

Town Code for Blowing Rock, North Carolina

CHAPTER 8 - TRADES AND BUSINESSES

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CHAPTER 8 - TRADES AND BUSINESSES

Subchapter I - Privilege License Tax

Article I - Definitions and Construction

Section 8-1 Definitions.

(A) Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this subchapter:

- (1) "***Business***" includes any trade, occupation, profession or other activity engaged in by any person or caused to be engaged in by him with the object of gain, profit, benefit, or advantage, either direct or indirect, except that the term business does not include occasional and isolate sales or transactions by a person who does not hold himself out as engaged in business.
- (2) A person "***conducts a business***" when he engages in one act of any business.
- (3) A person conducts a business "***within the town***" when he maintains a business location within the town or when, either personally or through agents, he: (i) solicits business within the town; or (ii) picks up or delivers goods or services within the town.

Section 8-2 Construction of this Subchapter.

This subchapter is enacted primarily for revenue purposes, and therefore it should be construed to require payment of the maximum tax permitted by its terms. A secondary purpose of this subchapter is to prevent the operation of covered businesses until the person applying for the license has complied with certain town ordinances. Issuance of a license pursuant to this subchapter does not excuse the licensee from compliance with any other applicable ordinance or statute. This subchapter does not prevent the town from increasing or decreasing the amount of any license tax or from regulating any business taxed.

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CHAPTER 8 - TRADES AND BUSINESSES

Article II - Levy of Tax

Section 8-3 License and Payment of Tax Required.

Subject to Section 8-4, no person may conduct any business within the town without having paid the tax required by this subchapter or without a valid privilege license issued pursuant to this subchapter.

Section 8-4 Exemptions.

(A) If an individual conducts a business as a partner in a partnership or as an officer or employee of a corporation or as an employee or member of any other business entity, that individual is not required to obtain a privilege license or pay a privilege license. However, the partnership, corporation, or other business entity must obtain the license and pay the tax unless exempted by this section.

(B) Owners of real property who lease that property need not obtain a privilege license or pay a privilege license tax solely for acting as lessor of that property.

(C) A person who operates a business for a religious, educational, civic, patriotic, charitable, or fraternal purpose, is exempt from obtaining a privilege license or paying a privilege license tax.

(D) Blind persons and persons who serve in the United States Armed Forces or the Merchant Marine are exempt from obtaining a privilege license or paying any privilege license tax levied by this chapter to the extent provided by G.S. 105-249 and G.S. 105-249.1.

(E) Persons who solicit business or pick up or deliver goods or services within the town are not required to obtain a privilege license or pay a privilege license tax if business is solicited primarily from or goods or services are delivered primarily to businesses that themselves pay a privilege license tax to the town.

(F) The following businesses are exempt from obtaining a privilege license or paying a privilege license tax as provided by the indicated section of the General Statutes. A more complete and detailed description of the exempt businesses is contained in the cited sections of the General Statutes.

General Statute	Business
105-36	<i>Amusements - manufacturing, selling, leasing or distributing moving picture films or checking attendance at moving picture shows.</i>
105-41	<i>Attorneys, physicians, land surveyors, engineers, architects, photographers, real estate brokers, accountants, morticians, and similar professionals.</i>
General Statute	Business
105-42	<i>Private protective services.</i>
105-51	<i>Dealers in cash registers, adding machines, typewriters, refrigerators, washing machines, and similar office equipment and home appliances.</i>
105-57	<i>Persons engaged in the business of reporting the financial standing of persons, firms, and corporations.</i>
105-65	<i>Persons operating, maintaining, or placing location music machines.</i>
105-65.1	<i>Operators or distributors of merchandise dispensing machines.</i>

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105-83	<i>Installation paper dealers.</i>
105-99	<i>Wholesale distributors of motor fuels.</i>
105-102.1	<i>Certain cooperative associations.</i>
105-102.3	<i>Banks.</i>
105-113.5(a)	<i>Soft drink manufacturers and bottlers.</i>
105-115	<i>Railroads.</i>
105-116	<i>Utility companies (electrical power, gas, water, and sewer).</i>
105-120	<i>Telephone companies.</i>
105-120.1	<i>Bus companies.</i>
105-228.10	<i>Insurance companies and associations.</i>
105-228.25	<i>Building and loan associations.</i>

Section 8-5 Schedule of License Taxes.

