

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Repeal/Adopt-Business License/Registration

**From:** Bob Martin, Customer Service Director

**Meeting Date:** March 6, 2017

**Public Hearing:** N/A

**Advertising Date /** N/A

**Advertised By:**

**Attachments:** Ordinance Amendment

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### **PURPOSE:**

Proposal to Repeal Privilege License Tax from the City of High Point Code of Ordinances and Adopt the Business License Registration.

### **BACKGROUND:**

The General Assembly repealed statutory authority for local privilege license taxes excluding beer and wine. In order for the City to have up to date records for the uses of buildings within the City, the commercial purposes of business, to assist with Fire and Police protection, and for the general health, safety, and welfare of the citizens of High Point we are requesting the adoption of a business registration.

### **BUDGET IMPACT:**

The adopted FY 2017 budget included \$ 132,000 in new revenue, which represents approximately 5,200 businesses paying a flat rate of \$25 for Business License Registration.

### **RECOMMENDATION / ACTION REQUESTED:**

Council is requested to adopt an ordinance repealing Title 3, Chapter 2, Article B re Privilege Licenses Taxes in its entirety and replace/adopt Title 3, Chapter 2, Article B-Business Registration.

**AN ORDINANCE REPEALING TITLE 3 – FINANCIAL ADMINISTRATION,  
CHAPTER 2 - REVENUE AND TAXATION, ARTICLE B - PRIVILEGE  
LICENSES TAXES IN ITS ENTIRETY AND ADOPTING TITLE 3, CHAPTER 2,  
ARTICLE B - BUSINESS REGISTRATION OF THE CITY OF HIGH POINT  
CODE OF ORDINANCES**

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of High Point that Title 3, Chapter 2, Article B - Privilege License Taxes is repealed in its entirety (Section 3-2-11 through and including 3-2-38) and Title 3, Chapter 2, Article B – Business Registration (Section 3-2-11 through and including 3-2-21) is hereby adopted.

**ARTICLE B - Business Registration**

**Sec. 3-2-11 – Purpose.**

The purpose of this Chapter is to require businesses located within the city limits of High Point to register with the City in order for the City to have up to date records for the uses of buildings within the City, the commercial purposes of business, to assist with fire and police protection, and for the general health, safety, and welfare of the citizens of High Point. This Article is for regulation purposes only. Complying with registration requirements of this Article does not excuse a person from any other requirements or regulations placed upon them or their business by any other ordinance or statute.

**3-2-12 - Business registration required.**

Every person desiring to operate a business, trade, employment, profession, or seeking to do so through an agent operating within the City, unless otherwise provided by law, shall make application in writing to the Customer Service Director, in which shall be stated the definite place where the business, trade, employment, or profession is to be exercised; the name and resident address of the applicant; the nature of the business, trade, employment, or profession; number of years applicant has prosecuted the business, trade, employment, or profession in this city; and such other information as may be required by the Customer Service Director. The required information shall be accompanied by the registration fee prescribed in this article.

**3-2-13 – Separate registration for each location; No transfer.**

If a person shall operate businesses at two (2) or more separate locations, a separate city registration for each location of the business shall be required.

### **3-2-14 – Application to Customer Service Director.**

- (a) The Customer Service Director shall be the duly authorized agent of the City for the issuing of all City business registrations. Application for business registration under this Article shall be submitted to the Customer Service Director prior to commencing business within the City. The application shall be on a form provided by the City and shall be accompanied by the payment of the prescribed registration fee. Any other fees under this Article shall also be collected by the Customer Service Director.
- (b) Upon receipt of the application for business registration with the fee prescribed by this Article the Customer Service Director, if satisfied that the information is correct and complete, shall issue a city registration certification to the applicant and register the business, trade, employment, or profession in the name of and at the place set out in the application unless otherwise provided.
- (c) If the Customer Service Director shall refuse to issue a registration certification to an applicant due to the information provided being incomplete, inaccurate, or because of failure to pay the registration fee at the time of application, upon request by the applicant, the Customer Service Director shall provide a written statement for why the application for business registration was refused.

### **3-2-15 – Registration fee and year established.**

The business registration fee imposed and the rates specified in this Article shall apply to the businesses registering on and after the first day of May of each year and shall be paid annually. The registration year shall run from May 1<sup>st</sup> through April 30<sup>th</sup>. The registration fee shall be at the rate adopted by City Council as may be modified from time to time.

### **3-2-16 – Duty to post certification; Permit inspection.**

A business shall post the registration certification conspicuously in the place of business registered. Each person who conducts business in the City shall permit an agent of the City to inspect the business premises during normal business hours to determine the nature of business conducted and compliance with registration requirements.

### **3-2-17 - Exceptions to business registration.**

Businesses and practices that hold a license issued by an occupational licensing board of the State of North Carolina shall be exempt from the business registration requirements of this Article.

### **3-2-18 – Business registration non-transferable.**

A business registration certification is non-transferable and each new business must register with the City even if the business is occupying a space previously occupied by a registered business. The business registration fee shall not be refunded if a business closes or moves location during a registration year.

### **3-2-19 – Duplicate registrations.**

A business may request a duplicate registration certification if they are unable to post one due to their current certification becoming lost or illegible. The Customer Service Director may issue a duplicate registration to a currently registered business upon receipt of a \$5 administrative fee.

### **3-2-20 - Enforcement of ordinance; Remedies.**

Violation of any requirement set forth in this Article shall subject the person, business, trade, employment, or profession to civil penalties in the amount of \$25 per violation. Civil penalties shall be in addition to the amount of the annual registration fee. Each day that business is conducted in violation of this Article shall constitute a separate offense. Violations of this ordinance include:

- (a) Failure to register a business with the City Customer Service Director prior to transacting business within the city limits of High Point or failure to register a business annually with updated information and payment of registration fee.
- (b) Failure to provide accurate and complete information on a business registration application.
- (c) Failure to register multiple locations of a business within the city limits of High Point
- (d) Failure to post a City issued registration certification
- (e) Failure to allow inspection of the business by the City during normal business hours

The City may bring suit or utilize any other lawful means to collect registration fees and associated penalties imposed under this Article. Violations of this article shall not impose upon the violator any criminal penalty or citation under Chapter 14 of the North Carolina General Statutes.

**3-2-21 – Appeal.**

Any business who is assessed a civil penalty for violation of this ordinance may appeal to the City Manager's Office. The appeal must be in writing and submitted within thirty (30) days of the notice of violation to the business by the City. The written appeal should expressly state what hardship prohibited the business from complying with the requirements of this Article.

All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed. This ordinance shall become effective upon adoption.

Adopted the 6th day of March, 2017.

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Mayor William S. Bencini, Jr.

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Lisa B. Vierling, City Clerk