

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 383
HOUSE BILL 507

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO ADOPT AN
ADMISSIONS LEVY.

The General Assembly of North Carolina enacts:

Section 1. Admissions fee. (a) Authorization and scope. Notwithstanding the provisions of G.S. 105-37.1(b), the Greensboro City Council may, by resolution, levy an admissions fee on every person, firm, or corporation offering or managing any form of entertainment, amusement, or athletic or commercial event for which an admission is charged and which is presented in the city in a facility owned by the city having more than 10,000 fixed seats. The fee shall be at a rate of not more than one dollar (\$1.00) per seat or admission sold. This fee is in addition to any State or local tax.

(b) Collection. Every person, firm, or corporation selling admissions taxable under this section shall, on and after the effective date of the levy, collect the fee. This fee shall be collected at the same time as the charge for furnishing a taxable admission and shall be paid by the purchaser to the seller of the admission as trustee for and on account of the city. The fee shall be stated and charged separately from the sales price and shall be added to the admissions price and passed on to the purchaser instead of being borne by the seller.

(c) Administration. The city shall administer a fee levied under this section. A fee levied and collected under this section is due and payable to the city tax collector on or before the 15th day of the month following the month in which the fee is collected. Every person, firm, or corporation liable for the fee shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the city. The return shall state the total number of admissions subject to the fee that were sold in the preceding month.

A return filed with the city tax collector under this section is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

(d) Penalties. A person, firm, or corporation who fails or refuses to file the return required by this section shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the fee for a period of 30 days after the time required for filing the return or for paying the fee, there shall be an additional fee, as a penalty, of five percent (5%) of the fee due in addition to any other penalty, with an additional fee of five percent (5%) for each additional month or fraction thereof until the fee is paid. The city council may, for good cause shown, compromise or forgive the penalties imposed by this subsection.

Any person who willfully attempts in any manner to evade a fee imposed under this section or who willfully fails to pay the fee or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor.

(e) Distribution and use of fee revenue. The City of Greensboro may use the net proceeds of the admissions fee only:

(1) To reduce any bonded indebtedness incurred by the city to construct or improve a facility for entertainment that has more than 10,000 fixed seats.

(2) To make capital improvements to any such facility owned by the city.

If all of the net proceeds of the admissions fee are not needed for these purposes, the excess may be used only for maintenance, equipment, or other expenses related to any such facility owned by the city. As used in this subsection, "net proceeds" means gross proceeds less the cost to the city of administering and collecting the fee, as determined by the tax collector.

(f) Effective date of levy. A fee levied under this section shall become effective on the date specified in the resolution levying the fee. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(g) Repeal. A fee levied under this section may be repealed by a resolution adopted by the Greensboro City Council. Repeal of a fee levied under this section shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a fee levied under this section does not affect a liability for a fee that was attached before the effective date of the repeal, nor does it affect a right to a refund of a fee that accrued before the effective date of the repeal.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 21st day of June, 1989.