

## **GENERAL PROVISIONS OF THE CODE**

The provisions in the following chapters and sections shall constitute and be designated "THE CODE OF THE TOWN OF HARMONY" and may be cited.

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, and phrases of this code are severable, and the declaration by a court of competent jurisdiction that any section, paragraph, sentence, clause or phrase is unconstitutional shall not affect any remaining section, paragraphs, sentences, clauses, or phrases.

The repeal of an ordinance, or its expiration, shall not affect any right accrued, any offence committed, any penalty or punishment or any proceeding commenced before the repeal took effect or the ordinance expired.

Whenever in this code or in any ordinances of the Town, any act is prohibited or made or declared to be unlawful, where no specific penalty is provided therefore, the violation of the provision of the code shall be punished by a fine, not to exceed one hundred (\$100.00) dollars for each separate violation. Each day any violation of the code or of any ordinance shall continue shall constitute a separate offense.

### **CHAPTER 10 – BUSINESSES AND TRADES**

#### **ARTICLE 1 - PRIVILEGE LICENSE**

##### **SECTION 10.1 - Town License Tax Imposed**

In addition to the tax on property, as otherwise provided for, and under the power and authority conferred in the laws of North Carolina, there shall be levied and collected annually or oftener where provided for, a privilege license tax on trades, professions, business operations, exhibitions, circuses, and all subjects authorized to be licensed, as set out in the following sections and schedule. All licenses shall be a personal privilege and shall not be transferable. Nothing herein contained shall be construed to prevent the Board from imposing from time to time, as they may see fit, such license taxes as are not specifically herein defined, or from increasing or decreasing the amount of any special license tax, or from prohibiting or regulating the business or acts licensed, and all licenses are granted subject to the provisions of existing ordinances or those hereafter enacted. G.S. 160A-211

##### **SECTION 10.2 - Application for License**

Every application for a license required by this Chapter shall be made in writing to the Town Clerk upon a form provided by him. Such application shall be signed either by the applicant or his agent and shall furnish all the information as provided on the form. Any willful false statement made in connection with said application shall void the application.

##### **SECTION 10.3 - Issuance of License**

The Town Clerk, if satisfied as to the correctness of the application shall issue a Town license to the applicant to engage in the business, trade, employment, or profession in the name of and at the place set out in the application. No license issued by the Town Clerk shall be valid or have any legal effect unless and until the tax prescribed by law has been paid, and the fact of such shall appear on the face of the license.

##### **SECTION 10.3.1 - Privilege License Annual**

The licenses required under this article are annual privilege licenses. Such licenses shall be due and payable privilege licenses. Such licenses shall be due and payable in the same manner as prescribed for other privilege licenses by the Town of Harmony.

##### **SECTIONS 10.4 - Form and Contents of License; Clerk to Keep Copy**

Every license issued shall, on the face thereof, show the name of the licensee, the nature of the business and the location thereof, the time for which issued, and the amount of the tax paid. The clerk shall keep an exact copy of each license issued.

##### **SECTION 10.5 - Posted at Location**

Licenses shall be kept posted where business is carried on. No person shall engage in any business, trade, profession, or do the act for which a Town license is required in this chapter, without having such Town license posted conspicuously at the place where such business, trade, or profession is carried on. If the business, trade, or profession is such that the license cannot be so posted, then the itinerant licensee shall have such license required by this chapter in his actual possession at the time of carrying on such business, trade, profession, or doing the act named in this chapter, or a duplicate thereof.

#### SECTION 10.6 - Payment; Delinquent Payment

All taxes imposed by this chapter shall be paid to the Town Clerk and treasurer and shall be due and payable on or before the first day of July of each year, and after such date shall be deemed delinquent and subject to all the remedies available. If a person begins any business or the exercise of any privilege requiring a license under this chapter after the first day of July and prior to the thirtieth day of the following June of any year, then such person shall apply for and obtain a Town license for conduction such business or exercising any such privilege.

#### SECTION 10.7 - Board May Revoke License

Any license issued by the Town Clerk may be revoked by the Board, upon the finding by the Board that the licensee has persistently violated any ordinance, or any laws of the State or that said Licensee is conducting his business in a fraudulent or unlawful manner, or is abusing his license.

