$35.00; \$250,000.00 - 500,000.00 = \$70.00; over \$500,000; \$0.60 per \$1,000.		No Maximum	2010/2011	Estimated population 12,997
27	Hickory	Retail & Service - Graduated tax up to \$20,000; \$65 plus \$0.60 per \$1,000 for gross receipts >\$20,000; Wholesale GR up to \$50,000 = \$55.00, \$51,000 - \$450,000 = \$.40 per \$1,000 Each \$1,000 in excess of \$450,000 = \$.20 per \$1,000		No Max on Retail or Service. Wholesale max of \$2,000	N/A	Estimated population 37,222
28	High Point	Annual gross sales receipts not exceeding \$15,000 = \$50.00 Each additional \$1,000 or fraction thereof = \$0.50		Max fee \$5,000 for Retail Max fee \$400 for Manufacturer, Wholesale & Service	N/A	Estimated population 85,800
29	Huntersville	The town of Huntersville does not require a business license.		N/A	N/A	Estimated population 24,960

Business
Apr. '12
ilege License Tax Comparison

City		Schedule of BPLT Rates		Cap	Date(s) of last rate change(s)		Additional Info
30	Indian Trail	Gross receipts of \$0.40 per \$1,000 with a minimum of \$30.00; maximum \$500.		\$500. Max.	Considering change in 2011		Estimated population in 2006 - 17,491 Collections appx \$100,000
31	Jacksonville	Graduated tax up to \$400,000; 13) \$350 plus \$20 per \$50,000 for gross receipts >\$400,000		No Cap	N/A		Population \$72,000+ Collections \$500,000+
32	Kannapolis	Enacted privilege license tax in July 2003		Max tax on gross receipts for (Retail & Wholesale) \$4,000.	July-03		Population 38,245 Average collection \$125,000
33	Knightsdale	Gross/Sq footage graduated sales/footage (\$25 to \$100 then .50 per \$1000 after \$100,000. Max 450.00		Max \$450.00			Population - 8,933
34	Leland	\$20,000 or Less = \$30.00; \$20,001 to \$40,000 = \$40.00; 40,001 to \$60,000 = \$60.00; 60,001 to \$80,000 = \$80.00; 80,001 to \$100,000 = \$100.00; 100,001 to \$150,000 = \$140.00; graduated thru 400,001 to \$450,000 = \$350.00; For each additional \$50,000 or fraction thereof, over \$450,000 tax is \$20.00		No Maximum	Approx. 2010	N/A	Population - 2620
35	Lenoir	\$30.00 for gross receipts up to \$1,000,000; \$.60 per \$1,000 thereafter		Retail sales only; No Cap	2010-2011		Population 18,950
36	Lumberton	1) \$25 for gross receipts up to \$5 million; 2) Level 1 plus \$0.25 per \$1,000 for \$5,000,001-\$20,000,000 gross receipts; 3) 1 & 2 plus \$0.50 per \$1,000 for \$20,000,001-\$25,000,000; 4) 1, 2 & 3 plus \$1 per \$1,000 for >\$25,000,001		No Max on Retail \$10,000 on others	4/21/04-Lifted cap on retailers and established current rate structure, 5/24/04-Current rate adopted by Council		Approx. Population - 21,000
37	Matthews	\$0.00-\$50,000 = \$25.00; \$50,001-\$100,000 = \$35.00; \$100,001-\$150,000 = \$50.00; \$150,001-\$200,000 = \$75.00; \$200,001-\$250,000 = \$100.00; Over \$250,000, then tax is \$100.00 plus \$0.20 per \$1000, max \$2000		\$2,000	Changed to tiered with gross 2011		population, 25,000. Revenue collected \$200,000 to \$300,000
38	Maxton	\$25.00 from zero to \$200,000; \$.125 per \$1,000 thereafter		No Cap	Changed to gross in 2007, prior license was flat rate of \$25.00.		Population 2,527. 104 businesses. Revenue increased \$8,000.

Business ilige License Tax Comparison
Apr. '12

City		Schedule of BPLT Rates		Cap	Date(s) of last rate change(s)	Additional Info
39	Mayodan	Retail - \$25 up to \$50,000; \$50 for \$50,001 to \$100,000, \$10 per \$50,000 or portion thereof. Max. \$750. Wholesale - \$30 up to \$100,000; \$5 for each \$10,000 or portion thereof. Max \$750. Manufacturing - \$25.00 up to \$100,000 and \$2 for each add'l \$10,000 or portion thereof. Max \$750.00		Cap of 750	336-427-0241	2,420
40	Mint Hill	The town of Mint Hill does not require a business license.		N/A	N/A	Population - 19,767
41	Monroe	\$0.20 per \$1,000; Min=\$50; Max=\$5,000		\$5,000	N/A-Increased rate from \$0.05 per \$1,000 and increased cap from \$3,000	Population 31,633
42	Mooreville	Use old Statute levels, not Gross Receipts			Unchanged since 1971. Researching to go to gross receipts in 2009	Moving to Gross Receipts method. Population - 21,708
43	Morrisville	\$100.00 up to \$100,000; 6) \$100 plus \$0.80 per \$1,000 or fraction thereof for gross receipts >\$100,000		\$5,000	changed for 06/07 to \$2,000 & 08/09 increased add'l \$1,000. Increased to \$5,000 by FY '10/11.	Population - 5,200
44	New Bern	\$0 - \$100,000 = \$50.00. Over \$100,000 to \$1,000,000 is \$.50 for each \$1,000 in gross, over \$1,000,000 is \$500.00 + \$0.35 for each add'l \$1,000.		No Cap		population 24,000
45	Newport					
46	Oxford	\$0 - \$3,000,000 = \$50.00. Over \$3,000,000 is \$.60 per \$1,000		No Cap	FY2010 Renewals	Approx. \$145,000 (Going to GR increased)
47	Pembroke	0 to \$1,000,000 = \$25.00; \$0.15 per \$1,000 for \$1,000,001 - \$15,000,000, \$0.25 per \$1,000 for \$15,000,001 to \$25,000,000; \$0.35 per \$1,000 over \$25,000,000		No Max	2008	Population - 2,400
48	Pineville	\$0.60 per \$1,000; Min=\$50; Max=\$5,000		\$5,000	2006	Population - 6,500
49	Raleigh	Graduated tax up to \$100,000; \$100 plus \$0.60 per \$1,000 for GR >\$100,000		\$20,000 in 2007/08 FY	FY 05/06 max. was \$10,000 & voted to increase to \$20,000 for FY 07/08	Population: 342,194 (as of 7/1/2005)
50	Roanoke Rapids	\$0 - \$100,000 = \$25.00. Over \$100,000 for Retail is \$20.00 for each \$100,000 and for Wholesale is \$15.00 for each \$100,000.		No Cap		Population - 16,505 estimated in 2006

