

CHAPTER 12 BUSINESS REGISTRATION

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Section 12.1. Purpose.

The purpose of this Chapter is to require businesses and occupations located within the Town limits to obtain an annual certificate from the Town of Vanceboro so that the following public purposes may be accomplished: *ensuring compliance with zoning and land use regulations; enabling the public safety to be aware of buildings being used for commercial purposes so as to assist in fire protection; identifying businesses that should be listing property for taxation; protecting the public from scam artists and con men; and any other lawful purpose related to the exercise of the Town's general police power, and the public health, welfare and safety.*

Section 12.2. Definitions.

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

ADMINISTRATOR means the individual designated by the Town Clerk to operate the Business Registration Program required by this Chapter.

AGENT is an individual acting on behalf of "Person," as defined herein.

BUSINESS includes each trade, occupation, profession, business and franchise subject to registration under this Chapter.

TOWN means the Town of Vanceboro.

PERSON includes any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, limited liability company, company, firm, or other legal entity.

A business is *SEASONAL* in nature when it is conducted for profit six months out of the year or less.

Section 12.3. Construction of this Chapter.

This Chapter is enacted for regulation purposes only. In addition, issuance of a registration in accordance with this Chapter does not excuse a person from compliance with any other applicable Ordinance or statute. This Chapter does not prevent the Town from requiring registration for additional businesses.

Section 12.4. Requirement for Registration.

Unless exempt as described in Section 12.7 of this Chapter, each person who conducts a business within this Town is subject to this Chapter. One conducts a business "within the Town" if one maintains a business location within the Town; or if, either personally or through agents, (1) solicits business within the Town limits or (2) picks up or delivers goods or services within the Town limits.

Section 12.5. Period of Registration; Due date.

(A) *Annual registrations.* Unless the section of this Chapter applicable to a particular business provides otherwise, a registration issued in accordance with this Chapter is good for the 12-month period beginning July 1 and ending June 30.

(B) *Registrations for periods shorter than one (1) year.* If the section of this Chapter applicable to a particular business so provides, a registration may be issued for a period of one (1) day, one (1) week, or some comparable period of less than a full registration year, however, the fee will not be prorated. A person may not commence to conduct a business within the Town until the business registration is obtained and may not continue such a business beyond the period for which the registration is issued.

Section 12.6. Separate Businesses.

A separate registration is required 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.

Section 12.7. Exemptions.

The provisions of this Chapter shall apply to all businesses within the Town of Vanceboro municipal jurisdiction unless specifically exempted or excluded from registering by this Ordinance, by the laws of North Carolina or by the laws of the United States.

Section 12.8. Registration Application.

A person shall apply to the Administrator for each registration required by this Chapter before commencing business. The application, which shall be submitted on forms provided by the Town of Vanceboro Administrator, shall contain:

(A) The name of the owner, and if applicable, the agent for the business; and a complete statement as to whether the agent is an individual, a partnership, a corporation, or some other entity.

(B) The nature of the business.

(C) The physical location of where the business is conducted.

(D) An address where notices and statements may be mailed to as required by this Chapter.

(E) Whether the business is regulated by a state occupational licensing board subject to NCGS Chapter 93B, and if so, the serial number of the state registration the business or the agent for the business currently holds.

(F) Any other information the Administrator determines to be necessary to issue the registration, or otherwise regulate the business appropriately.

The application shall be accompanied with the payment of a registration fee, which is described in Section 12.12. In compliance with state law, this fee shall not exceed the cost to the Town of the administrative process of the production and issuance of the registration, or to otherwise monitor the business.

Section 12.9. Reasons for Refusal or Revocation of a Registration.

The Administrator shall refuse to issue a registration or may revoke a registration for either of the following reasons:

(A) The owner or agent misrepresents a fact relevant to his or her qualifications for a registration.

(B) The owner or agent refuses to provide necessary information, as determined by the Administrator in his or her discretion.

Section 12.10. Unqualified Agents; Right to a Conference.

After receipt of the completed application, if the Administrator believes that a reason exists for refusing a registration under Section 12.9 of this Chapter, the Administrator shall not issue the registration. At the agent's request, the Administrator shall in accordance with Section 12.9 of this Chapter, give the owner or agent a written statement of the reason for refusing the registration. The owner or agent may, within ten (10) days after the day the statement is received, request a conference to discuss the refusal. In the request, the owner or agent shall specify why the application for a registration should not be refused. The Administrator shall arrange the conference within three (3) business days of receiving the request.

If the Administrator refuses to issue a registration, the owner or agent may reapply for a registration 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 registration, the Administrator shall issue the registration in compliance with Section 12.11 of this Chapter.

Section 12.11. Administrator to Issue Registration; Payment of Registration Fee a Prerequisite.

After receipt of the completed application and payment of the registration fee, if the Administrator believes that no reason exists for refusal of a registration under Section 12.9 of this Chapter, the Administrator shall issue the registration.

Section 12.12. Registration Fee.