(A) Except as otherwise provided in this section, all persons who conduct a business within the town shall pay a privilege license tax of twenty-five dollars.

(B) Persons engaged exclusively in one or more businesses listed in Schedule B of Chapter 105 of the General Statutes [other than those businesses specified in subsection (C)] shall pay a privilege license tax equal to the sum of the maximum tax that the town may charge under Schedule B for each such business engaged in, or twenty-five dollars, whichever is less. Persons engaged in one or more businesses listed in Schedule B [other than those specified in subsection (C)] as well as some other non-listed businesses shall pay a privilege tax of twenty-five dollars.

(C) Persons engaged exclusively in one or more of the following businesses shall pay the maximum amount of privilege license tax authorized by the cited statute. If a person is engaged in more than one of the following businesses, he shall pay an amount equal to the sum of the maximum tax that the town may charge for each such business engaged in.

General Statutes	Business
105-53	<p><i>Itinerant merchants and salesman</i> - Every itinerant salesman or merchant selling goods, wares, or merchandise, either on the streets or in a building, not being a regular merchant of a municipality; and every operator of a flea market at which any itinerant merchants and salesmen expose for sale any goods, wares, or merchandise.</p> <p style="text-align: center;">Per Year \$100.00</p> <p>No itinerant salesman or merchant shall be required to procure or pay for a separate license under this section to offer merchandise for sale only at a flea market already licensed.</p> <p>Any salesman or merchant offering for sale goods, wares or merchandise, other than fruits and farm products, shall be deemed an itinerant within the meaning of this section, if he conducts business within a municipality for less than six consecutive months. When any salesman or merchant does not pay the tax herein levied due to a stated intention to become a regular merchant, the municipal tax collector may require him to post a cash deposit in the sum of one-hundred dollars (\$100.00), which bond shall be forfeited for the</p>

