

CHAPTER 9

BUSINESS AND TRADES

ARTICLE I. Business Registrations

Section 9-1 Definitions

Wherever in this Article the words hereinafter defined or construed in this Section are used, they shall, unless the context required otherwise, be deemed to have the following meaning:

1. Agent: The person having the agency for the manufacturer, producer or distributor.
2. Business: Any business, trade, occupation, profession, avocation or calling of any kind, subject, by the provision of this Article, to a registration.
3. Engaged in the business: Engaged in the business as owner or operator.
4. Fiscal Year: The period beginning with the 1st day of July and ending with the 30th day of June, next following.
5. Person: Any person, firm, partnership, company or corporation.
6. Quarter: Any three (3) consecutive months

Section 9-2 Business Registration

(a) Pursuant to North Carolina General Statutes section 160A-174, it shall be unlawful for any itinerant merchants, salesman, promoters, drummers, peddlers or hawkers to engage in any business activities (as hereinafter defined) with the Town of Hertford unless licensed to do so as herein provided.

(b) For purposes of this Section, itinerant merchants, salesman, promoters, drummers, peddlers or hawkers engaging in business activities within the Town shall mean and include all persons, firms, corporations, or other entities, who engage in or conduct in the Town either in one locality or in traveling from place to place, a temporary or transient business of selling or soliciting orders for the sale of goods, ware or merchandise with the intention of continuing in said business in the Town; and who rent, lease, use or occupy, either in whole or in part, for the purpose of carrying on such business any room, and building, any lot parcel of land, or any motor vehicle including trucks and semi-trailers for the exhibition and sale of such goods, wares and merchandise. However, this definition and this section shall not apply to:

- (1) charitable activities;
- (2) a farmer's market, as expressly permitted by the Town Council;
- (3) sales of food or agricultural produce where stock or anticipated sales are valued or at \$1,000.00 or less per day;
- (4) sales made to dealers by commercial travelers or selling agents in the usual course of business; or

(5) Bona fide sales of goods, wares or merchandise for future delivery in interstate commerce where no measurements or design specifications are made, or prepared in the Town, or no payments or deposit is collected in the Town for placement of orders, or where no registrations may be required or collected under the U.S. Constitution or laws of the United States.

Section 9-3 Unlawful to Conduct Business Without Registration

Any person, firm, corporation or other entity as defined, who desires to engage in such business activities within the Town, must be registered to do so by the Town prior to commencement of such business activity in the Town. Failure to secure a registration before commencing business as defined is unlawful and in violation of this section.

Section 9-4 Business Registration Valid for 12 Months

All registration fees provided for and fixed in the following sections and schedule shall be for twelve (12) months, unless otherwise specified, and shall remain so for each year to come until changed by the Board of Commissioners. All registrations provided for shall date from the 1st day of July of each and every year and shall expire on the 30th day of June of each year and shall be to the Town of Hertford.

Section 9-5 Registration Required for Every Separate Business

The payment of any particular fee imposed by the this Article shall not relieve the person paying the same from the payment of any other fee imposed by this Article for any other business he may carryon, unless so provided by the section imposing such fees; it being the intent of this Article that registration fees prescribed by various sections or subsections of this Article applicable to any business shall be cumulative except where otherwise specifically provided.

Section 9-6 Registration Required for Every Place of Business

A business registration issued for conducting a business is only valid for the business conducted at a place and by the registered named therein. Every person doing business in more than one factory, mill, warehouse, secure a separate registration for each such place of business, unless such places of businesses are contiguous to each other, communicate directly with and open into each other, and are operated as a unit. If the business is moved or sells to another, then a new registration is necessary, unless a special permit to continue business under the original registration is obtained from the Board of Commissioners.

Section 9-7 No Abatement of Registration Fee

No registration fee shall be abated nor shall any refund of any part thereof be made, in any case where the registrant discontinues his business before the end of the period for which such license was issued.

