

## **Business/Privilege License Ordinance Town of Boonville**

**BE IT ORDAINED** by the Governing Board of the Town of Boonville, North Carolina, that the Business/Privilege License Ordinance be hereby adopted as follows:

**Section 1. Purpose:** A business/privilege license allows officials to know who is conducting business in the Town of Boonville, as well as the location and type of business. This assists Town officials in ensuring a business is located in an area that is properly zoned and ensures that the business has adequate access to basic Town services. Business owners within the Downtown Design Overlay District in Boonville town limits are subject to the business/privilege license requirements set forth in this ordinance. A privilege license is required for anyone who maintains a business location within the Town of Boonville Downtown Design Overlay District. (See attached map.)

**Section 2. Definitions:** whenever in this ordinance the words hereinafter defined or construed in this section are used, they shall, unless the context requires otherwise, be deemed to have the following meanings:

- (a) Agent – the person having the agency for the manufacturer, producer, or distributor;
- (b) Business – any business, trade, occupation, profession, avocation or calling of any kind, subject, by the provision of this ordinance, to a license fee;
- (c) Engaged in the business – engaged in the business as owner or operator;
- (d) Fiscal Year – the period beginning with the 1<sup>st</sup> day of July and ending with the 30<sup>th</sup> day of June next following;
- (e) Person – any person, firm, partnership, company, or corporation;
- (f) Quarter – any 3 consecutive months.

**Section 3. Unlawful to conduct business without a license.** 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 fee 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; and each day that such person shall engage in or carry on such business shall be construed to be a separate offense.

**Section 4. License required for every place of business.** 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 (1) factory, mill, warehouse, store, stall, 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; and shall pay the prescribed license fee for each such place of business.

**Section 5.** License must be displayed at place of business licensed. Every license must be kept prominently displayed at the place of business of the licensee named in the license, or, if the licensee has no fixed place of business, such licensee must keep the same wherever such business is being operated and where it can be inspected at any time by the proper municipal official.

**Section 6.** No abatement of license fee. No license fee shall be abated nor shall any refund of 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.

**Section 7.** Term. All license fees provided for in this ordinance shall be for twelve (12) months, from July 1 to June 30, unless otherwise specified.

**Section 8.** New license if business moved or sold. If a business is moved or if the licensee sells to another, then a new license is necessary.

**Section 9.** Personal nature of licenses. Each license shall be a personal privilege and shall not be transferable.

**Section 10.** Application. Every application for a license required by this ordinance shall be made at Town Hall.

**Section 11.** Contents of License. Copy to be kept by Town Clerk. Every license issued shall show on the face thereof the name of the licensee, the nature of the business, the location thereof, if it is to be operated at a fixed place, the time for which issued, and the amount of license fee paid. The Town Clerk shall keep an exact copy of every license issued; such copy to show such approval as may appear on the original.

**Section 12.** Schedule of license fees. Of the following trades, professions, agencies, business operations, and other subjects herein set out, a \$5.00 fee annually upon renewal shall be collected unless otherwise specified.

**Automobile Dealers** - 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.

**Barbershops & Beauty Salons** - Engaging in the business of conducting a barbershop, beauty salon or parlor, or other shop of like kind.

**Bicycle Dealers** - Selling bicycles, bicycle supplies, or bicycle accessories.

**Bowling Alleys** - Operating a bowling alley or alleys of like kind.

**Campgrounds and Trailer Parks** - Operating for profit a campground, trailer park, tent-camping area, or similar place and advertising or soliciting transient patronage. It is irrelevant whether rental to patrons is on a daily, weekly, biweekly, or monthly basis.

**Chain Stores** - Engaging in the business of operating or maintaining in this state, (a) two or more stores or mercantile 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.

**Check-Cashing Businesses** - Engaging in the business of check cashing, as regulated under Article 22 of Chapter 53 of the NC General Statutes. This is the business of cashing checks, drafts, or money orders for a fee.

**Cigar, Cigarette and Tobacco Retailers** – Engaging in the business of retail sale of cigars, cigarettes, tobacco, and any other tobacco products.

**Circuses and Animal Shows** - Exhibiting performances, such as a circus or dog show, or any other similar show, exhibition, or performance.

**Collection Agencies** - Engaging in the business of operating a collecting agency, defined as collecting for a profit, claims, accounts, bills, notes, or other money obligations for others.

**Contractors and Construction Companies** - 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.

**Dance Studios** - Giving or managing any dance lessons or athletic contest of any kind that charges an admission fee in excess of five dollars.

**Daycare Centers** – Every person, firm, or corporation engaged in the business of providing service for daycare centers.

**Dealer in Firearms** - Engaging in the business of selling or offering for sale firearms.

**Dealer in Other Weapons** - Engaging in the business of selling or offering for sale bowie knives, dirks, daggers, leaded canes, iron or metallic knuckles, or similar weapons.