City	Schedule of BPLT Rates			Cap	Date(s) of last rate change(s)	Additional Info
	0 - 1,000,000 = \$75.00; 1,000,001 - 3,000,000 = \$275.00; 3,000,001 - 5,000,000 = \$475.00; 5,000,001 - 7,000,000 = \$675.00; 7,000,001 - 9,000,000 = \$875.00; 9,000,001 - 11,000,000 = \$1,075.00; 11,000,001 - 13,000,000 = \$1,275.00; 13,000,001 - 15,000,000 = \$1,475.00; 15,000,001 - 17,000,000 = \$1,675.00; 17,000,001 - 19,000,000 = \$1,875.00; 19,000,001 - 21,000,000 = \$2,075.00; 21,000,001 - 23,000,000 = \$2,275.00; 23,000,001 - 25,000,000 = \$2,475.00; 5,000,001 and up = \$2,675.00					
51 Roxboro				\$2,675	Adopted in 2011	Population 8362
52 Rutherfordton	\$0 - \$25,000 = \$25; \$25,001 - \$50,000 = \$50; \$50,001 - \$75,000 = \$75; \$75,001 - \$100,000 = \$100. Over \$100,000 = \$100 plus .50 per \$1,000, with a maximum of \$5,000.			\$5,000	2007	Population - 4,131
53 Salisbury	Gross Sales Schedule: \$25 for Sales < \$10,000; \$30 for \$10,001 - \$20,000; \$45 for \$20,001 - \$30,000; \$60 for \$30,001 - \$40,000; \$75 for \$40,001 - \$50,000; \$90 for \$50,001 - \$60,000; \$105 for \$60,001 - \$70,000; \$120 for \$70,001 - \$80,000; \$135 for \$80,001 - \$90,000; \$150 for \$90,001 - \$100,000; Sales > \$100,000 - \$150 plus, per \$1,000 or portion thereof in excess of \$100,000 @ \$0.225.			\$3,000 cap other than those with a specific limit	FY1995-96 Adopted Budget, cap was increased from \$750 to \$3,000 and rates increased in each category	Population - 28,480 estimated in 2006
54 Sanford	Retail & Rental \$50 for GR < \$500,000; .50 per \$1,000 thereafter, No Cap. Manufacture/Wholesale/Service \$50 for GR < \$500,000; \$25 per \$1,000 thereafter with a maximum of \$2,500			Retail/Property Rental - No Cap Manufacture/Wholesale/Service \$2,500		Population - 27,771 Estimated in 2006
55 Siler City	Retail Gross receipts up to \$20,000 = \$15.00; .65 per \$1,000 thereafter. Manufacturers & Wholesale tiered gross up to \$150.			Retail - No Cap; Manufacture/Wholesale - \$150	2011	
56 Smithfield						
57 Stallings	Retail & Wholesale - \$15.00 plus \$.40 per \$1,000, over \$5,000; Max \$1,000. Manufacturers - graduated gross schedule up to \$1,000.			Maximum \$1,000		Population - 4,100 Estimated in 2006
58 Statesville	Graduated tax up to \$100,000; GR > \$100,000 - \$150 plus, per \$1,000 or portion thereof in excess of \$100,000 @ \$0.225.			\$2,000	Jun-04	Population - 25,511 in 2006

Business
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ilege License Tax Comparison

City		Schedule of BPLT Rates		Cap	Date(s) of last rate change(s)	Additional Info
59	Surf City	Minimum \$10 up to \$10,000; \$20 for \$10,001 - \$20,000; \$30 for \$20,001 - \$30,000; \$40 for \$30,001 - \$40,000; \$50 for \$40,001 - \$50,000; \$60 for \$50,001 - \$60,000; \$70 for \$60,001 - \$70,000; \$80 for \$70,001 - \$80,000; \$90 for \$80,001 - \$90,000; \$100 for \$90,001 - \$100,000; More than \$100,000 is \$100 plus, \$.15 per \$1,000 or portion thereof		No Max	Jun-05	Population - 1,813 in 2006
60	Sylva	Gross receipts for all city classifications; \$.30 per \$1,000, with a \$50 minimum up to \$3,000,000 with no max		No Max	Adopted August 2011	
61	Washington	First \$25,000.00 is \$50 (minimum) and after that it is 80 cents per thousand with a cap of \$1500.00.		Max \$1,500		
62	Waxhaw	Gross receipts for all city classifications; \$.30 per \$1,000, a \$30 minimum with no max		No Max	Adopted Jan 2010	Est. population 2,700
63	Wendell	0 - \$250,000 = \$25.00; \$250,001 - \$500,000 = \$50.00; \$500,001 - \$750,000 = \$75.00; \$750,000 - \$1,000,000 = \$100.00. Over \$1,000,000 is \$.15 per \$1,000 plus \$100.00.		\$2,000	Adopted for FY '08-09	Est. population 4,800
64	Wesley Chapel	Gross Receipts for Retail, Wholesale at \$15.00 plus \$.40 per \$1,000 over \$5,000; maximum \$5,000. Manufacturers		Maximum \$5,000	Increased maximum for FY '08-09	Estimated population of 3,625 in 2006
65	Whiteville	\$.25 per \$1,000 with a \$50.00 minimum, no max.		No Max	Adopted for FY '08-09	Estimated Population - 11,010
66	Wilkesboro	0 to \$500,000 is \$50.00; \$.40 per \$1,000 thereafter, for Retail and Service		No Cap	Adopted for FY '12-'13	
67	*Wilmington	1) \$30 for gross receipts up to \$20,000; 2) \$20 per additional \$20,000 up to \$400,000 plus \$20 per \$50,000 for gross receipts > \$400,000		No Cap	N/A	Population - 75,838 in 2000

City		Schedule of BPLT Rates		Cap	Date(s) of last rate change(s)	Additional Info
68	Wilson	\$50 up to \$125,000; 125,001 to \$2,500,000 x .0004; \$2,500,001 to \$5,000,000 x .000375 plus \$1,000; \$5,000,001 to \$7,500,000 x .00035 plus \$1,937.50; \$7,500,001 to \$10,000,000 x .000325 plus \$2,812.50; > \$10,000,001 x .0003 plus \$3,625.00		\$7,500		Population of 45,000
69	Winston Salem	Level I-\$50 for gross receipts up to \$80,000; Level II-\$50 plus \$0.30 per \$1,000 for \$80,000.01-\$1 million, max of \$276; Level III-Level I & II plus \$0.60 per \$1,000 for \$1 million-\$14 million; Level IV-Level I, II, & III plus \$0.90 per \$1,000 for >\$14 million.		\$11,000-Retail Merchants & General Business; \$3,500-Wholesale Merchants, & Processors	7/1/2003-Added Level IV, increased cap for wholesale merchants, manufacturers & processors from \$2,500 and cap for retail merchants & general business from \$8,000	July 2003 was the first rate increase in over 20 years, due to a budget shortfall. Collect approximately \$2,300,000 a year. Population is 220,000.
* April 2002, Feb 2007, Nov 2007, Feb 2008, Sept 2008 June 2010, Oct. 2010, Nov. 2011, April 2012 data Update as needed						

Flat Rates:

Angier	Shalotte,	Spring Lake	No Privilege License tax
Franklin	Elkin,	Swansboro	Fairview, Kernersville
Butner	Laurinburg,	Williamston	Newton, Hemby Bridge
Graham	Marshville,	Zebulon	Village of Lake Park
Selma	Wingate		Village of Marvin
Bryson City	Atlantic beach		Mineral Springs
Ocean Isle	Eden		Unionville, Fuquay-Varina
Wake Forest	Nags Head \$25.00		Weddington
Hillsborough	Kill Devil Hills \$50.00 flat		Bald Head Island
Murfreesboro	Boone \$25.00 flat		Sunset Beach
Black Mountain	Morganton		Cedar Point
Creedmoor	Morehead City		
Emerald Isle	Cape Carteret		
Pine Knolls Shores	Waynesville		
Dunn	Blowing Rock		
Maggie Valley	Long View		
White Lake	Kinston		
Clinton	Fletcher		
Gibsonville	Oakboro		
North Topsail Beach	Thomasville \$50.00 flat		

Considering Gross receipts
Davidson - for upcoming year
Mint Hill - for upcoming year
Mooresville - Chamber asked to research further.
Reidsville
Maggie Valley
Kinston
Spring Lake

Zebulon ? Tried and increased flat rate

APPENDIX C

ORDINANCE REVIEW

TOWN OF WAYNESVILLE ORDINANCE

Secs. 14-1—14-30. - Reserved.