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	<p>payment of the tax herein levied in the event such person discontinues the business within six months for any reason other than death, disability, insolvency, or destruction of stock by fire or other catastrophe.</p> <p>This tax shall not apply to persons who sell books, periodicals, printed music, ice, wood for fuel, fish, beef, mutton, pork, bread, cakes, pies, dairy products, poultry, eggs, livestock or articles produced by the individual offering them for sale, but shall apply to medicines, drugs or articles assembled.</p>												
105-53	<p>Peddlers - Any person who shall carry from place to place any goods, wares, or merchandise and sell or barter the same, shall be deemed a peddler, except wholesale dealers with established warehouses selling only to merchants for resale.</p> <p>Per Year</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Peddlers on foot</td> <td style="text-align: right;">\$10.00</td> </tr> <tr> <td style="padding-left: 20px;">Peddlers with horse or other animal, and with or without vehicle</td> <td style="text-align: right;">\$15.00</td> </tr> <tr> <td style="padding-left: 20px;">Peddlers with vehicle propelled by motion or other power, for each vehicle</td> <td style="text-align: right;">\$200.00</td> </tr> <tr> <td style="padding-left: 20px;">Peddlers with vehicle of one-half ton capacity or less</td> <td style="text-align: right;">\$25.00</td> </tr> <tr> <td style="padding-left: 20px;">Peddlers selling fruits, vegetables, or products of the farm</td> <td style="text-align: right;">\$12.50</td> </tr> </table> <p>No municipality may issue any license to a peddler in the above category unless such person has first acquired a state license.</p> <table style="width: 100%; border: none; margin-top: 10px;"> <tr> <td style="padding-left: 40px;">Any person, firm or corporation which sells or offers for sale from any railway car fresh fruits or vegetables</td> <td style="text-align: right;">\$25.00</td> </tr> </table> <p>This section is not applicable to the sale of books, periodicals, printed music, ice, wood for fuel, fish, beef, mutton, pork, bread, cakes, pies, dairy products, poultry, eggs, livestock or other articles produced by the vendor offering them for sale, but shall apply to medicines, drugs or articles assembled.</p>	Peddlers on foot	\$10.00	Peddlers with horse or other animal, and with or without vehicle	\$15.00	Peddlers with vehicle propelled by motion or other power, for each vehicle	\$200.00	Peddlers with vehicle of one-half ton capacity or less	\$25.00	Peddlers selling fruits, vegetables, or products of the farm	\$12.50	Any person, firm or corporation which sells or offers for sale from any railway car fresh fruits or vegetables	\$25.00
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Any person, firm or corporation which sells or offers for sale from any railway car fresh fruits or vegetables	\$25.00												
105-61	<p>Hotels, motels, tourist courts and tourist homes - Every person, firm or corporation engaged in the business of operating a hotel, motel, tourist court or tourist home.</p> <table style="width: 100%; border: none; margin-top: 10px;"> <tr> <td style="padding-left: 40px;">Per Year, per room</td> <td style="text-align: right;">\$1.00</td> </tr> </table> <p>There is a minimum tax under this section of five dollars (\$5.00).</p>	Per Year, per room	\$1.00										
Per Year, per room	\$1.00												
105-62	<p>Restaurants, cafes and cafeterias - Restaurants with less than five seats shall pay \$25.00 to the Town as an annual Privilege License Fee and that restaurants with five or more seats shall pay to the Town an annual Privilege License Fee of \$42.50 effective on July 1, 1991.</p>												
105-113.73	<p>Wine and beer - Wholesale dealers.</p> <table style="width: 100%; border: none; margin-top: 10px;"> <tr> <td style="padding-left: 20px;">Beer, per year</td> <td style="text-align: right;">\$37.50</td> </tr> <tr> <td style="padding-left: 20px;">Wine, per year</td> <td style="text-align: right;">\$37.50</td> </tr> <tr> <td style="padding-left: 20px;">Both wine and beer under the same license</td> <td style="text-align: right;">\$62.50</td> </tr> </table>	Beer, per year	\$37.50	Wine, per year	\$37.50	Both wine and beer under the same license	\$62.50						
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Both wine and beer under the same license	\$62.50												
105-113.79	<p>Wine and beer.</p> <table style="width: 100%; border: none; margin-top: 10px;"> <tr> <td style="padding-left: 20px;">On-premises malt beverage</td> <td style="text-align: right;">\$15.00</td> </tr> </table>	On-premises malt beverage	\$15.00										
On-premises malt beverage	\$15.00												

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	Off-premises malt beverage	\$ 5.00
	On-premises unfortified wine	\$15.00
	Off-premises unfortified wine	\$10.00
	The annual license stated above is the fee for the first license issued to a person. The fee for each additional license issued to that person for the same year is ten percent of the base license fee, that increase to apply progressively for each additional license.	

(D) Persons engaged in one or more of the businesses listed in subsection (C) as well as other businesses shall pay a privilege license tax equal to the amount that would be owed under subsection (C) if only businesses listed therein were engaged in, or twenty-five dollars, whichever is greater.

Section 8-6 and 8-7 Reserved.

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CHAPTER 8 - TRADES AND BUSINESSES

Article III - Licenses

Section 8-8 Period of License.

(A) Unless otherwise provided in Section 8-5, a license issued pursuant to this subchapter is valid for that twelve-month period beginning July 1st and ending June 30th. The tax is due July 1st of each year. However, if a person begins business after July 1st in any year, the tax for that year is due before the business is begun.

(B) If, pursuant to Section 8-5, a license is issued for a period of one day, one week, or some comparable period of less than a full licensed year, the licensee may not continue the business beyond the period for which the license is issued. The tax on such a business is due not later than the day prior to commencement of the business.