**Dry Cleaners** - Engaging in the business of operating a cleaning plant, press club, or hat-blocking establishment.

**Electronic Video Games** - Owning or operating machines that play electronic video games when a coin or other thing of value is deposited in the machine.

**Emigrant and Employment Agents** - Engaging in the business of soliciting, hiring, or contracting with laborers for employment out of state; or engaging in the business of securing employment for a person or persons and charging a fee, commission, or other compensation.

**Gasoline, Benzine, Lubricating Oil and Greases** – Every person, firm, or corporation selling

illuminating or lubricating oil or grease, or benzene, naphtha, gasoline or other similar products.

**Hotels, Motels, Bed and Breakfast** - 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. The principal test in deciding whether this section applies is the use of such places for temporary abode by transient patrons. It is immaterial whether a particular room is occupied by a “permanent” guest or whether it is rented on a daily, weekly, or monthly basis.

**Installing Elevators and Sprinkler Systems** - Engaging in the business of selling or installing elevators or automatic sprinkler systems.

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

**Junk Dealers** – Every person firm, or corporation engaged in the business of buying and/or selling what is commonly known as junk, including scrap materials, waste paper etc.

**Laundries** - 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 linens, towels, or wearing apparel.

**Loan Agencies** - Engaging 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.

**Motorcycle Dealers** - Engaging in the business of buying, selling, distributing, or exchanging motorcycles, motorcycle supplies, or any of such commodities.

**Movie Theaters** - Operation of a movie theater for compensation.

**Music Machines** - Operating, maintaining, or placing on location any machine or machines that play records or produces music.

**Outdoor Advertising** - Engaging in the business of outdoor advertising by placing, erecting, or maintaining one or more outdoor advertising signs or structures of any nature by means of

signboards, poster boards, painted bulletins, or other painted matter; or any other outdoor advertising device, erected upon the grounds, walls, or roofs of buildings.

**Outdoor Theaters** - Operating an outdoor or drive-in movie theater for compensation.

**Pawnbrokers** - Engaging in the business of pawnbroker, as regulated by Chapter 91A of the NC General Statutes.

**Peddler of farm products only** - 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.”

**Pinball Machines and Similar Amusements** - Operating a bagatelle table; merry-go-round or other riding device; hobbyhorse; switchback railway; shooting gallery; swimming pool; skating rink; other amusements of a like kind; or a place for other games or play with or without name at a permanent location.

**Plumbers, Heating Contractors, and Electricians** - 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.

**Pool tables** - Operating billiards or pool tables, whether by slot (coin) or otherwise.

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

**Sale of Pianos, Televisions and Audio-Video Equipment** - Selling, offering or ordering for sale pianos, organs, audio-video equipment and accessories, and television sets and accessories, parts and repair.

**Sellers of Ice Cream** – Selling at retail ice cream purchased from a manufacturer who has not paid the manufacturer’s tax levied by NC G.S. 105-97; or manufacturing ice cream using a counter freezer and selling at retail only.

**Service Stations** - 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.

**Specialty Market Operators** - Engaging in the business of operating a specialty market, defined as “a person who rents space, at a location other than a permanent retail store, to others for the purpose of selling goods at retail or offering goods for sale at retail.”

**Sundries** - (a) The sale of sandwiches in drugstores or other stands or places not licensed and taxed as a restaurant under NC G.S. 105-62 (“sandwiches” does not include crackers or cookies in combination with any food filling); (b) 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; (c) retailing soft drinks; or (d) retailing or jobbing cigarettes or other tobacco products.

**Tobacco Warehouses** - Engaging in the business of operating a warehouse for the sale of leaf tobacco on commission.

**Undertakers** - Engaging in the business of burying the dead or the retail sale of coffins.

**Video Rental or Sale** - Selling, leasing, furnishing, and/or distributing movies, including video movies, for use in places where no admission fee is charged or in schools or other institutions of learning.

**Wholesale Supply Dealer** - 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.

**Event Vendor (Products and Services Sales)** - Engaging in the sale of products or services for profit at an organized event. Exemptions: Government Agencies, Schools, and Non-Profit Organizations.

**Event Vendor (Food Sales)** - Engaging in the sale of food for profit at an organized event. Exemptions: Government Agencies, Schools, and Non-Profit Organizations

**Fortune-Tellers** - Engaging in telling or pretending to tell fortunes, practicing the art of palmistry, clairvoyance, and other crafts of similar kind for profit

**Massage Therapist** - Engaging in the business of performing massages or treatments of any persons for a fee or in expectation of a gratuity from the person massaged.