Sec. 14-31. - Required.

All persons, before engaging in any business, trade, occupation or profession wherein a license tax is imposed by this article, shall, except as provided by this article, apply to the tax collector for a license to do business.

Sec. 14-32. - Tax collector; office created.

There is created for the town the office of tax collector. The tax collector shall be charged with the duty of collecting all privilege license taxes due and payable to the town.

Sec. 14-33. - Tax due date.

(a)

License taxes are levied as of July 1 for each fiscal year beginning with such day. In the case of a business operating under a prior license, the license tax levied as of July 1 shall be due and payable not later than July 31. In the case of any business which is begun after July 1, the tax shall be due and payable before the business is begun.

(b)

If a business is begun after January 31 and before July 1, the amount of tax due is half the amount otherwise due.

Sec. 14-34. - Application; issuance.

(a)

Every application for a license required by this article shall be made to the tax collector. The tax collector shall prepare a form with all information needed to determine the amount of the license, and the applicant or his agent shall sign and date this form.

(b)

The tax collector shall not issue any license until the applicant has complied with every provision of this article, including the execution and delivery of any bond required and complied with the appropriate building, fire and zoning regulations of the town.

(c)

Every license issued under the provisions of this article shall show on the face of the license the name of the licensee, the nature of the business and its location (provided the business has a fixed location), the time for which issued, and the amount of the tax and penalty, if any, paid. Any license requiring the approval of the board of aldermen or of any board, commission or official shall show such approval on the face of the license. The tax collector shall keep an exact copy of each license issued, including the approval of any board, commission, or official endorsed on the face of the license.

Sec. 14-35. - Separate businesses.

(a)

Every person engaged in more than one line of business is required to secure a license for each separate line of business in which he is so engaged, and every person having more than one place of business shall secure a license for each such place of business unless such places are contiguous and operated as a unit.

(b)

No license issued under the provisions of this article for the conduct of any business at a fixed place named in the license shall be valid for the conduct of such business at any place other than that designated in the license.

Sec. 14-36. - Change in the business; sale or transfer of business.

(a)

When a license is issued under the provisions of this article to carry on a certain line of business and after the issuance of the license, the licensee shall so change or alter his business as to bring it under a classification for which a higher license tax is required, he shall, before making such change, deliver his license to the tax collector, together with a written and signed statement as to the nature of the proposed change, and shall pay to the tax collector the proper additional license tax. The tax collector shall thereupon cancel the old license and shall issue to the licensee a new and appropriate license.

(b)

If a person who has obtained a license for a business taxed under this article desires to move from one business location to another within the town, the license which has been issued shall be surrendered to the tax collector for cancellation; and a new license certificate shall be reissued upon payment of the currently required fee.

(c)

Any license issued for a tax year for the conduct of a business at a specified location shall, upon sale or transfer of the business, be deemed a sufficient license for the succeeding purchaser for the conduct of the business specified at that location for the balance of the tax year.

Sec. 14-37. - Revocation.

Any license issued under the provisions of this article by the tax collector may be revoked by the board of aldermen upon the finding by the board of aldermen that the licensee has persistently violated any applicable section of this chapter, town ordinance, or any federal or state law, or that the licensee is conducting his business in a fraudulent or unlawful manner.

Sec. 14-38. - Appeal.

Any person aggrieved by the action of the tax collector in the denial of or in the revocation of a privilege license shall have the right to appeal to the board of aldermen. The appeal shall be taken by filing with the board of aldermen, within 14 days after notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for the appeal. The board of aldermen shall set a time and place for a hearing on the appeal, and notice of the hearing shall be given to the applicant in the same manner as provided for notice of hearing on revocation. The decision of the board of aldermen on the appeal shall be final and conclusive.

Sec. 14-39. - Duty to post license.

Every license issued under the provisions of this article shall be prominently displayed at the place of business of the licensee named in the license; or if the licensee has no fixed place for doing business, the licensee must keep the license wherever such business is being operated and in a place where it can be seen at any time by an official desiring to inspect the license.

Sec. 14-40. - Unlawful to conduct business without license.

Except as provided in section 14-33, it shall be unlawful for any person to engage in any business or profession for which a license is required without first having paid the appropriate license tax and secured the required license.

Sec. 14-41. - License tax schedule.

(a)

The privilege license tax schedule shall be set from time to time by the board of aldermen, and a schedule of such taxes is on file and available in the town offices.

(b)

It shall be unlawful for any person to carry on or perform any business or do any act enumerated in this chapter without first having paid the license tax and procured a license as set forth in this article.

Secs. 14-42—14-75. - Reserved.

Sec. 14-76. - Authority.

The legislature of the state has in G.S. 160A-174, 160A-178 and 160A-194 authorized the regulation and license of businesses in order to promote the public health, safety and general welfare of its citizenry.

Sec. 14-77. - Purpose.

The purpose of this article is to regulate the business activities of street vendors in such a manner as to promote the health, safety and general welfare of the general public.

Sec. 14-78. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Street vendor means any itinerant merchant, salesman, promoter, drummer, peddler or hawker who sells or offers for sale his goods, wares and products from house to house or on the streets and sidewalks of the town.

Sec. 14-79. - Street vendor license in general.

(a)

A license issued by the town shall be required of all street vendors working within the town.

(b)

Application for a license to become a street vendor in the town shall include the following information and requirements:

(1)

The name, permanent address, phone number, driver's license number, and social security number of the applicant.

(2)

The proposed location of operation.

(3)

A listing of the merchandise to be sold.

(4)

- (5) A listing of the prices of the merchandise which is to be sold.
- (6) The currently required application fee.
- (7) If employed or acting as an agent, the name and address of the employer or principal, together with credentials establishing the exact relationship.
- (8) The length of time for which the permit is desired.
- (9) Two photographs of the applicant taken within 60 days immediately prior to the date of the filing of the application, which photograph shall be two inches by two inches, showing the head and shoulders of the applicant in a distinguishing manner.
- (10) A statement of whether or not the applicant has been convicted of any state or federal crime, misdemeanor or violation of any municipal ordinance in the last ten years; the nature of the offense; and the punishment or penalty assessed.
- (c) The fingerprints of the applicant.
- (d) The tax collector shall consider the proposed application for a street vendor's license and shall determine whether or not the applicant complies with this article within 15 days of the receipt of the application.
- (e) The required street vendor's license shall be subject to revocation or suspension by the police department for violation of any provisions contained in this article.
- (f) A street vending license is not transferable.
- (g) Issuance of a street vending license shall satisfy payment of the privilege license tax.

Sec. 14-80. - Exceptions to provisions of article.

The requirements of this article shall not apply to any person who solicits:

- (1) Orders solely from industrial, commercial or professional establishments within the town.
- (2)

Orders solely for agricultural or forest products.

(3)

Orders solely for any kind of insurance, if the individual is licensed by the state, county or town.

(4)

For schools or approved educational, religious or charitable organizations, when the proceeds from the solicitation in excess of the cost of goods sold, go to the fund of some approved educational or charitable organization.

Sec. 14-81. - Renewal.

A street vendor's license shall expire on July 1 of the year of issuance. Upon expiration of the license, a new application shall be filed in the same manner as described in section 14-79.

