

1 days, before the scheduled date of the hearing. The tax authorized in this section is in addition
2 to any State or local sales tax.

3 **SECTION 5.** Date of Levy. – A tax levied pursuant to Section 4 of this act shall
4 become effective on the date specified in the ordinance levying the tax. The effective date must
5 be the first day of a calendar month and may not be earlier than 60 days after the date the
6 ordinance is adopted.

7 **SECTION 6.** Collection. – Every operator of a taxable establishment shall, on and
8 after the effective date of the levy of a tax pursuant to Section 4 of this act, collect the tax. The
9 tax shall be stated and charged separately from the sales price, shall be shown separately on the
10 taxable establishment's sales records, and shall be paid by the purchaser to the taxable
11 establishment as trustee for and on account of the city. The tax shall be added to the sales price
12 and shall be passed on to and collected from the purchaser instead of being borne by the taxable
13 establishment.

14 **SECTION 7.** Administration. – The taxes levied pursuant to Section 4 of this act
15 are due and payable to the city in monthly installments on or before the fifteenth day of the
16 month following the month in which the tax accrues. Every taxable establishment liable for the
17 tax shall, on or before the fifteenth day of each month, prepare and render a return to the city.
18 The city shall design, print, and furnish on request to all taxable establishments the necessary
19 forms for filing returns and instructions to ensure the full collection of the tax.

20 Returns filed with the city pursuant to this act are not public records as defined by
21 G.S. 132-1 and may not be disclosed except as in accordance with G.S. 160A-208.1.

22 **SECTION 8.** Use of Proceeds. – The net proceeds of the tax levied pursuant to
23 Section 4 of this act shall be used only for law enforcement purposes.

24 **SECTION 9.** Penalties. – A person, firm, corporation, or association who fails or
25 refuses to file a return and pay the tax due pursuant to a levy pursuant to Section 4 of this act
26 shall pay a penalty of ten dollars (\$10.00) for each day's omission up to a maximum of two
27 thousand dollars (\$2,000) for each return. In case of failure or refusal to file the return or pay
28 the tax for a period of 30 days after the time required for filing the return or paying the tax,
29 there shall be an additional tax, as a penalty, of five percent (5%) of the tax due, with an
30 additional tax of five percent (5%) for each additional month or fraction thereof until the tax is
31 paid. The city council may, for good cause shown, compromise or forgive the additional tax
32 penalties imposed by this section.

33 Any person who willfully attempts in any manner to evade a tax imposed pursuant
34 to Section 4 of this act or who willfully fails to pay the tax or make and file a return shall, in
35 addition to the penalties provided by law, be guilty of a misdemeanor punishable by a fine not
36 to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.

37 **SECTION 10.** License Tax. – Instead of levying an alcoholic beverage tax
38 pursuant to Section 4 of this act, the City Council of the City of Greenville may, by ordinance,
39 levy a license tax by requiring that a person holding a retail ABC permit for an establishment
40 located in the city shall obtain from the city a city license for the activity authorized by the
41 ABC permit upon payment of an annual tax for each license. The amount of the annual tax
42 shall be determined by the city council, but the aggregate amount of the proceeds of the license
43 taxes levied in any fiscal year pursuant to this section shall not exceed the expense incurred by
44 the city in the previous fiscal year of the city for law enforcement purposes related to the
45 taxable establishments. The taxes authorized in this section shall be in addition to any State or
46 local tax including the tax associated with the licenses required by G.S. 105-113.77. The
47 licenses required by this section are not subject to the prohibition set forth in
48 G.S. 105-113.70(d). The amount of the tax for each taxable establishment may be based upon
49 the occupancy of the taxable establishment, upon the total occupancy of the taxable
50 establishment combined with other taxable establishments which are located within a specified
51 distance, not to exceed one-quarter mile, from the taxable establishment, upon the hours of

1 operation of the taxable establishment, or upon other criteria, as determined by the city council,
2 associated with the expense incurred by the city for law enforcement purposes related to the
3 taxable establishments. The license may be required by city council for all establishments for
4 which a retail ABC permit has been issued or for establishments which qualify as one or more
5 of the categories of eligible places for which a retail ABC permit may be issued, as provided in
6 G.S. 18B-1001, and for which has been issued a retail ABC permit. Before levying the tax
7 authorized in this section, the city council must hold a public hearing on the tax. Notice of the
8 public hearing shall be advertised at least 10 days, but not more than 25 days, before the
9 scheduled date of the hearing. The tax levied pursuant to this section shall become effective on
10 the date specified in the ordinance levying the tax. The net proceeds of the tax levied pursuant
11 to this section shall be used only for law enforcement purposes. A person, firm, corporation, or
12 association who fails or refuses to obtain a license and pay the tax due associated with the
13 license is subject to the civil and criminal penalties as set forth in G.S. 105-236. The city
14 council may, for good cause shown, compromise or forgive the additional penalties imposed.

15 **SECTION 11.** Repeal. – The taxes levied pursuant to Section 4 or Section 10 of
16 this act may be repealed by the city council by enacting an ordinance of repeal. The repeal shall
17 be effective on the date specified in the repeal ordinance. Repeal of a tax levied pursuant to this
18 act does not affect a liability for a tax that was attached before the effective date of the repeal,
19 nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.

20 **SECTION 12.** This act is effective upon ratification.