

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: PRIVILEGE LICENSE TAXES

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§ 110.01 LICENSE REQUIRED.

(A) Every person desiring to sell at retail or wholesale within the village any of the beverages defined and enumerated in G.S. § 18B-101, as amended, shall first obtain a license from the Village Clerk. It shall be unlawful for any person to operate business within the village without having paid and obtained the license tax. No such license shall be issued by the Village Clerk until the applicant has obtained the appropriate permit from the State Board of Alcoholic Control as provided by G.S. Chapter 18B. The license tax must be paid before the person opens for business and is due May 1 of each subsequent year. The license must be posted in a conspicuous place at the business.

(B) The issuance of a license under this chapter does not authorize the carry-on of a business for which additional licenses or qualifications are required by state or local law, nor does the issuance of a license prevent the village from enforcing or enacting other regulations applicable to the licensee. The license may be revoked or suspended upon the licensee's violation of local or state laws related to the business operations.

(Ord. 2018-06, passed 5-14-2018) Penalty, see § 110.99

§ 110.02 APPLICATION PROCEDURE; ISSUANCE.

Each person who receives an ABC permit shall obtain a corresponding local license, issued by the village on a form provided by the Village Clerk and shall contain the information required under G.S. § 105-113.70 and shall require the applicant to state whether he or she has, during the preceding license

year, committed any act or permitted any condition for which his license was, or might have been, revoked or suspended. No local license may be issued under this chapter until the applicant has received from the ABC Commission the applicable permit for that activity. All licenses issued under this section are annual licenses for the period from May 1 to April 30. A license may not be transferred from one person to another or from one location to another. If the applicant appears from the statements and information provided in the application the requisite qualifications under law, the Village Clerk shall issue the applicant a license.

(Ord. 2018-06, passed 5-14-2018) Penalty, see § 110.99

§ 110.03 RETAIL TAX.

(A) Licenses issued by the village under the authority of G.S. § 105-113.77, as amended, shall be restricted to on-premises and off-premises as prescribed by G.S. Chapter 18B.

(B) Every person engaged in the business of selling malt beverages, as defined in G.S. § 18B-101(9), as amended, shall pay an annual license tax as follows:

(1) For “on premises” malt beverages: \$15.

(2) For “off premises” malt beverages: \$5.

(C) Every person engaged in the business of selling fortified wine, as defined by G.S. § 18B-101(7), as amended, and or selling unfortified wine, as defined by G.S. § 18B-101(15), as amended, shall pay an annual license tax as follows:

(1) For “on-premises” unfortified wine, “on-premises” fortified wine, or both: \$15.

(2) For “off-premises” unfortified wine, “off-premises” fortified wine, or both: \$10.

(D) If any person maintains more than one place of business from which retail malt beverages or fortified wine is sold, a separate license tax shall be paid for each separate place of business.

(Ord. 2018-06, passed 5-14-2018) Penalty, see § 110.99

§ 110.04 WHOLESALE TAX.

(A) Every person selling at wholesale in barrels, bottles, or other containers, in quantities of not less than one case or container to a customer within the Village, shall pay therefore an annual tax as follows:

(1) Where such wholesaler sells at wholesale only malt beverages or wine as defined in G.S. § 18B-101, as amended, the tax shall be, per annum \$37.50.

(2) Where such wholesaler sells at wholesale both malt beverages and wines as defined in G.S. § 18B-101, the tax shall be, per annum \$62.50.

(B) If any wholesaler maintains more than one place of business or storage warehouse from which orders are received or beverages are distributed, a separate license tax shall be paid for each separate place of business or warehouse.

(C) The owner or operator of every distributing warehouse selling, distributing or supplying to retail stores beverages enumerated in this section shall be deemed wholesale distributors within the meaning of this section and shall be liable for the tax imposed hereby.

(Ord. 2018-06, passed 5-14-2018) Penalty, see § 110.99

§ 110.05 DURATION; NO PRORATION.

Every license issued under this chapter shall expire on the thirtieth day of April of each year. The taxes paid under this chapter are not prorated.

(Ord. 2018-06, passed 5-14-2018)

§ 110.06 SUNDAY SALES.

Pursuant to the authority granted by S.L. 2017-87 any establishment located in the corporate limits of the village and holding an ABC permit issued pursuant to G.S. § 18B-1001 is permitted to sell beverages allowed by its permit beginning at 10:00 a.m. on Sundays.

(Ord. 2017-12, passed 10-12-2017)

§ 110.99 PENALTY.