Sec. 14-82. - Special events.

In the case of special events authorized and endorsed by the town to such an extent that the town authorizes and allows the use of its streets and sidewalks for the event, the organizers of the event shall submit an application to the town for the use of its streets and/or sidewalks for the special event. Such special event shall include parades, festivals, fairs and sidewalk sales. The authorization of the town for permission to conduct such a special event shall constitute its approval of the list of street vendors which is approved by the organizers of the special event; and the provisions of this article shall be waived; however, the organizers of the special event must submit to the town a proposed list of all street vendors and their activities with respect to the special event.

Secs. 14-83—14-95. - Reserved

Sec. 14-96. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Certificate means a certificate of public convenience and necessity issued by the chief of police or his designee, authorizing the holder thereof to conduct a taxicab business within the city.

Drivers license means a license issued by the state granting a person the privilege to drive up the roadways in the state pursuant to G.S. 20-7.

Holder means a person to whom the certificate of public convenience and necessity has been issued.

Manifest means a daily record prepared by a taxicab driver of all trips made by the driver, showing the time and place of origin, destination, and number of passengers.

Rate card means a card with the rates and fares that are clearly printed and presentable upon request of any person considering transportation by the taxi cab.

Taxicab means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than six persons and not operated on a fixed route.

Taxi permit means a permit issued by the chief of police or his designee to an individual allowing them to operate a taxi or limousine within the city limits.

Sec. 14-97. - Taxicab businesses governed.

This article shall govern the operation of those taxicab businesses operating within the corporate limits of the town as well as those businesses located outside the town providing such services that originate within the town. Provided, however, this article shall not apply to such businesses not located within the town providing such services that originate outside the town.

Sec. 14-98. - Inspection of vehicles; vehicle license; maintenance.

(a)

Initial inspection. Prior to the use and operation of any vehicle under the provisions of this article, it shall be thoroughly examined and inspected by the police department and found to comply with the state safety and equipment requirements.

When the police department finds that the vehicle has met said requirements the chief of police or his designee will approve the taxicab for use by the service. It will be the responsibility of the owner of each taxicab to ensure that it is serviced and mechanically sound.

(b)

Periodic inspections. Every vehicle operating under this article may be periodically inspected by the police department at such intervals as established by the chief of police to ensure the continuing maintenance of safe operating condition, but at least once a year.

(c)

Condition of vehicles. Every vehicle operating under this article shall be kept in a clean and sanitary condition.

Sec. 14-99. - Identification on vehicles.

Each taxicab shall bear on the roof thereof an electrically lighted sign or device bearing the name of the owner or taxicab company. In addition to the lighted sign, each cab must display the same information on each side of the vehicle.

Sec. 14-100. - Rates of fare; rate card.

Each taxicab must clearly display a rate card in the taxicab for each customer or potential customer to view. A rate list will also be displayed at each taxi lot. Each individual company will determine the rates and the company will not vary from their posted rates. If the rates are established per mile then the operator of the taxi must keep the odometer clean and clear for the customer to inspect.

Sec. 14-101. - Receipts.

The driver of any taxicab shall, upon the request, of any passenger, render to such passenger a receipt upon which shall be the name of the owner, the amount of the charges, mileage traveled, and the date of the transaction.

Sec. 14-102. - Drivers.

(a)

No person shall drive a vehicle for hire as a taxicab without a valid driver's license issued by the state authorizing said person to drive a taxicab and in addition a permit issued by the chief of police or his designee. No person who owns or has authority and control over a vehicle shall permit any other person to drive the vehicle for hire as a taxicab unless that driver has such a permit. There will be a \$5.00 fee for the permit.

(b)

Application for a permit under this section shall be made to the chief of police or his designee, who may deny the application for failure to meet the terms and conditions of this article, but who shall, upon the applicant's meeting the terms and conditions of this article, issue a permit upon giving of the oath required in subsection (c). Fingerprinting of the applicant is required. The application for a permit shall include a fingerprint card(s) containing the fingerprints of the applicant made by and under the supervision of the town police department.

(c)

Every applicant shall show under oath that he/she has not within the last three years of the date of application:

(1)

Been convicted of a violation of any federal or state law relating to possession for sale or sale of any intoxicating alcoholic beverage or controlled substance;

(2)

Been convicted of two or more DWI violations within a three-year period;

(3)

Been in violation of federal law or state relating to prostitution; nor

(4)

Been a habitual violator of traffic laws or ordinances.

Any permit issued upon a false oath by an applicant will be immediately revoked upon receipt of evidence of a falsity thereof. Any permit issued under this section may be revoked at any time by the chief of police or his designee upon a showing that at the time of application any statement made by the applicant was false or because of occurrences after the issuance of the permit showing that the permittee could not at that time truthfully give the oath required in this section.

(d)

It shall be unlawful for any driver or owner of a taxicab to engage in selling of alcoholic beverages, controlled substance, or solicit business for any other unlawful purpose.

(e)

Every applicant shall be subject to a national criminal background check with the state division of criminal information (DCI), pursuant to G.S. 160A-304, and also with the United States Department of Justice through the use of Federal Bureau of Investigation records. All applicants must submit their names, date of birth, sex, gender and race. Furthermore, the costs and expenses related to such checks, if any, as well as costs and expenses related to fingerprint checks shall be the responsibility of the applicant, said costs and expenses to be paid in advance with the filing of the application for a permit under this article.

Sec. 14-103. - Manifest.

(a)

Every driver shall maintain a daily manifest upon which are recorded trips that are made each day showing time and place of origin and destination of each trip, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. Each entry on the manifest must be made immediately upon completion of each trip.

(b)

Every holder of certificate of public convenience and necessity shall retain and preserve all manifests in a safe place for at least two years and made available to the police department for examination at any time.

Sec. 14-104. - Certificate of public conveyance and necessity.

(a)

No person or business shall operate or permit a taxicab owned or controlled by him or it to be operated as a vehicle for hire within the town without having first applying for and obtaining a certificate of public conveyance and necessity from the chief of police or his designee. The information to be provided on and with such application is as follows:

(1)

The name and address of the applicant.

(2)

The number of vehicles to be operated or controlled by the applicant and the location of proposed taxi lots or terminals.

(3)

A sworn statement by applicant in the same form as set forth under subsection 14-102(c) herein. Furthermore, any certificate issued under this paragraph shall be subject to revocation upon a showing that those matters set forth under subsection 14-102(c) apply to applicant.

(4)

Proof of financial responsibility as required by G.S. 20-280.

(5)

The owner of each vehicle used as a taxicab shall purchase the appropriate privilege license from the town for each vehicle at the prevailing rate. The cost of this license is subject to change without prior notification.

Sec. 14-105. - Suspension or revocation

(a)

A certificate issued under the provisions of this article may be revoked or suspended by the chief of police or his designee if the holder therefore has:

(1)

Violated any of the provisions of this article.

(2)

Violated any state or federal statutes pertaining to the operation of taxicabs.

(b)

Suspension or revocation shall be immediately effective upon written notice being given to the holder at which time the holder shall cease operations. Upon

receiving notice of suspension or revocation the holder shall be given notice of said action and may appear before the chief of police or his designee.

(c)

No certificate of public convenience and necessity may be sold, assigned, or otherwise transferred.

CITY OF HENDERSONVILLE ORDINANCE

Secs. 14-1—14-30. - Reserved.

Sec. 14-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means the person having the agency for the manufacturer, producer or distributor.

Business means any business, trade or profession.

