**ORDINANCE**

**ADOPTING CHAPTER 9**

**BUSINESS REGISTRATION**

# TOWN OF ST. PAULS CODE OF ORDINANCES

**BE IT ORDAINED** by the Town Board of the Town of St. Pauls, North Carolina as follows:

Section 1. That Chapter 9, Business Registration of the Code of Ordinances, Town of St. Pauls, North Carolina, is adopted as follows:

**ARTICLE II.**

**BUSINESS REGISTRATION**

**DIVISION 1.**

**GENERALLY**

**Sec. 9-11. Definitions.**

When used in this chapter (unless the context requires a different meaning):

*Administrator* shall be the person designated by the Town Administrator to operate the program required by this article.

*Business* includes each trade, occupation, profession, business, and franchise operated for profit.

*Owner* includes any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity that has an ownership interest greater than 10% in a business.

*Registrants* is the person, whether an owner or not, who submits the registration to the Town and executes the same.

**DIVISION 2.**

**REQUIREMENT FOR REGISTRATION**

**Sec. 9-12. Who must be registered.**

Each owner who conducts a business within this Town is subject to this article. A owner conducts business "within the Town" if he or she maintains a business location within the jurisdictional boundaries of the Town.

**Sec. 9-13. Period of registration; due date.**

(a) Each year a business shall register or update its registration with the Town for the period beginning January 1 and ending December 31.

(b) Any new business beginning operation during the above noted annual period shall register with the Town prior to commencing operations. Said registration shall be updated for the next full annual year on or before January 1 of that year.

**Sec. 9-14. Refunds.**

If for any reason an owner discontinues his or her business during the license year, he or she is not entitled to a refund.

**Sec. 9-15. Separate businesses.**

A separate registration is required for each place of business unless two (2) 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.

**Sec. 9-16. Exemptions.**

Except as otherwise provided by state law, no owner is exempt from the requirement of obtaining a registration required by this chapter.

**DIVISION 3.**

**REGISTRATIONS**

**Sec. 9-17. Registration.**

An owner shall register its business before commencing operation. The registration, which shall be submitted on forms provided by the Administrator, shall contain:

(a) The full legal name of the business.

(b) Identification of the ownership of the business as an individual, a partnership, a corporation, a limited liability company or some other legal entity.

(c) The name and address of any person owning more than a 10% interest in the business.

(d) The nature of the business.

(e) The address of the business.

(f) The name of the primary emergency contact for the business and the name of an alternate emergency contact for the business.

(g) An address where notices or statements may be mailed.

(h) Phone numbers: business, home and cell for both the primary and the alternate emergency contacts.

(i) E-mail addresses for electronic notifications and alerts for both the primary and the alternate emergency contacts.

(j) Notice of any hazardous or dangerous materials located at the business address, along with a description of said materials and their general location within the business premises.

The registration, or update to the registration, shall be accompanied by the payment of a fee as provided for in Section 9-21 below. In compliance with state law, this fee shall not exceed the estimated costs to the Town of the administrative process of the production and issuance of the registration or update of registration as determined by the Town Board.

**Sec. 9-18. Updating Registration**

To annually update a previous registration, if no changes are necessary, the registrant can simply insert the words “same” in those areas where no changes have occurred while updating with accurate information any new or changed information.

**Sec. 9-19. Accurate information**

All information provided by the business in its initial registration or annual update of registration shall be accurate. Failure to provide accurate information in an initial registration or an update of registration is a violation of this Ordinance.

**Sec. 9-20. Maintenance of Registration Records**

All registration information, excluding emergency telephone, e-mail contact information and hazardous materials on site, pursuant to this Ordinance shall be maintained at the Town Hall as a public record.

**Sec. 9-21. Registration fee.**

The fee required for the registration or updating for any business as required by this Ordinance shall be set forth and made a part of the Town of St. Pauls Fee and Rate Schedule adopted by the Town Board, as amended from time to time.

**Sec. 9-22. Proof of registration.**

An annual receipt from the Town for the above noted registration or updating fee shall constitute proof of registration.

**DIVISION 4.**

**ENFORCEMENT**

**Sec. 9-23. Duty to determine whether registration is required.**

Each owner has the duty to determine whether its business is required to be registered under this Ordinance and, if so, whether that registration is accurate.

**Sec. 9-24. Duty to determine accuracy of registration.**

It is the duty of the person filing the registration and the owner of the business to ensure that the initial registration and any update are accurate.

**Sec. 9-25. Administrator to investigate.**

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

**Sec. 9-26. Enforcement of ordinance.**

(a) *Criminal remedies.* Any owner or registrant which violates a duty imposed upon them by this Ordinance is subject to criminal liability, as a misdemeanor punishable as provided in G.S. §14-4.

(b) *Separate offense*. Each day that an owner conducts business in violation of this Ordinance is a separate offense.

(c) *Equitable remedies.* In addition to the criminal remedies set forth in subsection (a) above and in compliance with G.S. 160A-175, the Town may seek equitable relief against any owner and/or the business itself to enjoin operation in violation of this Ordinance.