(A) Any person violating any section of this chapter shall be guilty of a class 3 misdemeanor and upon conviction, shall be subject to punishment in accordance with G.S. § 14-4. Unless otherwise provided, the maximum fine for a misdemeanor violation is \$500. Each day's continuing violation shall be a separate and distinct offense.

(B) In addition to criminal enforcement, the village may seek any remedies allowed under G.S. § 160A-175, including but not limited to an injunction.

(Ord. 2018-06, passed 5-14-2018)

CHAPTER 111: SOLICITATION

Section

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- 111.02 Definitions
- 111.03 Prohibited acts

- 111.99 Penalty

§ 111.01 STATEMENT OF PURPOSE.

(A) It is the intent of the Council to recognize and protect the privacy interests of homeowners by preventing uninvited entry onto residential private property for the purpose of commercial solicitation.

(B) The Council further intends to prevent crime and prohibit deception, fraud and misrepresentation by limiting such door-to-door solicitation for commercial purposes.
(Ord. 2015-01, passed 3-9-2015; Ord. 2019-08, passed 9-9-2019)

§ 111.02 DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

CLERK. The Clerk of the Village of Wesley Chapel, located at 6490 Weddington Road, Wesley Chapel, NC 28104.

COMMERCIAL PURPOSE. To solicit, beg or otherwise ask for any monetary contribution, fare, fee, rate, charge or other consideration that will directly or indirectly benefit any business, entity or individual whose main purpose is to generate a profit.

COUNCIL. The Village of Wesley Chapel Council.

NOT FOR PROFIT. A group or cause organized for purposes other than generating a profit.
(Ord. 2015-01, passed 3-9-2015; Ord. 2019-08, passed 9-9-2019)

§ 111.03 PROHIBITED ACTS.

(A) *Prohibited acts.* It shall be unlawful for any person to solicit, beg or otherwise ask for money or other things of value for any commercial purpose on residential private property where a no soliciting sign or other notice discouraging solicitation is visible from the front door, drive or walkway, or is visible at the entrance to the subdivision except for mailing or depositing marketing or other communicative materials in a newspaper box on the private property.

(B) *Exceptions.* The prohibitions of this section are not intended to apply and shall not apply to any person, business or organization that holds a current license issued by the state, pursuant to G.S. § 131F-5 and is engaging in a not for profit activity.

(Ord. 2015-01, passed 3-9-2015; Ord. 2019-08, passed 9-9-2019) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) A violation of this chapter by any person, business or organization (“party”) will be considered a misdemeanor punishable by a fine, as determined by the Mayor, of not less than \$100 per incident payable to the Clerk.

(B) On or before the thirtieth day after the date of notice of the fine, the party may request, in writing to the Clerk, an opportunity to address the Mayor and Council at a Council meeting where such party may provide evidence and arguments in support of their position why the party should not be subject to the fine. The Clerk will provide notice to the party of the date of the Council meeting when the party has been placed on the agenda to appear for the purpose of presenting evidence and arguments. The party’s obligation to pay a fine will be decided by majority vote of the Council with any tie vote being decided by the Mayor. All costs for the appearance before the Council shall be incurred by the party.

(C) After a final decision by the Council, the party may continue to appeal the matter pursuant to the state statutes.

(Ord. 2015-01, passed 3-9-2015)

CHAPTER 112: CASH CONVERTERS, PAWNBROKERS AND METALS DEALERS

Section

- 112.01 Adoption of state statutes
- 112.02 Definitions
- 112.03 Photographs or videos
- 112.04 Electronic transmittal of required records
- 112.05 Regulations not a substitute
- 112.06 Applicability
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§ 112.01 ADOPTION OF STATE STATUTES.

The provisions found in G.S. Ch. 66, Art. 45, Part 1, are hereby adopted by this chapter.
(Ord. 2013-04, passed 5-13-2013)

§ 112.02 DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

CASH CONVERTER. The same meaning as defined in G.S. § 66-387.

DEALER. The same meaning as defined in G.S. § 66-406.

LOCAL LAW ENFORCEMENT AGENCY. The same meaning as defined in G.S. § 66-406.

PAWNBROKER. The same meaning as defined in G.S. § 66-387.

PAWNSHOP. The same meaning as defined in G.S. § 66-387.

PRECIOUS METAL. The same meaning as defined in G.S. § 66-406.

PRECIOUS METALS DEALER. The same meaning as the term “dealer” as defined by G.S. § 66-406.

SECONDARY METALS RECYCLER. The same meaning as defined in G.S. Ch. 66. The exemptions found in G.S. § 66-427 shall also constitute exemptions to this chapter’s definition of the term ***SECONDARY METALS RECYCLER.***

(Ord. 2013-04, passed 5-13-2013)

§ 112.03 PHOTOGRAPHS OR VIDEOS.

