

TOWN OF WHITE HALL,

WESTVIRGINIA

ORDINANCE NO. 25-004

AN ORDINANCE PROVIDING FOR A BUSINESS REGISTRATION FEE
AND THE ENFORCEMENT THEREOF, January 2025 CONFIRMATORY
ADOPTION UPDATING THE TOWN OF WHITE HALL'S BUSINESS
REGISTRATION FEE

WHEREAS, this Ordinance, which was promulgated to assist and protect the citizens and businesses of the Town of White Hall, does not change the requirement to obtain a registration certificate in order to do business in the Town of White Hall; and

WHEREAS the Council for the Town of White Hall seeks to update the fees to obtain said registration certificate to reflect the costs expended by the Town to administer said requirements.

BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF WHITE HALL:

Preamble: this Ordinance overrules, replaces, and supersedes Ordinance 09-003; although it is for the sole purpose of amending the fee to obtain a business registration certificate.

Section 1. Every person or entity doing any business in the Town of White Hall, who is required to obtain a business registration certificate from the Tax Commissioner of the State of West Virginia, under the provisions of West Virginia Code §11-12-3(a) and (b), shall also obtain a business registration certificate from the Town of White Hall on or before the first day of July of each fiscal year. The exemptions from registration or payment of registration tax set out in West Virginia Code §11-12-3(c) and (d), or those set out in Section 2, set forth below, shall not be applicable to this registration requirement. No person shall, without a business registration certificate, engage in or prosecute any business activity in the Town of White Hall without first obtaining a business registration certificate from the Town Administrator. Further, before beginning business in the Town of White Hall:

- (1) A separate business registration certificate is required for each fixed business location from which property or services are offered for sale or lease to the public as a class, or to a limited portion of the public, or at which customer accounts may be opened, closed, or serviced, and said certificate shall be prominently displayed at each location. A separate business registration certificate is not required for each coin-operated machine. A separate certificate is required for each location from which the making of coin-operated machines available to the public is itself a business activity.
- (2) A business that sells or provides tangible personal property or services from or out of one or more vehicles needs a separate business registration certificate for each location in this state from or out of which business is conducted. A legible and accurate, full-sized copy of its business registration certificate shall be carried in each vehicle and publicly displayed while business is conducted from or out of the vehicle.

Section 2. The business registration fee hereby levied as to all registrants shall be One Hundred and Twenty-Five Dollars (\$125.00) for all newly registered Business's in the Town, after the effective date of this Ordinance. Established Business's in the town will increase to One Hundred and Twenty-Five Dollars (\$125.00), effective January 1, 2022.; provided, persons or entities which qualify for exemption under Section 501 of the Internal Revenue Code of 1986. as amended. the United States and its several agencies, the State of West Virginia, and political subdivisions thereof: shall be exempt from payment of the monetary certificate fee, notwithstanding that said persons or entities must complete all other requirements of this Ordinance.

Section 3. Every person or entity required to obtain a business registration certificate under the provisions of this ordinance, that commences business activities after the first day of any fiscal year, shall obtain such business registration certificate before commencing activities in this municipality. Said fee shall not be prorated.

Non Profit Organizations will be exempt from remitting a business registration fee but are still required to keep up to date records with the Town Administration Offices.

Section 4. Any business applying for a business registration certificate or doing business in the Town of White Hall shall be and remain in compliance with all Federal, State, and local business, tax, licensing, labor or other laws applicable to the operation of said business. Failure to be in compliance with said laws shall be cause for refusal to issue and/or revocation of said registration certification.

Section 5. Any business or property owner located in the Town of White Hall and contracting for business with any person, business, or entity not presently registered to do business in the Town of White Hall shall require, as a term of said contract, that said person, business, or entity, or any of its sub-contractors, shall legally register to do business in the Town of White Hall.

Section 6. Failure to comply with this ordinance shall constitute a misdemeanor, and any person or entity found to have violated this ordinance shall be guilty of a misdemeanor. Filing of or providing false information on a business registration application or form, or utilizing a fraudulently promulgated certificate, shall be construed as a violation of this Ordinance. Upon conviction thereof, said person or entity shall be fined not more than One Hundred Dollars (\$100.00) per month for each month, or fraction thereof, during which said person or entity has been in default or violation of the business registration requirements.

Section 7. All other legal remedies provided to the Town of White Hall for the enforcement or punishment of violation of this Ordinance are reserved, and nothing herein shall be construed as to preempt the general Ordinances, including, but not limited to, the Criminal Code of the Town of White Hall, the State of West Virginia, and/or the United States of America. Specifically, the crimes of false swearing, perjury, and fraud may still be prosecuted as applicable to the requirements of this Ordinance.

Section 8. The Administrator shall have the lawful powers of this Municipality, delegated to it by the State Code, to enforce all of the provisions of this article. Any person or entity directly and adversely affected by refusal to issue a registration certificate or to

renew a certificate, or any action taken under this Ordinance, may request a hearing before

the Municipal Judge, provided said request is made within thirty (30) days from the date of written notice of the refusal or action that resulted in such direct and adverse effect.

Section 9. All money collected from this Business Registration Fee shall be deposited into the general fund.

Section 10. This Ordinance shall be effective upon final reading and enactment. Town Staff is authorized to codify this Ordinance as appropriate and doing so shall have no legal effect therein. All paragraph, headings and numbers are for reference only and shall have no legal meaning or purpose otherwise.

Section 11. Severability. If any provisions of this Ordinance or the application thereof shall, for any reason, be adjudged by and court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance, but shall be confined in its operation to the provision therein directly involved in the controversy in which such judgment shall have been rendered, and the applicability of such provision to other persons or circumstances shall not be affected thereby.

This Ordinance shall become effective on passage.

Passed by the Town Council this 27th day of January, 2025.

First Reading: JAN, 13, 2025

Public Hearing: Second Reading: JAN, 27, 2025

Passed by Town Council this 27 day of JAN. 2025.

Jason DeFrance

Jason DeFrance, Mayor

Attest: Charlie Mason

Charlie Mason, Recorder