Section 9-8 Manner of Obtaining Business Registration

Every person, firm, or corporation desiring to obtain a Town Business Registration for the purpose of engaging in any business, trade, employment, profession, or of doing any act for which a Town Business Registration is required, shall unless other provided by law, make application therefore in writing to the Chief of Police or his designee. A business registration may be granted to an applicant for such registration by the Town upon compliance with the following:

(1) Application shall submit a written and verified application to the Hertford Police Department at least

20 days prior to the schedule date to commence business in the Town. This application shall set forth (i) the name and address of the Applicant; (ii) the name and address of the owner of the goods, ware or merchandise to be sold; (iii) the location and dates of the proposed business activity or sale in the Town; (iv) the name and address of the owner of the property upon which the business activity or sale will be conducted; (v) inventory of goods, ware, or merchandise which Applicant intends to offer for sale with quantity (If sales are not to be made from inventory, then a copy of the catalogue or other sales materials will be furnished).

(2) At the time the registration application is made, the Applicant shall further furnish to the Police Department a Registration processing fee of Twenty-Five Dollars (\$25.00).

(3) Such activity for which application is made and any registration issued shall only be lawful in a commercial zoning district in the Town as determined by the Zoning Ordinance of the Town and the official Zoning Map. Home Occupations are permitted in most residentially zoned districts after successfully obtaining a Conditional Use Permit from the Planning Board.

(4) Such activity for which application is made and any registration issued must meet a minimum 10 foot set back from any public street or thoroughfare. Failure to so meet this set back is a basis for denying or revoking a business or privilege license to conduct such activity.

(5) If a business changes the location during the registration period, notification of this change should be made within ten (10) days after the change has been made. The original registration issued will be valid for the remainder of the registration year.

(6) If a business operates without a Business Registration, legal action may be sought against that business or person operating that business.

(7) If upon review of all the information and documents filed by Applicant, the Chief of Police, or his designee, shall be of the opinion that Applicant is of good and reputable business character and has met all requirements of this Section, the Police Department shall issue Applicant a business registration for the sale or business activity applied for which shall be valid only for the sale or business activity applied for. If the Applicant fails to timely file all the information and documents required or if upon review the Police Department determines same not to meet all requirements of this Section or he fails to find the Applicant to be of good and reputable business character, the Chief of Police, or his designee, shall, in writing, deny the application for a business registration with reasons stated for such denial. Appeal from a decision of denial by the Police Department shall be to the Town manager. Any person, firm, corporation or other entity as defined who shall receive a privilege and business registration as stated may conduct the business activity or sale for which said party is registered, but same may not vary, exceed or in any way be different from the activity or sale originally allowed by such registration. Any variance or activity beyond the express terms of the registration shall be unlawful and in violation of this section and shall be grounds for the Town to revoke such registration.

Section 9-9 Duties of the Chief of Police

(1) Except where otherwise provided, the Chief of Police or his designee shall be the duly authorized agent of the Town for the issuing of all Town registrations and the collection of all fees, and it shall be the duty of said officer and the duties of Town employees under his supervision to make diligent inquiry to ascertain whether all persons, firms, or corporations in the Town who are covered under the provisions of this Article have applied for the Town Business Registration and paid the fee thereon levied.

(2) The Chief of Police or his designee shall continually keep in his possession a sufficient supply of blank Town Business Registration certificates.

(3) Neither the Chief of Police or his designee nor any of the Town employees under his supervision shall issue any duplicate registration unless expressly authorized to do so by a provision of this Article, and unless the original registration is lost or has become so mutilated as to be illegible, and in such cases the Chief of Police or his designee is authorized to issue a duplicate certificate for which the fee is paid, and shall stamp upon its face "Duplicate".

Section 9-10 Annual Business Registration Fees

The initial Business Registration fee shall be set at \$25.00. A schedule of business registration fees for each fiscal year shall be duly enacted by the Board of Commissioners prior to the beginning of the fiscal year. An official copy of such Schedule shall be kept in the office of the Town Clerk at all times. The Board of Commissioners shall have power to amend such Schedule at any time during any fiscal year; provided, that pursuant to GS 160A - 194 the Board may readopt for any fiscal year the prior year's Schedule by reference, without reading the same in detail, and by the reading of any amendments of additions thereto.