

ORDINANCE 2016-32
ANNUAL BUSINESS REGISTRATION
FOR CONDUCTING OF BUSINESS WITHIN THE CITY OF GOLDSBORO

WHEREAS, the City Council finds that NCGS § 160A-194 has been amended by the North Carolina General Assembly to provide that Privilege Registrations previously required by the City of Goldsboro of local businesses may no longer provide for a tax; and

WHEREAS, the newly amended statute continues to permit cities and towns to regulate and subject to registration occupations, businesses, trades, professions and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order or convenience; and

WHEREAS, the City Council finds that annual Business Registration would be prudent to assist in the management of the City's zoning and public safety responsibilities; and

WHEREAS, this ordinance is enacted for regulation purposes only. In addition, issuance of a registration in accordance with this ordinance does not excuse a person from compliance with any other applicable ordinance or statute.

WHEREAS, the City Council hereby adopts the following Business Registration Ordinance:

1) Business Registration

a) Definitions.

- (1) *Administrator* shall be the person designated by the City Manager to operate the Business Registration Program required by this ordinance.
- (2) *Agent* is an individual acting on behalf of "Person," as defined herein.
- (3) *Business* includes each trade, occupation, profession, business, and franchise subject to registration under this chapter.
- (4) *City* means the City of Goldsboro.
- (5) *Person* includes any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, Limited Liability Company, company, firm, or other legal entity.
- (6) A business is *seasonal* in nature when it is conducted for profit six months out of the year or less.

2) Requirement for Registration.

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

3) Period of registration; due date.

(a) *Annual registrations.* Unless the section of this ordinance 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 year.* If the section of this ordinance applicable to a particular business so provides, a registration may be issued for a period of one day, one week, or some comparable period of less than a full registration year. A person may not commence to conduct a business within the city until the business registration is obtained and may not continue such a business beyond the period for which the registration is issued.

4) 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.

5) Exemptions.

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

6) Registration Application.

A person shall apply to the Administrator for each registration required by this ordinance before commencing business. The application, which shall be submitted on forms provided by the City of Goldsboro City 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 G.S. 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.

- g. The application shall be accompanied by the payment of a registration fee, which is described below. In compliance with state law, this fee shall not exceed the cost to the city of the administrative process of the production and issuance of the registration, or to otherwise monitor the business.

7) 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.

8) Unqualified agents; right to a conference.

After receipt of the completed application, if the Administrator believes that a reason exists for refusing a registration, the Administrator shall not issue the registration. At the agent's request, the Administrator shall in accordance with this ordinance, give the owner or agent a written statement of the reason for refusing the registration. The owner or agent may, within ten 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 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 this ordinance.

8) 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, the Administrator shall issue the registration.

8) Registration Fee.

The fee required of every owner or agent for any business conducted or engaged in within the city as required by this ordinance shall be \$20 annually. The fee shall in no case be more than the maximum permitted by North Carolina law for that particular business or enterprise.

9) Revocation.

The Administrator may revoke a registration if a reason exists to revoke. Before revoking a registration, the Administrator shall give the person written notice of the grounds for revocation. The person may, within ten 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 business days of receiving the request.

If the person fails to request a conference within ten 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 14-98 of this chapter.

10) 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.

11) Assignments

A registration may be assigned if (1) a business under this ordinance 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 this ordinance. Otherwise, each registration issued under this chapter is a separate registration and is not assignable.

12) Record of conferences.

The Administrator shall maintain for three 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 years, the Administrator may dispose of the record in accordance with this ordinance.

13) 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 ordinance, and if so, whether that registration has been obtained.

a. Administrator to investigate.

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

b. Duty to permit inspection.

Each person who conducts a business in the city shall permit the Administrator to inspect the business premises during normal business hours to determine the nature of the business conducted there.

c. 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 city officials.


14)Appeal

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

EFFECTIVE DATE: This Ordinance shall take effect on July 1, 2016.

Approved as to Form Only:

Reviewed By:



City Attorney



City Manager