Contract sales means all work done by electrical, plumbing, heating and general contractors for a specified cost, and shall be considered as being done under the contractor's license.

Engaged in business means as either owner or operator.

Gross receipts shall mean all earnings, receipts, fees, commissions, broker's charges, rentals and income whatsoever arising from or growing out of the conduct of the business, occupation or profession licensed under this article during the license tax year immediately preceding the license tax year for which the tax is being computed, without any deduction whatsoever, unless otherwise expressly provided.

Gross sales means the sum total of all cash sales and sales on credit. If the business is on a cash basis, cash sales shall be the total sum of all goods sold for cash, plus all payments received on account. If the business is on an accrual basis, the gross sales shall be the total of all sales for cash, plus all sales on credit, plus accounts previously charged off and collected subsequently, less all accounts charged off.

License tax year means, except as otherwise specifically provided in this Code or state law, the period beginning with July 1 and ending June 30 next following.

Quarter means any three consecutive months.

Any reference to gender in this article shall include all genders.

Sec. 14-32. - Application of chapter provisions.

The provisions of this chapter shall apply only to business licenses and shall not apply to franchise taxes unless so specifically provided.

Sec. 14-33. - Granted subject to other applicable city and state laws.

All licenses provided for by this chapter shall be granted subject to any other applicable provisions of this Code, state law or city ordinance.

Sec. 14-34. - Continuing authority of council.

Nothing contained within this article shall be construed to prevent the city council from imposing from time to time such other license taxes as are not specifically defined or required in this article, or from increasing or decreasing the amount of any license tax, or from prohibiting or regulating the business or acts licensed. When any increase in the amount of the tax required is made, the license shall be revoked unless the licensee shall pay the amount of such increase within 30 days.

Sec. 14-35. - Prerequisite to conduct of business.

It shall be unlawful for any person or his agent or servant to engage in or carry on a business in the city for which there is required a license, without first having paid the license tax and obtained the license. For the purpose of this section, the opening of a place of business, or offering to sell, followed by a single sale or the doing of any act or thing in furtherance of the business shall be construed to be engaging in or carrying on such business. Each day that such person shall engage in or carry on such business, shall be construed to be a separate offense.

Sec. 14-36. - License tax levied.

In addition to the tax on property and polls imposed by the city, and under the power and authority conferred by state law, there shall be levied and collected annually, or oftener where provided for, a privilege license tax on trades, professions, agencies, business operations, callings, occupations, vocations, exhibitions, circuses and all other subjects within the city authorized to be licensed as set out in this article.

Sec. 14-37. - Tax due date.

The taxes levied by this article shall become due on July 1 in each year, and the license issued upon payment of the tax will be good for a period of 12 months, expiring on June 30 following the date of issue

Sec. 14-38. - Half-year license.

When any business taxable under this article is begun after July 1 in any license tax year but before January 1, the full amount of the tax will be due. When any business is begun on or after January 1, then such licensee shall be required to pay one-half of the license tax otherwise prescribed.

Sec. 14-39. - Penalty for late payment of tax.

Each license tax prescribed by this article shall be increased five percent for each month or fraction hereof during which such license tax remains unpaid after the tax becomes due and payable; provided, however, that such penalty shall not be less than any minimum nor more than any maximum penalty established by state law. No license shall be issued until the license tax plus the penalty has been paid. The addition of the five percent per month penalty on the amount of the license tax shall not exempt the delinquent from the penalties prescribed in this article for failure to obtain a license or any other applicable violation of the provisions of this Code, state law or city regulation, rule or ordinance.

Sec. 14-40. - Application.

Every application for a license required by this article shall be made in writing to the tax collector upon a form provided by the city. Such application shall be accompanied by the required license tax, signed either by the applicant or his agent, and shall furnish all the information as provided on the form.

Sec. 14-41. - False statement in application; penalty.

Any person who shall willfully make any false statement in any application for a license under any section of this article or schedule shall be guilty of a misdemeanor.

Sec. 14-42. - Issuance.

Upon the approval of the application for a license, the receipt of the required license tax and the compliance with other provisions of this Code, state law or city rule, regulation or ordinance, if required, the city tax collector shall issue the license. The tax collector shall refuse to issue a license or shall revoke a license for either of the following reasons:

(1)

The applicant misrepresents a fact relevant to the amount of tax due or his or her qualifications for a license.

(2)

The applicant refuses to provide information necessary to compute the amount of tax due.

Sec. 14-43. - Contents.

(a)

Every license issued shall show on its face the name of the licensee, the nature of the business, the location of the business if it is operated at a fixed location and the period for which the license is issued.

(b)

Any license requiring the approval of the city council or any board, commission or official shall show such approval on its face.

Sec. 14-44. - Transfer—Generally.

Every license issued under the provisions of this article shall be and constitute a personal privilege to conduct the business named in the license and shall not be transferable.

Sec. 14-45. - Same—Internal change on business.

No change in the name of the firm, partnership or corporation, nor the taking in of a new partner, nor the withdrawal of one or more of the firm, shall be considered as commencing business or transferring the personal privilege of the license; so long as one or more of the partners or stockholders remain in the business, the business shall be regarded as continuing for the purpose of license taxation.

Sec. 14-46. - Effect of change of business.

Where the amount of license tax is determined by certain factors existent at the time such license tax is due, or issued, and, after the issuance of such license, the licensee proposes to change such factors so that his business will be subject to a greater license tax under the provisions of this article, he shall, before making such change, pay the additional license tax and secure a new license to cover such additional tax.

Sec. 14-47. - Separate businesses.

The payment of any particular license tax imposed by this article shall not relieve the person paying the license tax from liability for the payment of any other tax specifically imposed by this article for any other business he may carry on unless otherwise provided by the section imposing such tax. It is the intent of this article that license taxes imposed and prescribed by various sections of this article and applicable to any business shall be cumulative except where otherwise specifically provided.

Sec. 14-48. - Separate locations.

A license issued for the privilege of conducting a business is only valid for the business conducted at the place and by the licensee named therein. Every person doing business in more than one factory, mill, warehouse, store, stall or stand, or other place of business, shall secure a separate license for each such place of business, unless such places of business are contiguous to each other, communicate directly with and open into each other, and are operated as a unit; provided, however, that if any person is engaged in two or more businesses at two or more locations, such businesses shall be taxed as a single unit if:

(1)

The type of business conducted or products sold at each location is dissimilar in nature from the business conducted or products sold at each other location; and

(2)

The businesses are operated as a single unit by the same licensee.

Sec. 14-49. - Display.

Every license certificate must be kept prominently displayed at the place of business of the licensee named therein, or if such licensee has no fixed place for doing business, the licensee must keep license wherever such business is being operated and in a place where it can be seen at any time by any official desiring to inspect the license.

Sec. 14-50. - Revocation; suspension.

Any license issued under this article shall be subject to revocation or suspension for a definite or indefinite time by the city council, without refund of any part of the tax paid, if the licensee or manager or person in charge of the business or employee shall violate any applicable section of this Code, state law or ordinance relative to such business; or if, in the judgment of the city council, the licensee does, by reason of his nature or the manner or place in which the business is conducted, constitute a nuisance or is a menace to good order or to the public health, safety or morals. Upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business.

Sec. 14-51. - Abatement of tax.

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

Sec. 14-52. - Exemptions from paying tax—Generally.

Except as otherwise provided by this Code, state law or by the schedule of license taxes set out in section 14-57 of this article, there shall be no exception of any person for any reason from the payment of the license taxes levied by this article.

Sec. 14-53. - Same—Charitable organizations.