The fee required of every owner or agent for any business conducted or engaged in within the Town as required by this Chapter shall be set and made a part of the Fee Schedule adopted by the Town of Vanceboro Board of Alderman, as amended from time to time. Notwithstanding the foregoing, the fee shall in no case be more than the maximum permitted by North Carolina law for that particular business or enterprise.

Section 12.13. Revocation.

The Administrator may revoke a registration if a reason exists to revoke it as set forth in Section 12.9 of this Chapter. Before revoking a registration, the Administrator shall give the person written notice of the grounds for revocation, in accordance with Section 12.19 of this Chapter. The person may, within ten (10) days after the day on which notice is mailed, request a conference with

the Administrator in writing. The request shall specify the reasons why the registration should not be revoked. The Administrator shall arrange the conference within three (3) business days of receiving the request.

If the person fails to request a conference within ten (10) days after the day on which notice is mailed, the Administrator shall revoke the registration. If the person requests a conference, the Administrator may not revoke the registration until after the conference.

If the Administrator revokes a registration, the person whose registration has been revoked may apply for a new registration at any time thereafter. If the reason for which the registration was revoked no longer exists and if no other reason exists for refusing to issue a registration, the Administrator shall issue the registration in accordance with Section 12.11 of this Chapter.

Section 12.14. Form and Contents of Registration.

A registration shall show the name of the person, and any agent who may act on the person's behalf, the place where the business is conducted (if it is to be conducted at one place), the nature of the business and the period for which the registration is issued. The Administrator shall keep an exact copy of each registration issued.

Section 12.15. Assignments.

A registration may be assigned if (1) a business under this Chapter and carried on at a fixed place is sold as a unit to any person and (2) the purchaser is to continue the same business at the same place. Such a change shall be reported to the Administrator in accordance with Section 12.16 of this Chapter. Otherwise, each registration issued under this Chapter is a separate registration and is not assignable.

Section 12.16. Changes in the Business Conducted During the Year.

A person or an assignee shall report any change in the information contained in the registration application to the Administrator within ten (10) days after the change occurs. If information shown on the registration itself is affected, the person or assignee shall surrender the registration to the Administrator when reporting the change.

(A) *Fee for change.* If the change does not result in a separate registration fee, the Administrator shall reissue a registration reflecting the change upon payment of a processing fee of \$5.00.

(B) *Change requiring refusal of a registration.* If the change creates a reason for revoking the registration under Section 12.9 of this Chapter, the Administrator shall refuse to reissue a registration and shall instead begin proceedings to revoke the registration in accordance with Section 12.13 of this Chapter.

Section 12.17. Administrator to Furnish Duplicates.

Upon satisfactory proof that a registration has been lost or destroyed, the Administrator shall furnish a duplicate for a processing fee of \$5.00.

Section 12.18. Record of Conferences.

The Administrator shall maintain for three (3) years a record of each conference held in accordance with this Chapter. The record shall contain the agent's and person's name, the date of the conference, and a brief statement of the issues discussed and the result reached. After three (3) years, the Administrator may dispose of the record in accordance with NCGS 121-5.

Section 12.19. Providing Notice to an Agent or Person.

Whenever this Chapter requires the Administrator to give a written statement of notice to an agent or person, the Administrator may do so in one of three ways:

(A) By personally delivering the statement or notice to the agent or person;

(B) By mailing the statement or notice by First Class Mail to the address on the application;

or

(C) By causing the statement or notice to be served on the agent or person in accordance with the procedures for service of process under Rule 4, North Carolina Rules of Civil Procedure.

Section 12.20. Duty to Determine Whether Registration is Required.

Each person or his/her designated agent has the duty to determine whether the business he or she conducts is required to be registered under this Chapter, and if so, whether that registration has been obtained.

Section 12.21. Administrator to Investigate.

If the Administrator has reason to believe that a person is conducting a business in the Town in violation of this Chapter, the Administrator shall conduct an investigation to determine the status of the business.

Section 12.22. Duty to Permit Inspection.

Each person who conducts a business, as defined in Section 12.4, in the Town shall permit the Administrator to inspect the business premises during normal business hours to determine the nature of the business conducted there.

Section 12.23. Duty to Post Registration.

A business shall post the registration or registrations conspicuously in the place of business registered. If the person has a regular place of business, the registration must be kept where it may be inspected at all times by the proper Town officials.

Section 12.24. Enforcement of Ordinance.

(A) *Criminal remedies.* Conducting business within this Town without a valid registration issued in accordance with this Chapter, or without posting a registration in compliance with Section 12.23 of this Chapter is a misdemeanor, punishable as provided in NCGS 14-4. Each day that a person conducts business in violation of this Chapter is a separate offense.

(B) *Equitable remedies.* In addition to the criminal remedies set for the in subsection (A) of this section and in compliance with NCGS 160A-175(d), the Town may seek an injunction against any person who conducts a business in violation of this Chapter.

Section 12.25. Appeal.

Any agent/person refused or denied a registration under this Ordinance may appeal to the Town Clerk for review of such refusal or denial. Such appeal shall be in writing, and shall be delivered to the Town Clerk within 30 days after notice of such refusal or denial has been sent or otherwise delivered to the agent/person.