(C) If for any reason a licensee discontinues his business during a license year, he is not entitled to a refund.

Section 8-9 Application.

(A) Subject to subsection (B), an applicant for an annual license shall apply to the tax collector for the license at least thirty days before the tax is due. With respect to licenses issued for one day, one week, or some similar period less than one year, application shall be made at least ten days before the tax is due. These time limitations may be waived by the tax collector for good cause shown.

(B) With respect to businesses that have obtained privilege licenses in prior years, the tax collector may waive the requirement that an application be submitted and may send such businesses a notice of the amount of tax due for the forthcoming year. However, the tax collector may require that a full application be submitted in any subsequent year by providing timely notice to the applicant.

(C) The tax collector may require that the application be submitted on forms provided by the tax collector. The application shall contain:

- (1) The name of the applicant and whether he or it is an individual, partnership, corporation or some other entity.
- (2) The nature of the business, including the duration the business intends to operate.
- (3) Where the business is conducted.
- (4) An address to which may be mailed notices and statements required by this chapter.
- (5) Whether the business is one regulated by a state occupational licensing board subject to G.S. Chapter 93B, and if so, the serial numbers of the state licenses held by all those who are part of the applicant's business.
- (6) Any other information the tax collector determines to be necessary to issue the privilege license in accordance with this subchapter.

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Section 8-10 Separate Businesses, Multiple Businesses.

(A) A separate license is required and a separate tax must be paid for each separate place of business operated by the same person.

(B) If two or more separate taxable businesses are operated at the same location by the same owner, the tax collector may issue one privilege license upon the payment of the total amount of taxes due for all the businesses.

Section 8-11 Reasons for Refusal or Revocation of a License.

(A) The tax collector shall refuse to issue a license or shall revoke a license for any of the following reasons:

- (1) The applicant misrepresents a fact relevant to the amount of tax due or his qualifications for a license.
- (2) The applicant refuses to provide information necessary to compute the amount of tax due.
- (3) The applicant has not obtained a certificate of occupancy when required to do so by local ordinance.
- (4) The administrator charged with the enforcement of the following codes or ordinances has certified to the tax collector that the applicant has been found to be in violation of the law enforced by the administrator and has either failed to appeal that determination within the time provided or has exhausted all administrative and judicial appeals: North Carolina State Building Code, Land Use Ordinance, Chapter 11 or 12 of the Town Code.

Section 8-12 Unqualified Applicant; Right to a Conference.

(A) After receipt of the completed application, if the tax collector believes that a reason exists for refusing a license under Section 8-11, he shall refuse to accept payment of the tax and shall not issue the license. At the applicant's request, the tax collector shall, pursuant to Section 8-21, give him a written statement of the reason for refusing the license. The applicant may, within ten days after the day he receives this statement, request a conference to discuss the refusal. In his request he shall specify why his application for a license should not be refused. The tax collector shall arrange the conference within a reasonable time, not to exceed thirty days.

(B) If the tax collector refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the tax collector shall issue the license pursuant to Section 8-13.

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Section 8-13 Tax Collector to Issue License; Payment of Tax a Prerequisite.

After receipt of the completed application, if the tax collector believes that no reason exists for refusal of a license under Section 8-11, he shall determine the amount of tax due and notify the applicant of that amount. The tax collector shall not issue a license until the tax is paid.

Section 8-14 Amount of Tax Disputed.

If the applicant disputes the amount the tax collector determines to be due, he may either refuse to pay the tax and request a conference with the tax collector to discuss the determination, or pay the amount and request a conference to discuss his right for a refund. If a conference is requested, the tax collector shall arrange it in a reasonable time, not to exceed thirty days.

Section 8-15 Revocation.

(A) The tax collector shall revoke a license if a reason exists to revoke it as set forth in Section 8-11. Before the tax collector may revoke a license, he shall give the licensee written notice of the grounds for revocation, pursuant to Section 8-21. The licensee may, within ten days after the day on which the notice is served, request in writing a conference with the tax collector. The request shall specify the reasons why the license should not be revoked. The tax collector shall arrange the conference within a reasonable time, not to exceed thirty days.