The license tax imposed by this article, except as otherwise specifically provided in this article, shall not apply when the entire proceeds are for an organized church, religious or fraternal organization, provided such organization shall apply for and secure a permit.

Sec. 14-54. - Same—Blind persons and military personnel.

Blind persons and members of the Armed Forces of the United States and of the Merchant Marine shall be exempt from liability for any and all license taxes levied by this article to the extent prescribed by and in accordance with G.S. 105-249 and G.S. 105-249.1.

Sec. 14-55. - Same—Wholesale manufacturers.

Except as otherwise provided in this Code or state law, manufacturers of finished products, goods or commodities or components of products, goods or commodities which are sold at wholesale shall be exempt from the provisions of this article, but sales at retail by outlets of such manufacturers shall be subject to the provisions of this article.

Sec. 14-56. - Same—License must be obtained.

Every person, engaging in any business upon which there is levied a license tax by this article, but which person is, by reason of some provision of this article, exempt from the payment of such tax, shall, nevertheless, secure from the tax collector a license to engage in such business, which license shall show upon its face the fact that the licensee is exempt from the payment of the license tax, and shall cite the section of this Code which is the authority therefore.

Sec. 14-57. - License tax schedule.

Businesses, trades, occupations, professions, agencies and other operations and subjects which must pay license taxes which shall be levied and collected annually in such amounts to be set from time to time. A schedule of such fees is on file in the city clerk's office.

Sec. 14-58. - Purpose of license.

(a)

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 city 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.

(b)

This article does not prevent the city from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax, or from regulating any business taxes.

Sec. 14-59. - Who must pay.

Each person who conducts a business within the city is subject to this article.

Sec. 14-60. - Notice to taxpayer presumed.

Each person who conducts a business may be subject to a business license. It is the duty of the taxpayer to verify what his requirements are. If licenses are not paid, the proceedings allowed by law may be taken against such business. This notice shall be conclusively presumed, whether or not such persons have actual notice.

Sec. 14-61. - 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 amount of its gross receipts from the license tax year immediately preceding in such detail and in such manner as the office of the tax collector may require.

(b)

Procedures. When a license tax required under this article is based on gross receipts, the licensee will compute its license tax by applying all gross receipts per location to the rate established in this section and purchase a license per location. The licensee, however, may be subject to additional license taxes which the state authorizes the city 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 classifications, these revenues may be deducted from the total gross receipts. New businesses and/or businesses that have not been in business 12 months must give a good-faith 12-month projection of their gross receipts.

(c)

Confidentiality of information. All information regarding gross receipts or other information furnished or secured under the authority of this article shall be kept in strict confidence by the office of the tax collector, its officials and employees, and shall not be subject or open to public inspection, except as provided in this article. The aforementioned shall be utilized solely by the office of the tax collector, its officials and employees for administering the provisions of this article. However, summaries of such information may be shared with appropriate city officials and employees for purposes of research and analysis.

Sec. 14-62. - 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. 14-63. - Tax collector's authority to investigate.

If the tax collector has reason to believe that a person is conducting a business in the city in violation of this article, he shall conduct an investigation to determine the person's tax liability.

Sec. 14-64. - Duty to keep books.

Each person who conducts a business taxed under this article, whose license is based on gross sales/receipts, shall keep all records and books necessary to compute his tax liability. If a person fails to keep books and records as required, the collector shall make his own determination of that person's tax liability from the information available to him.

Sec. 14-65. - Duty to permit inspection.

Each person who conducts business in this city shall permit the tax collector, or his agent, to inspect the business premises during normal business hours to determine the nature of the business conducted there and to examine the books and records to determine the nature and amount of business transacted.

Sec. 14-66. - 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 of not being a licensed business.

(b)

If there is no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials.

Sec. 14-67. - Refunds for discontinued business.

Except as otherwise provided, there shall be no refund of license taxes to businesses licensed under this article that are discontinued during the license year.

Sec. 14-68. - Refunds for licensees entering armed forces.

Any licensee under this article who enters the armed forces of the United States and, as a result thereof, the operation of the business for which the license was issued ceases and terminates and who, within 30 days after an induction into such armed forces, makes an application to the tax collector of the city for same, shall be entitled to a return of the license fee in proportion to the number of full months remaining in the license period.

Sec. 14-69. - Reasons for refusal or revocation.

The 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 called for in the application.

Sec. 14-70. - Penalties; revocation.

(a)

All license taxes imposed by this article shall be due and payable in advance by July 2, and 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 of the amount prescribed for the license per month or fraction thereof until paid, not to exceed 25 percent of the amount so prescribed.

(b)

No license shall be granted until the license tax plus the additional tax assessed has been paid. The addition of five percent per month on the amount of such license tax shall not exempt the delinquent from the penalties prescribed in this article in case of delinquency.

(c)

All licenses imposed on businesses beginning after July 1 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.

(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.

Sec. 14-71. - Enforcement actions.

(a)

Criminal remedies. Conducting business within the city limits without having paid the license tax imposed, or without a valid license issued pursuant to this article, or without posting a license as provided in this article is a misdemeanor, punishable as provided in section 1-6. 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, pursuant to G.S. 160A-175(d), the city may seek an injunction against any person conducting a business in violation of this article.

(c)

Garnishment and levy remedies. The tax 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 G.S. 105-368 and G.S. 160A-207.

(d)

Duplicate copy. Upon satisfactory proof that a license has been lost or destroyed, the tax collector shall furnish a duplicate for a fee as established from time to time. Any other duplication of a license shall constitute a misdemeanor, and is punishable as provided in section [1-6 of this Code].

Sec. 14-72. - Taxpayer's remedies.

(a)

Assertions of valid defense. Any taxpayer 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 taxpayer, 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 city council a written statement of his defense and a request for a refund thereof.

(b)

Action of governing body. Upon receiving a taxpayer's written statement of defense and request for release or refund, the city council shall within 90 days after receipt of such request determine whether the taxpayer 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 taxpayer in writing that no release or refund will be made. The action of the city council on applications for refunds shall be recorded in its minutes. If a refund is made, the finance department shall forward such refund to the tax collector, who shall note on all records the amount of refund, check number and date.

(c)

Suit for recovery of license taxes. If within 90 days after receiving a taxpayer's request for refund or under subsection (a) of this section, the city council has failed to refund the full amount requested by the taxpayer, has notified the taxpayer that no refund will be made, or has taken no action on the request, the taxpayer may bring a civil action against the city for the amount claimed. Such

action may [be] brought at any time within three years from the expiration of the period in which the city council is 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 justice in the county. If, upon the trial, it is determined that the license or any part of it was illegal, or levied for an illegal purpose, or excessive as a result of a clerical error, judgment shall be rendered therefore with interest thereon at six percent per annum plus costs. The judgment shall be collected as in other civil actions.

Secs. 14-73—14-90. - Reserved.

CITY OF ASHEVILLE ORDINANCE

Secs. 9-1—9-25. - Reserved.

Sec. 9-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business includes each trade, occupation, profession, business and franchise taxed under this article.

Seasonal means a business that is conducted for profit six months out of the year or less.

Sec. 9-27. - Purpose; construction of article.

This article is enacted for revenue purposes only. Therefore, it should be construed to require payment of the maximum tax permitted under its terms. In addition, issuance of a license in accordance with this article does not excuse a licensee from compliance with any other applicable ordinance or statute. This article does not prevent the city from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax or from regulating any business taxed.

Sec. 9-28. - Levy.

