

## CHAPTER 111: LICENSE REGULATIONS

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### **§ 111.01 PERIOD OF LICENSE.**

(A) Unless otherwise provided, a license issued pursuant to this chapter is valid for that 12-month period beginning July 1 and ending June 30. The tax is due July 1 of each year. However, if a person begins business after July 1 in any year, the tax for that year is due before the business is begun.

(B) If a license is issued for a period of 1 day, 1 week or some comparable period of less than a full license year, the licensee may not continue the business beyond the period for which the license is issued. The tax on a business is due not later than the day prior to commencement of the business.

(C) If for any reason a licensee discontinues his or her business during a license year, he or she is not entitled to a refund.

(1981 Code, § 8-8)

### **§ 111.02 APPLICATION.**

(A) With respect to annual licenses, a person shall apply to the Tax Collector for the license at least 30 days before the tax is due. With respect to licenses issued for 1 day, 1 week or some similar period less than 1 year, application shall be made at least 10 days before the tax is due. These time limitations may be waived by the Tax Collector for good cause shown.

(B) The application, which shall be submitted on forms provided by the Tax Collector, shall contain:

- (1) The name of the applicant and whether he or she or it is an individual, partnership, corporation or some other entity;
- (2) The nature of the business, including the duration the business intends to operate;
- (3) Where the business is conducted;
- (4) An address to which may be mailed notices and statements required by this chapter;

(5) Whether the business is one regulated by a state occupational licensing board subject to G.S. Ch. 93B, and if so, the serial numbers of the state licenses held by all those who are part of the applicant's business; and

(6) Any other information the Tax Collector determines to be necessary to issue the privilege license in accordance with this chapter.

(1981 Code, § 8-9)

### **§ 111.03 SEPARATE BUSINESSES; MULTIPLE BUSINESSES.**

(A) A separate license is required and a separate tax must be paid for each separate place of business operated by the same person.

(B) If 2 or more separate taxable businesses are operated at the same location by the same owner, the Tax Collector may issue 1 privilege license upon the payment of the total amount of taxes due for all the businesses.

(1981 Code, § 8-10)

#### **§ 111.04 REASONS FOR REFUSAL OR REVOCATION OF A LICENSE.**

The Tax Collector shall refuse to issue a license or shall revoke a license for any of the following reasons:

(A) The applicant misrepresents a fact relevant to the amount of tax due or his or her qualifications for a license;

(B) The applicant refuses to provide information necessary to compute the amount of tax due;

(C) The applicant has not obtained a certificate of occupancy when required to do so by local ordinance; or

(D) The Administrator charged with the enforcement of the following codes or ordinances has certified to the Tax Collector that the applicant has been found to be in violation of the law enforced by the Administrator and has either failed to appeal that determination within the time provided or has exhausted all administrative and judicial appeals: North Carolina State Building Code, Zoning Chapter, Subdivision Chapter, Chapter 91 or 92 of the town code.

(1981 Code, § 8-11)

#### **§ 111.05 UNQUALIFIED APPLICANTS; RIGHT TO A CONFERENCE.**

(A) (1) After receipt of the completed application, if the Tax Collector believes that a reason exists for refusing a license under § 111.04, he or she shall refuse to accept payment of the tax and shall not issue the license.

(2) At the applicant's request, the Tax Collector shall, pursuant to §111.14, give him or her a written statement of the reason for refusing the license.

(3) The applicant may, within 10 days after the day he or she receives this statement, request a conference to discuss the refusal. In his or her request he or she shall specify why his or her application for a license should not be refused.

(4) The Tax Collector shall arrange the conference within a reasonable time, not to exceed 30 days.

(B) If the Tax Collector refuses to issue a license, the applicant may re-apply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the Tax Collector shall issue the license pursuant to § 111.06.

(1981 Code, § 8-12)

#### **§ 111.06 TAX COLLECTOR TO ISSUE LICENSE; PAYMENT OF TAX A PREREQUISITE.**

(A) After receipt of the completed application, if the Tax Collector believes that no reason exists for refusal of a license under § 111.04, he or she shall determine the amount of tax due and notify the applicant of that amount.

(B) The Tax Collector shall not issue a license until the tax is paid.

(1981 Code, § 8-13)

#### **§ 111.07 AMOUNT OF TAX DISPUTED.**

(A) If the applicant disputes the amount the Tax Collector determines to be due, he or she may either refuse to pay the tax and request a conference with the Tax Collector to discuss the determination, or pay the amount and request a conference to discuss his or her right for a refund.