(B) If the licensee fails to request a conference within ten days after the day on which notice is served, the tax collector shall revoke the license. If the licensee requests a conference, the tax collector may not revoke the license until after the conference.

(C) If the tax collector revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists, and if no other reason exists for refusing to issue a license, the tax collector shall issue the license pursuant to Section 8-13.

Section 8-16 Form and Contents of License.

A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of business licensed, the period for which the license is issued, and the amount of tax paid. In addition if a machine is licensed, the license shall show the serial number of the machine. The tax collector shall keep a copy of each license issued.

Section 8-17 Assignments.

Every license issued under this subchapter shall be a personal privilege and shall not be assignable. When any business carried on at a fixed place designated in the license issued therefor is sold as a unit to any person and the purchaser thereof is to carry on such business at the same place, such new owner shall immediately apply for a new license to operate such business.

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Section 8-18 Changes in the Business Conducted by Licensee During Tax Year.

(A) A licensee or his assignee shall report a change in the information contained in the license application to the tax collector within ten days after the change occurs. If information shown on the license itself is affected thereby, the licensee or his assignee shall surrender the license to the tax collector when reporting the change.

(B) If there are no reasons for revoking the license under Section 8-11 and the change results in the imposition of a separate or additional tax, the tax collector shall reissue a license reflecting the change upon payment of the separate or additional tax.

(C) If there are no reasons for revoking the license under Section 8-11 and the change does not result in an imposition of a separate or additional tax, the tax collector shall reissue a license reflecting the change upon payment of a fee of five dollars (\$5.00).

(D) If there is reason for revoking the license under Section 8-11 the tax collector shall refuse to reissue a license and shall instead begin proceedings to revoke the license pursuant to Section 8-15.

Section 8-19 Tax Collector to Furnish Duplicates.

Upon satisfactory proof that a license has been lost or destroyed, the tax collector shall furnish a duplicate for a fee of five dollars.

Section 8-20 Record of Conferences.

The tax collector shall maintain for three years a record of each conference held pursuant to this article. The record shall contain the applicant's or licensee's name, the date of the conference, and a brief statement of the issues discussed and the result reached. A copy of this record shall be served upon the applicant or licensee in the manner provided by Section 8-21. After three years the tax collector shall dispose of the record pursuant to G.S. 121-5.

Section 8-21 Providing Notice to an Applicant or Licensee.

(A) Whenever this subchapter requires the tax collector to give a written statement or notice to an applicant or a licensee, he may do so in one of three ways:

- (1) By personally delivering the statement or notice to the applicant or licensee.
- (2) By mailing the statement or notice by registered or certified mail, return receipt requested, to the address specified for that purpose in the license application.
- (3) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service of process under Rule 4, North Carolina Rules of Civil Procedure.

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Section 8-22 Special Provisions for Beer and Wine Licenses.

Notwithstanding the foregoing provisions, applications for privilege licenses authorizing the retail or wholesale sale of malt beverages or fortified or unfortified wines shall be made to the Board (rather than the tax collector) in accordance with the procedures set forth in G.S. 105-113.80, 105-113.82, and 105-113.85.

Sections 8-23 through 8-25 Reserved.

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CHAPTER 8 - TRADES AND BUSINESSES

Article IV - Enforcement and Collections

Section 8-26 Duty to Determine Whether Tax Due.

(A) Each person has the duty to determine whether the business he conducts is taxed under this chapter, and if so, whether that tax has been paid for the current tax year.

(B) If the tax collector has reason to believe that a person is conducting a business in the town in violation of this chapter, he shall conduct an investigation to determine the person's tax liability.

Section 8-27 Duty to Post License.

A licensee shall post his license or licenses conspicuously in the place of business licensed. If he has no regular place of business, the license must be kept where it may be inspected at all times by the proper town officials. If a machine is licensed, the license shall be affixed to the machine.