Every pawnbroker and every cash converter shall obtain a video or digital photograph of the seller or pledgor together with any property being delivered by the seller or pledgor. The video or photograph required by this section shall be of a quality that is sufficient to allow a person of ordinary faculties to identify the person recorded or photographed. The photograph or video shall be uploaded to the entity or electronic system designated by the County Sheriff’s office for receipt of the information on behalf of the County Sheriff’s office.

(Ord. 2013-04, passed 5-13-2013)

§ 112.04 ELECTRONIC TRANSMITTAL OF REQUIRED RECORDS.

(A) Upon designation by the County Sheriff of an entity or an electronic system for receipt of the information on behalf of the County Sheriff’s office, every pawnbroker shall electronically input/upload and transmit the information that must be made available for the Sheriff’s inspection and pickup pursuant to G.S. § 66-391. The input/upload and transmission shall be made to the entity or electronic system designated by the County Sheriff for receipt of the information on behalf of the County Sheriff’s office. The input/upload and transmission shall be made each regular workday.

(B) Upon designation by the County Sheriff of an entity or an electronic system for receipt of the information on behalf of the County Sheriff’s office, every cash converter shall electronically input/upload and transmit the information that must be made available for the Sheriff’s inspection and pickup pursuant to G.S. § 66-392. The input/upload and transmission shall be made to the entity designated or on an electronic system designated by the County Sheriff for receipt of the information on behalf of the County Sheriff’s office. The input/upload and transmission shall be made each regular workday.

(C) Upon designation by the County Sheriff of an entity or an electronic system for receipt of the information on behalf of the County Sheriff’s office, every precious metals dealer shall electronically input/upload and transmit the information that the precious metals dealer is required to file or report to the local law enforcement agency pursuant to G.S. § 66-410. The input/upload and transmission shall be made to the entity designated or on an electronic system designated by the County Sheriff for receipt of the information on behalf of the County Sheriff’s office. The input/upload and transmission shall be made within 48 hours of every precious metal(s) transaction.

(D) Upon designation by the County Sheriff of an entity or an electronic system for receipt of the information on behalf of the County Sheriff's office, every secondary metals recycler shall electronically input/upload and transmit the information that the secondary metals recycler is required to make available for pickup by the Sheriff pursuant to G.S. § 66-422. The input/upload and transmission shall be made to the entity designated or on an electronic system designated by the County Sheriff for receipt of the information on behalf of the County Sheriff's office. The input/upload and transmission shall be made each regular workday.

(Ord. 2013-04, passed 5-13-2013)

§ 112.05 REGULATIONS NOT A SUBSTITUTE.

(A) Notwithstanding anything in this chapter to the contrary, this chapter and the resulting designation by the Sheriff of an entity or electronic system for the receipt of information shall not serve as substitutes for or in satisfaction of the recordkeeping, record retention, record disposal, receipt and ticketing requirements set forth in G.S. Ch. 66. Section 112.04 of this chapter merely establishes how information is to be transferred to the County Sheriff's office. Pawnbrokers, pawnshops, cash converters, secondary metals recyclers and precious metals dealers are independently responsible for meeting all statutory requirements.

(B) Reliance on the entity or the electronic system designated by the Sheriff for fulfillment of any statutory requirement other than the electronic transfer of information to the Sheriff's office is at the pawnbroker's, cash converter's, precious metals dealer's and secondary metals recycler's own risk.

(Ord. 2013-04, passed 5-13-2013)

§ 112.06 APPLICABILITY.

The provisions of this chapter shall apply within the corporate limits of the village.

(Ord. 2013-04, passed 5-13-2013)

§ 112.07 AUTHORITY.

Whenever any provision of this chapter refers to or cites a section, part or chapter of state statutes and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section, part or chapter, or the section, part or chapter that most nearly corresponds to the superseded section, part or chapter.

(Ord. 2013-04, passed 5-13-2013)

§ 112.99 PENALTY.

(A) Violation of any provisions of this chapter shall subject the offender to one or more of the following enforcement actions. Each day that any violation continues after notification by the Sheriff of the county or his or her designee that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(B) Violations shall constitute a Class 3 misdemeanor pursuant to G.S. § 14-4, punishable by a fine of up to \$500 and imprisonment in the discretion of the court.

(C) The village may apply for an appropriate equitable remedy from the General Court of Justice, including, but not limited to, mandatory and prohibitory injunctions and orders of abatement as allowed pursuant to G.S. § 160A-175.

(Ord. 2013-04, passed 5-13-2013)