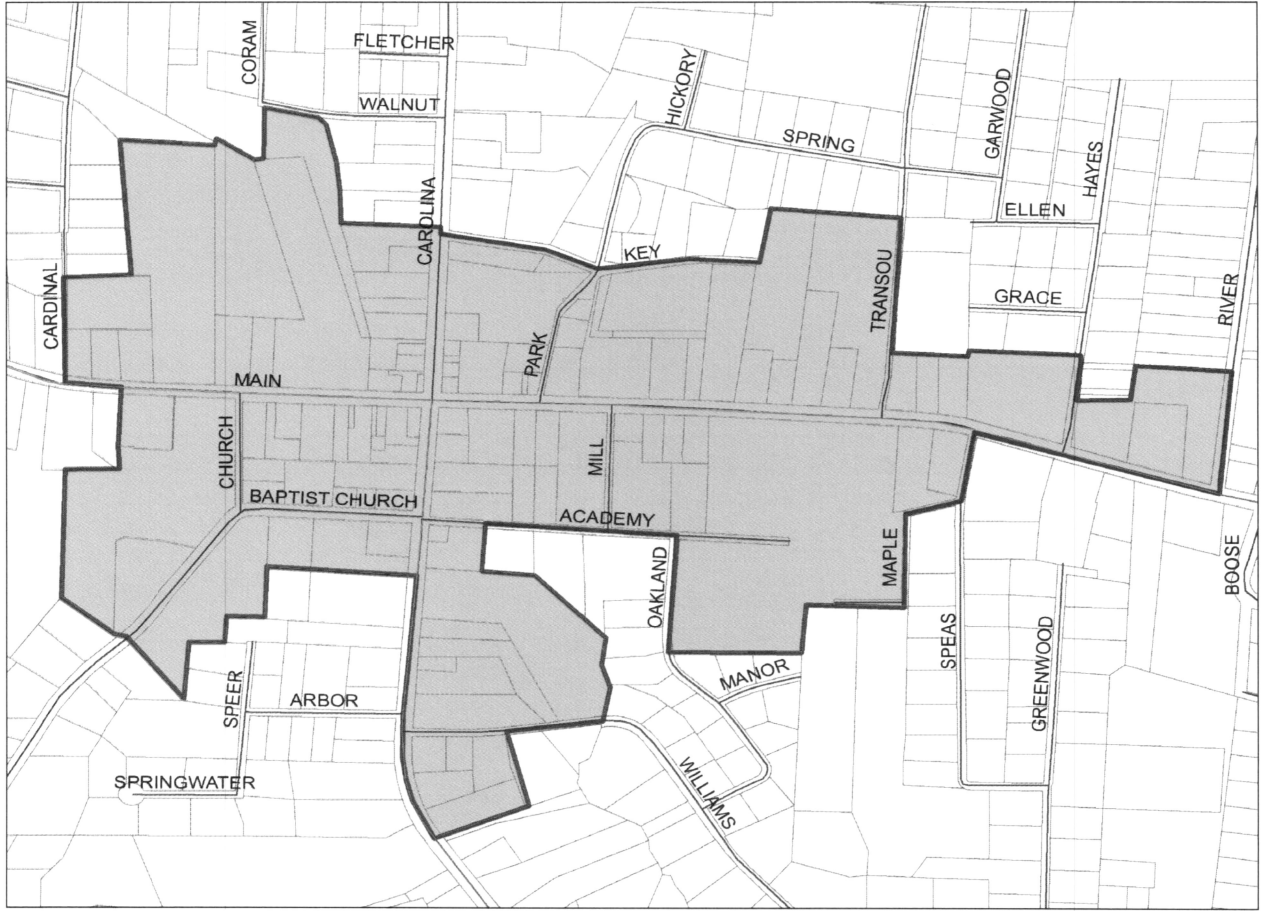
**Sexually Oriented Business - \$1,000.00** - To include, but not limited to adult arcade, adult bookstore, or adult video store, adult cabaret, adult model, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination thereof. Must comply with any restrictions of the town and state regulations.

**Sweepstakes Gaming - \$1,000.00 per location plus \$500.00 per machine/computer or device (whether or not in operation)**  Any business that has any computers and/or gaming terminals, to conduct games of chance, including sweepstakes, where money, credit, merchandise or other items of value are redeemed by or otherwise distributed, no matter how the odds are determined. This term includes, but is not limited to internet cafes, cybercafés, sweepstakes entertainment business, or internet sweepstakes, etc. (this section does not apply to any game or process prohibited by N.C.G.S 14- 304 through 309 and does not include the North Carolina Education Lottery.) Must comply with any restrictions of the town and state regulations.

ADOPTED THIS THE 4 DAY OF SEPT 2012 AT BOONVILLE, N.C.

  
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Russell (Rusty) Hunter, IV, Mayor

  
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Kim Wells, Finance Officer/Town Clerk



**DOWNTOWN DESIGN OVERLAY DISTRICT (DDO)**