

## CHAPTER 110: PRIVILEGE LICENSE TAX

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### **Statutory reference:**

*Privilege license taxes, see G.S. § 160A-211*

*Specification of whether a city or town may levy a license tax on businesses taxed under Schedule B of the Revenue Act of 1939, see G.S. §§ 105-33 et seq.*

### **§ 110.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUSINESS.** Any trade, occupation, profession, business, franchise, or calling of any kind, subject by the provisions of this chapter to a license tax.

**Bryson City - Business Regulations**

**ENGAGED (OR ENGAGING) IN BUSINESS WITHIN THIS TOWN.** When a person engages in business activity of any type, either as owner or operator of the business:

- (1) By maintaining a business location within the town;
- (2) By soliciting business within the town; or
- (3) By performing services within the town.

**PERSON.** Any individual, trustee, executor, other fiduciary, corporation, association, partnership, company, firm, or other legal entity or agent thereof.

**SEASONAL IN NATURE.** When a business is taxed by this chapter on an annual basis, but is operated within the town for less than six months of the year.  
(`92 Code, § 60.01)

**§ 110.02 LICENSE TAX LEVIED.**

A license tax is levied on the privilege of engaging in every business within this town which is listed in the schedule of taxes provided for in § 110.16. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid.  
(`92 Code, § 60.02)

**§ 110.03 TOWN CLERK; DUTIES.**

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

(B) The Town Clerk shall make any investigation necessary to determine the tax liability of persons engaged in business within the town. If necessary, the Town Clerk and/or the Police Chief or his designee is authorized to enter on the premises of any business during normal business hours for the purpose of determining whether this chapter has been complied with.  
(`92 Code, § 60.03)

**§ 110.04 LICENSE; DUE DATE.**

(A) Unless otherwise provided in the schedule of license taxes, each privilege license issued shall cover the 12-month period beginning July 1 of each calendar year and ending June 30 of the subsequent calendar year.

(B) The privilege license tax is due on July 1 of each year. If, however, a person begins a business after July 1, the tax for that year must be paid before the business is begun.  
(`92 Code, § 60.04)

**§ 110.05 APPLICATION; FALSE STATEMENT THEREON.**

(A) Every person desiring to obtain a license for the privilege of engaging in a business within this town shall make application therefor in writing to the Town Clerk. The application, to be made on a form provided by the Town Clerk, shall contain the following information:

- (1) Name and nature of the business for which the license is sought;
- (2) The address where the business is conducted, and a mailing address for the business, if different;
- (3) The name and address of the person filling out the application, and his relationship to the business;
- (4) The gross receipts of the business for the most recently completed tax year, if applicable; and
- (5) Any other information which the Town Clerk determines to be necessary.

(B) Any person who willfully makes a false statement on a license application shall be guilty of a misdemeanor.  
(`92 Code, § 60.05) Penalty, see § 10.99

**§ 110.06 PRORATION OF TAX; SEASONAL BUSINESSES.**

(A) Except when a tax is based on gross receipts, if a business is begun after January 31 but before July 1, the tax shall be one-half of the amount otherwise due.

(B) Except when a tax is based on gross receipts, a person engaged in a business which is seasonal in nature is liable for one-half of the amount of tax otherwise due.  
(`92 Code, § 60.06)

**§ 110.07 MULTIPLE BUSINESSES.**

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

(`92 Code, § 60.07)

**§ 110.08 SEPARATE PLACES OF BUSINESS.**

Unless otherwise provided by state law or by the tax schedule provided for in § 110.16, if a person engages in a business in two or more separate places, a separate license tax shall be required for each place of business. For purposes of this section, if a person engages in the same business at two or more locations within the town, which locations are contiguous, communicate with and open directly into each other, and are operated as a unit, the person is liable for only one license tax.

(`92 Code, § 60.08)

**§ 110.09 DISPLAY OF LICENSE.**

Each person issued a license under this chapter shall post the license in a conspicuous place in his regular place of business. If there is no regular place of business, the license shall be kept where it may be inspected at appropriate times by the Town Clerk and/or the Police Chief or his designee. If a machine or other item of personal property is licensed, the license shall be affixed to the machine or item.

(`92 Code, § 60.09) Penalty, see § 10.99

**§ 110.10 CHANGE IN PLACE OF BUSINESS.**

If a person who has obtained a license for a business taxed under this chapter desires to move from one business location to another within the town, the license which has been issued shall be valid for the remainder of the license year at this new location, and no additional tax need be paid. Within a reasonable time after the change in location, however, the person shall inform the Town Clerk of the change in address.

(`92 Code, § 60.10)

**§ 110.11 NO ABATEMENT OF TAX.**

If a licensee discontinues a business before the end of the period for which the license was issued, the license tax shall not be abated nor shall a refund of any part of the license tax be made.  
(`92 Code, § 60.11)

**§ 110.12 EFFECT OF LICENSE.**

The issuance of a license under this chapter does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law, nor does the issuance of a license prevent the town from enacting additional regulations applicable to the licensee.  
(`92 Code, § 60.12)

**§ 110.13 EXEMPTIONS.**

Any person who engages in business within this town for religious, educational, or charitable purposes shall be exempt from paying any privilege license tax levied by this chapter.  
(`92 Code, § 60.13)

**§ 110.14 UNLAWFUL TO CONDUCT BUSINESS WITHOUT A LICENSE.**

(A) It shall be unlawful for any person to engage in a business within this town on which a privilege license tax is imposed by this chapter, without having paid the license tax specified in § 110.16 herein. Violators shall be guilty of a misdemeanor.

(B) The town may seek an injunction against any person engaging in business in violation of this section.

(C) A conviction under this section does not relieve a person of his liability for the license tax imposed by this chapter.  
(`92 Code, § 60.14) Penalty, see § 10.99

**§ 110.15 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 license tax, the Tax Collector may use either of the following methods to collect the unpaid tax:

(1) The remedy of levy and sale or attachment and garnishment, in accordance with G.S. § 160A-207; or

(2) The remedy of levy and sale of real and personal property of the taxpayer in accordance with G.S. § 105-109(d).

(B) Any person who begins or continues to engage in a business taxed under this chapter without payment of the tax is liable for an additional tax of 5% of the original tax due for each 30 days or portion thereof that the tax is delinquent.

(`92 Code, § 60.15)

**§ 110.16 SCHEDULE OF LICENSE TAXES.**

The state privilege license schedule, as set out in G.S. § 160A-211 and 105-33 *et seq.*, is hereby adopted as the privilege license schedule for the town.

(`92 Code, § 60.16)

## **§110.16 SCHEDULE OF LICENSE TAXES.**

The state privilege license schedule, as set out in G.S. § 106A-211 and 105-33 *et seq.*, is hereby adopted as the privilege license schedule for the town. In addition, the town shall require a privilege license and the payment of taxes as follows:

**CYBER-GAMBLING ESTABLISHMENTS:** Any for-profit business or enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including, but not limited to sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes, tickets, cards, tokens or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or, (2) payment, directly or as an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the customer to enter a sweepstakes. This term cyber-gambling establishments include, but is not limited to, internet cafes, internet sweepstakes, video sweepstakes or cybercafes, who have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina. License taxes for cyber-gambling establishments shall be \$2,500.00 per location and \$700.00 per machine/terminal.

This ordinance, as amended, shall be effective on and after July 1, 2012.

('92 Code, § 60.16; amended 2012)