An annual privilege license tax is hereby levied on each business conducted within this city listed in appendix A of Ordinance No. 1855, as amended, which is attached to such ordinance and made a part of such ordinance in the amounts set forth therein.

Pursuant to G.S. 160A-77, the privilege license tax schedule, referred to in this section as appendix A, is compiled and published separately by the city as a list of the various trades, occupations, professions, agencies and businesses, together with the amount of tax due. An official copy is on file in the office of the city clerk.

Sec. 9-29. - Persons required to pay tax.

Each person who conducts a business within the city is subject to this article. A person "conducts a business" when he engages in one act of business taxed under this article. He conducts the business "within the city" if he maintains a business location within the city or if, either personally or through agents, he:

(1)

Solicits business within the city limits; or

(2)

Picks up or delivers goods or services within the city limits.

Sec. 9-30. - Period of license.

(a)

Annual licenses. Unless the section of this article levying the privilege license tax applicable to a particular business provides otherwise, a license issued in accordance with this article is good for the 12-month period beginning July 1 and ending June 30. The tax is due on July 1 of each year. However, if a person begins a business after July 1 of a year, the tax for that year is due before the business is begun.

(b)

Periods shorter than one year. If the section of this article levying the privilege license tax applicable to a particular business so provides, a license may be issued for a period of one day, one week or some comparable period of less than a full license year. A person may not commence a business conducted within the city and taxed under such a section until the privilege license tax due is paid and may not continue such a business beyond the period for which the license is issued.

Sec. 9-31. - Proration of tax.

If a business is begun after January 31 and before July 1, the amount of tax due is half the amount otherwise due. If a business is seasonal in nature and if the amount of tax is not based on gross receipts, the amount of tax due is half the amount otherwise due.

Sec. 9-32. - Refunds.

If for any reason a licensee discontinues the licensed activity during the license year, the licensee is not authorized to a refund; provided, that if discontinuance or cessation of the licensed activity is the direct result of a state statute being adopted after the commencement of the license year that prohibits or makes illegal the licensed activity such that the licensee is required to cease the activity at any point during the license year, then the licensee shall be entitled to a partial refund of taxes paid for the licensed activity, prorated based on the number of months for which the operation was not prohibited by statute.

Sec. 9-33. - Separate businesses.

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. In addition a separate privilege license tax must be paid for each business taxable under this article conducted by the taxpayer at any one location;

however, the tax collector may issue a single license for all taxable businesses conducted at one location by a single taxpayer.

Sec. 9-34. - Computation of tax based on gross receipts.

(a)

Whenever this article levies a privilege license tax computed on the basis of gross receipts, gross receipts means the amount reported as gross receipts on a business's state income tax return or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year. It shall be the duty of a person applying for the license to render to the finance director or his designee a sworn statement of such gross receipts during the preceding year.

(b)

If a business has not been in operation long enough for the information required in subsection (a) of this section to be available, the tax collector shall estimate gross receipts for the business on the basis of gross receipts of comparable businesses or any other information the tax collector considers useful. On or before July 31 immediately after the license year, each licensee who paid the tax for the past license year based on estimated gross receipts shall submit to the tax collector a sworn final report showing the amount of gross receipts for the license year. If the amount shown is more than the estimated gross receipts, the licensee shall pay the amount of the additional tax that would have been due had the estimate been accurate. If the payment shown is less than the estimated gross receipts, the city shall refund to the licensee the difference between the actual tax paid and the amount of tax that would have been due had the estimate been accurate.

(c)

All affidavits or other proof of gross receipts furnished to the finance director or his designee pursuant to subsection (b) of this section shall remain privileged and confidential and shall not be disclosed.

Sec. 9-35. - 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.

(b)

Charitable organizations. A person who operates a business for a religious, educational, civic, patriotic, charitable or fraternal purpose, when the entire gross income of the business is used for such a purpose, is exempt from paying any privilege license tax levied by this article.

(c)

Blind persons and members of armed forces and merchant marine. Blind persons and persons who serve in the United States armed forces or the merchant marine are exempt from paying any privilege license tax levied by this article to the extent provided by G.S. 105-249 and 105-249.1.

(d)

License required. A person exempt from paying a privilege license tax levied by this article shall nevertheless obtain a license from the tax collector. The license shall state that the licensee is exempt from paying the privilege license tax.

Sec. 9-36. - Tax on gross receipts of automobile rental business.

(a)

Definitions. In addition to the common meanings of words, the following definitions shall be applicable herein:

(1)

Customer shall mean any person that leases or rents a vehicle on a short-term lease or rental basis.

(2)

General Statutes shall refer to the North Carolina General Statutes and any reference to a particular section thereof shall include the same as may be from time to time amended, modified, supplemented, revised or superseded.

(3)

Gross receipts shall mean the amount that is or would be reported as gross receipts on a business's state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year. Taxes collected hereunder are not subject to the tax herein imposed and are not included in gross receipts.

(4)

Lease or rental shall mean a transfer, for consideration, of the use but not the ownership of property to another for a period of time (G.S. § 105-164.3(7a)).

(5)

Long-term lease or rental shall mean a lease or rental made under a written agreement to lease or rent property to the same person for a period of at least 365 continuous days (G.S. § 105-187.1(3)).

(6)

Person shall mean any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.

(7)

Short-term lease or rental shall mean any lease or rental of a vehicle that is not a long-term lease or rental (G.S. § 160A-215.1(e)(2) and G.S. § 105-187.1(4)).

(8)

Tax collector shall refer to that individual appointed by the governing body pursuant to G.S. § 105-349 to collect taxes on behalf of the City of Asheville and any other person authorized to carry out the duties and functions of such individual.

(9)

Taxpayer means any person liable for the taxes imposed by this section.

(10)

Vehicle shall mean any of the following:

a.

A motor vehicle of the private passenger type, including a passenger van, minivan, or sport utility vehicle.

b.

A motor vehicle of the cargo type, including a cargo van, pickup truck or truck with a gross vehicle weight of 26,000 pounds or less used predominantly in the transportation of property for other than commercial freight, and that does not require the operator to possess a commercial drivers license.

c.

A trailer or semitrailer with a gross vehicle weight of 6,000 pounds or less (G.S. § 160A-215.1(e)(1)).

(b)

Levy of tax. A tax is hereby imposed and levied in an amount equal to one and one-half percent of the gross receipts derived from the short-term lease or rental of vehicles at retail to the general public. This tax on gross receipts is in addition to the privilege taxes authorized by G.S. § 160A-211.

(c)

Collection of the tax. Every person engaged in the business of the short-term lease or rental of vehicles at retail to the general public shall collect at the time of the lease or rental the tax herein levied, place the tax so collected in a segregated account, and thereafter remit such tax to the tax collector in accordance with the provisions of this section. The taxpayer shall include a provision in each retail short-term lease or rental agreement stating that the percentage amount enacted by this section of the total lease or rental price, excluding sales tax, is being charged as a tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental and shown separately on the taxpayer's records. The tax shall be

paid by the customer to the taxpayer as trustee for and on account of the City of Asheville. The taxpayer shall be liable for the collection thereof and for its payment to the tax collector and the taxpayer's failure to charge or to collect said tax from the customer shall not affect such liability.

(d)

Report and payment of tax. Tax levies under this section are due and payable when a return is required to be filed. Every taxpayer shall, within the time specified, submit a return to the tax collector on the form prescribed by the tax collector. A return must be signed by the taxpayer or the taxpayer's agent. Returns of taxpayers are due to the tax collector each month on or before the fifteenth day of the month following the month in which the tax accrues. As provided in G.S. § 160A-208.1, a return shall not be considered a public record and information contained in a return may be disclosed only in accordance therewith.