(B) If a conference is requested, the Tax Collector shall arrange it in a reasonable time, not to exceed 30 days.

(1981 Code, § 8-14)

#### **§ 111.08 REVOCATION.**

(A) (1) The Tax Collector shall revoke a license if a reason exists to revoke it as set forth in §111.04. Before the Tax Collector may revoke a license, he or she shall give the licensee written notice of the grounds for revocation, pursuant to § 111.14.

(2) The licensee may, within 10 days after the day on which the notice is served, request in writing a conference with the Tax Collector.

(3) The request shall specify the reasons why the license should not be revoked. The Tax Collector shall arrange the conference within a reasonable time, not to exceed 30 days.

(B) If the licensee fails to request a conference within 10 days after the day on which notice is served, the Tax Collector shall revoke the license. If the licensee requests a conference, the Tax Collector may not revoke the license until after the conference.

(C) If the Tax Collector revokes a license, the former licensee may apply for a new license at any time thereafter. If the

reason for which the license was revoked no longer exists, and if no other reason exists for refusing to issue a license, the Tax Collector shall issue the license pursuant to § 111.06.

(1981 Code, § 8-15)

#### **§ 111.09 FORM AND CONTENTS OF LICENSE.**

(A) A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at 1 place), the nature of business licensed, the period for which the license is issued and the amount of tax paid.

(B) In addition, if a machine is licensed, the license shall show the serial number of the machine. The Tax Collector shall keep a copy of each license issued.

(1981 Code, § 8-16)

#### **§ 111.10 ASSIGNMENTS.**

(A) A license may be assigned if:

- (1) A business licensed under this chapter and carried on at a fixed place is sold as a unit to any person; and
- (2) The purchaser is to carry on the same business at the same place.

(B) Otherwise, each license issued under this chapter is a personal privilege and is not assignable.

(1981 Code, § 8-17)

#### **§ 111.11 CHANGES IN THE BUSINESS CONDUCTED BY LICENSEE DURING TAX YEAR.**

(A) (1) A licensee or his or her assignee shall report a change in the information contained in the license application to the Tax Collector within 10 days after the change occurs.

(2) If information shown on the license itself is affected thereby, the licensee or his or her assignee shall surrender the license to the Tax Collector when reporting the change.

(B) If there are no reasons for revoking the license under §111.04 and the change results in the imposition of a separate or additional tax, the Tax Collector shall re-issue a license reflecting the change upon payment of the separate or additional tax.

(C) If there are no reasons for revoking the license under §111.04 and the change does not result in an imposition of a separate or additional tax, the Tax Collector shall re-issue a license reflecting the change upon payment of a fee of \$5.

(D) If there is reason for revoking the license under §111.04, the Tax Collector shall refuse to re-issue a license and shall instead begin proceedings to revoke the license pursuant to § 111.08.

(1981 Code, § 8-18)

#### **§ 111.12 TAX COLLECTOR TO FURNISH DUPLICATES.**

Upon satisfactory proof that a license has been lost or destroyed, the Tax Collector shall furnish a duplicate for a fee equal to 50% of the amount of the original tax.

(1981 Code, § 8-19)

#### **§ 111.13 RECORD OF CONFERENCES.**

(A) The Tax Collector shall maintain for 3 years a record of each conference held pursuant to this chapter.

(B) The record shall contain the applicant's or licensee's name, the date of the conference and a brief statement of the issues discussed and the result reached.

(C) A copy of this record shall be served upon the applicant or licensee in the manner provided by §11.14.

(D) After 3 years the Tax Collector shall dispose of the record pursuant to G.S. § 121-5.

(1981 Code, § 8-20)

#### **§ 111.14 PROVIDING NOTICE TO AN APPLICANT OR LICENSEE.**

Whenever this chapter requires the Tax Collector to give a written statement or notice to an applicant or a licensee, he or she may do so in any one of 3 ways:

(A) By personally delivering the statement or notice to the applicant or licensee;

(B) By mailing the statement or notice by registered or certified mail, return receipt requested, to the address specified for that purpose in the license application; or

(C) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for

service or process under Rule 4, North Carolina Rules of Civil Procedure.

(1981 Code, § 8-21)

**§ 111.15 SPECIAL PROVISIONS FOR BEER AND WINE LICENSES.**

Notwithstanding the foregoing provisions, applications for privilege licenses authorizing the retail or wholesale sale of malt beverages or fortified or unfortified wines shall be made to the Council (rather than the Tax Collector) in accordance with the procedures set forth in G.S. §§ 105-113.80, 105-113.82 and 105-113.85.

(1981 Code, § 8-22)