#### SECTION 10.8 - Each Day's Operation Without license After Tax Payable Constitutes a Separate Offense

Each day any person operates any business after the license tax therefore, as levied by the Board, becomes due and for such business, shall constitute a separate offense.

### ARTICLE 2 - AMUSEMENT AND ENTERTAINMENT ESTABLISHMENTS

#### SECTION 10.21 - Regulation Of

It shall be unlawful for any person, firm, corporation, or other entity to participate in or operate any place of amusement or entertainment between the hours of 11:00 p.m. on Saturday and 7:00 a.m. of the following Monday morning. Closed Sunday

#### SECTION 10.22 - Definition

Places of amusement and entertainment include pool and billiard halls, game rooms, dance halls, carnivals, circuses, itinerant shows or exhibits of any kind, coffee houses, cocktail lounges, night clubs, beer halls, and similar establishments.

#### SECTION 10.23 - Permits Issued by State Board of Alcoholic Control

To the extent that this ordinance is inconsistent with permits or license issued by the State Board of Alcoholic Control the terms set forth in said permit or license shall control and it shall be unlawful for any person, firm, corporation or other entity to violate said permit or license.

#### SECTION 10.24 - Violation

Any violation of this ordinance shall be a misdemeanor as provided by North Carolina General Statute 14-4, punishable upon conviction by a fine not exceeding One Hundred Dollars (\$100.00).

#### SECTION 10.25 - Same

Any person, firm, corporation, or other entity violating this ordinance shall be civilly fined One Hundred Dollars (\$100.00) for each violation of the ordinance and shall pay said fine within ten (10) days from the date the citation for the violation is issued. In the event the party violating the ordinance does not pay the fine within the ten day period, then the Town of Harmony may, by a civil action in the nature of a debt, collect said fine pursuant to North Carolina General Statute 160A-175.

#### SECTION 10.26 - Enforcement

This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

#### SECTION 10.27 - Continuing Violation

Each day's continuing violation of this ordinance shall be a separate and distinct offense or violation.

#### SECTION 10.28 - Ordinance Enforced

This ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed in this ordinance or by other applicable law.

#### SECTION 10.29 - Effective

This ordinance shall be effective upon adoption.

#### SECTION 10.30 - Ordinances in Conflict

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

ARTICLES 3, 4, & 5 - RESERVED

ARTICLE 6 - BEER AND WINE SALES

#### SECTION 10.60 - Town Malt Beverage and Unfortified Wine Retail Licenses

- (a) Each person holding a Malt Beverage Permit or an Unfortified Wine Permit issued by North Carolina ABC Commission for an establishment located within the Town of Harmony must secure from the Board of Aldermen a Town License for that activity, with the amount of the annual fee for each Statute currently in effect at the time the license is issued. (See N.C. S.C. Sec. 105-113.77)
- (b) Each person seeking a Town Malt Beverage or Wine License must complete and submit an application on a form prescribed by the Board of Aldermen. The information required to be provided in the application shall be the same as required by the North Carolina Alcoholic Beverage Control Commission for the equivalent permit.

#### SECTION 10.61 - Hours for Sale

The retail sale of malt beverages and unfortified wine within the Town of Harmony shall be regulated by North Carolina State Law.

ARTICLE 7 - SHOWS, SHOWHOUSES, CIRCUSES, AND OTHER AMUSEMENTS

#### SECTION 10.70 - Billiard and Pool Tables

Every person, firm, or corporation engaged in the business of operating billiard or pool tables, whether operated by slot or otherwise, shall annually apply for and procure from the Board of Aldermen of the Town of Harmony a Town License for the privilege of operating such billiard or pool tables, and shall annually pay for such license a tax for each table in an amount which is equal to the tax levied in the current year on each table by the North Carolina Department of Revenue and recorded on the state license of the applicant.

#### SECTION 10.72 - Hours of Operation for Pool Halls and Game Rooms

It shall be unlawful for any person, firm, corporation, or other entity to participate in or operate any place of amusement and entertainment between the hours of 11:00 pm and 7:00 am Monday through Saturday of each week and between the hours of 11:00 pm on Saturday and 7:00 am of the following Monday morning.

#### SECTION 10.73 - Internet Sweepstakes Business

Internet Sweepstakes business is prohibited in Town limits