(e)

Taxpayer to keep records. The taxpayer shall keep and preserve suitable records of the gross receipts received by such taxpayer in the conduct of business and such other books or accounts as may be necessary to determine the amount of the tax for which such taxpayer is liable under the provisions of this section. It shall be the duty of the taxpayer to keep and preserve for a period of three years all such records of gross receipts and other books and accounts described. All records, books and accounts herein described shall be open for examination at all reasonable hours during the day by the tax collector or his duly authorized agent.

(f)

Tax collector to provide forms. The tax collector shall design, prepare, print and make available to all taxpayers operating within the municipal boundaries of the City of Asheville forms and instructions for filing returns to insure a full collection of and an accounting for taxes due. The failure of any taxpayer to obtain or receive forms shall not relieve such taxpayer from the payment of the tax at the time and in the manner provided.

(g)

Situs. The transaction giving rise to the tax herein levied shall be deemed to have occurred at the location of the entity from which the customer takes delivery of the vehicle (G.S. § 160A-215.1(b)).

(h)

Penalties and remedies. The provisions with respect to remedies and penalties applicable to Subchapter VIII (Local Government Sales and Use Tax) of Chapter 105 of the General Statutes, as contained in Article 5 and Article 9, Subchapter 1, Chapter 105 thereof, shall be applicable in like manner to the tax authorized to be levied and collected under this section, to the extent that the same are not inconsistent with the provisions hereof. The governing body of the City of

Asheville may exercise any power the Secretary of Revenue may exercise in collecting sales and use taxes (G.S. § 160A-215.1(f)).

(i)

Administration. In addition to the provisions herein, the levy and collection of the taxes herein imposed shall be otherwise administered in the same manner as the Sales and Use Tax as provided in Article 5, Subchapter 1, Chapter 105 of the General Statutes (G.S. § 160A-215.1(d)).

Sec. 9-37. - Tax on gross receipts of heavy equipment rental business.

(a)

Definitions. In addition to the common meanings of words, the following definitions shall be applicable herein:

(1)

"Customer" shall mean any person that leases or rents heavy equipment or a short-term lease or rental basis,

(2)

"Finance officer" shall refer to that individual appointed pursuant to G.S. § 159-24, to serve as chief financial officer or other reasonable descriptive title for the City of Asheville and any other person authorized to carry out the duties and functions of such individual.

(3)

"General Statutes" shall refer to the North Carolina General Statutes and any reference to a particular section thereof shall include the same as may be from time to time amended, modified, supplemented, revised or superseded.

(4)

"Gross receipts" shall mean the amount that is or would be reported as gross receipts on a business's state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year. Taxes-collected hereunder are not subject to the tax herein imposed and are not included in gross receipts.

(5)

"Heavy equipment" shall mean earthmoving, construction, or industrial equipment that is mobile, weighs at least 1,500 pounds, and is either:

a.

A self-propelled vehicle that is not designed to be driven on a highway; or

b.

Industrial lift equipment, industrial material handling equipment, industrial electrical generation equipment, or a similar piece of industrial equipment.

The term includes an attachment for heavy equipment, regardless of the weight of the attachment.

(6)

"Lease or rental" shall mean a transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. The term does not include any of the following:

a.

A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments.

1.

A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of \$100.00 or one percent of the total required payments.

2.

The providing of tangible property along with an operator for a fixed or indeterminate period of time if the operator is necessary for the equipment to perform as designed. For the purpose of this subparagraph, an operator must do more than maintain, inspect, or set up the tangible personal property.

(7)

"Long-term lease or rental" shall mean a lease or rental made under a written agreement to lease or rent property to the same person for a period of at least 365 continuous days.

(8)

"Person" shall mean any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, soles proprietorship, company, firm, or other legal entity.

(9)

"Short-term lease or rental" shall mean any lease or rental that is not a long-term lease or rental.

(10)

"Tax collector" shall refer to that individual appointed by the governing body pursuant to N.C.G.S. 105-349, to collect taxes on behalf of the City of Asheville and any other person authorized to carry out the duties and functions of such individual. The Buncombe County Tax Office is designated as the city's "tax collector" for this ordinance.

(11)

"Taxpayer" means any person liable for the taxes imposed by this section.

(b)

Lew of tax. A tax is hereby imposed and levied in an amount equal to eight tenths percent of the gross receipts derived from the short-term lease or rental of heavy equipment at retail. This tax on gross receipts is in addition to the privilege taxes authorized by G.S. § 160A-211.

(c)

Collection of the tax. Every person whose principal business is the short-term lease or rental of heavy equipment at retail shall collect at the time of the lease or rental, or at the time of the payment of the consideration therefore, the tax herein levied. A person is not considered to be in the short-term lease or rental business if the majority of the person's lease and rental gross receipts are derived from leases and rentals to a person who is a related person as defined under G.S. § 105-163.010.

(1)

The tax so collected shall be placed in a segregated account, and thereafter remitted to the tax collector in accordance with the provisions of this section. The taxpayer shall include a provision in each retail short-term lease or rental agreement, or other documentation evidencing the transaction, stating that the percentage amount enacted by this section of the total lease or rental price, excluding sales tax, is being charged as a tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental and shown separately on the taxpayer's records.

(2)

The tax shall be paid by the customer to the taxpayer as trustee for and on account of the City of Asheville. The taxpayer shall be liable for the collection thereof and for its payment to the tax collector and the taxpayer's failure to charge or to collect said tax from the customer shall not affect such liability.

(d)

Report and payment of tax. Taxes levied under this section are due and payable when a return is required to be filed. Every taxpayer shall, within the time specified, submit a return to the tax collector on the form prescribed by the tax collector. A return must be signed by the taxpayer or the taxpayer's agent. Returns

of taxpayers are due to the tax collector for each calendar quarter on or before the last day of the month following the end of the quarter in which the tax accrues. As provided in G.S. § 160A-208.1, a return shall not be considered a public record and information contained in a return may be disclosed only in accordance therewith.

(e)

Taxpayer to keep records. The taxpayer shall keep and preserve suitable records of the gross receipts received by such taxpayer in the conduct of business and such other books or accounts as may be necessary to determine the amount of the tax for which such taxpayer is liable under the provisions of this section. It shall be the duty of the taxpayer to keep and preserve for a period of three years all such records of gross receipts and other books and accounts described. All records, books and accounts herein described shall be open for examination at all reasonable hours during the day by the tax collector or the tax collector's duly authorized agent.

(f)

Tax collector to provide forms. The tax collector shall design, prepare, print and make available to all taxpayers operating within the municipal boundaries of the City of Asheville forms and instructions for filing returns to insure a full collection of and an accounting for taxes due. The failure of any taxpayer to obtain or receive forms shall not relieve such taxpayer from the payment of the tax at the time and in the manner provided.

(g)

Situs. Gross receipts from the short-term lease or rental of heavy equipment are subject to the tax imposed by this section if the place of business from which the heavy equipment is delivered is located within the municipal boundaries of the City of Asheville.

(h)

Penalties and remedies. The provisions with respect to penalties and collection remedies that apply to the payment of sales and use taxes under Article 5 of Chapter 105 of the General Statutes shall be applicable in like manner to the tax authorized to be levied and collected under this section, to the extent that the same are not inconsistent with the provisions hereof. The finance officer may exercise any power the Secretary of Revenue may exercise in imposing these penalties and remedies.

Secs. 9-38—9-45. - Reserved.