Section 8-28 Notice of Deficiency.

If the tax collector determines that a person has not paid the current full amount of tax due under this ordinance, either for the current license year or for a prior license year, he shall give the person written notice of the deficiency, pursuant to Section 8-21. The notice of deficiency shall specify: the total amount of tax due; the section of this chapter upon which the tax is based; the amount of tax paid; any interest due; the balance owed; the manner and time period in which the person may respond to the notice of deficiency; and the consequences to the person if he fails to respond as specified.

Section 8-29 Request for a Conference.

(A) The person may, within ten days after the day on which notice is served, request in writing a conference. The request shall specify the person's objections to the notice of deficiency. By the way of illustration but not limitation, a person who receives notice of deficiency may object on the following grounds:

- (1) That the tax due has already been paid.
- (2) That the tax collector miscalculated the amount of tax due.
- (3) That the tax collector based his calculation on incorrect or insufficient information concerning either the nature or amount of business conducted.

Section 8-30 Deficiency to Become Final.

If the taxpayer fails to request a conference under Section 8-29, the deficiency becomes final and the tax collector shall proceed to collect the deficiency.

Section 8-31 Conference Held.

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If the taxpayer requests a conference, the tax collector shall not proceed to collect the deficiency until he hears the taxpayer's objections and determines that the deficiency should become final. The tax collector shall maintain for three years record of each conference held pursuant to Section 8-29. The record shall contain the name of the taxpayer, the date of the conference, and a brief statement of the issues discussed and the results of the discussion. A copy of this record shall be served upon the taxpayer in the manner provided by Section 8-21. After three years, the tax collector shall dispose of the record pursuant to G.S. 121-5.

Section 8-32 Collection of Deficiency.

(A) The tax collector may use any of the following methods to collect a deficiency:

- (1) Criminal prosecution in accordance with subsection 8-34(A).
- (2) Civil penalties in accordance with subsection 8-34(B).
- (3) Equitable relief in accordance with subsection 8-34(C).
- (4) The remedies of levy and sale and attachment and garnishment in accordance with G.S. 160A-207.
- (5) The remedies of levy and sale of real and personal property of the taxpayer within the city in accordance with the provisions of G.S. 105-109.

(B) Any person who commences or continues to conduct a business taxed under this chapter without payment of the tax is liable for the additional tax of five percent each thirty days imposed by G.S. 105-109.

Section 8-33 Appeals.

(A) Subject to the provisions of this Section, a person may appeal to the Board of Commissioners a decision by the tax collector:

- (1) That an applicant is not entitled to a privilege license;
- (2) That a licensee's privilege license should be revoked;
- (3) Concerning the amount of tax owed by an applicant;
- (4) That a person has not paid the amount of tax due for the current license year or any prior years.

(B) An appeal may be taken only if the applicant has properly pursued and exhausted his right to have a conference with the tax collector on any of the matters specified in subsection (A).

(C) An appeal is taken by filing with the tax collector a written notice of appeal. This notice of appeal must be filed not later than ten days after the appellant is served with the record of the conference as provided in Section 8-20 or 8-31.

(D) The Board shall hear and decide the appeal within thirty days after notice of appeal is filed, unless the hearing is continued for good cause. The appellant shall be given at least five working days' notice

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of the date and time of hearing and shall be served with a written copy of the Board's decision following the hearing. The burden of establishing the correctness of the tax collector's decision shall be on the tax collector.

Section 8-34 Enforcement of Chapter.

(A) A violation of Section 8-3 constitutes a misdemeanor punishable as provided in G.S. 14-4. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of his liability for taxes imposed under this chapter.

(B) A violation of Section 8-3 or 8-27 shall subject the offender to a civil penalty of ten dollars (\$10.00). If the offender does not pay the penalty within ten days after he has been cited for a violation, the town may attempt to recover the penalty by filing a civil action in the nature of a debt. Payment of this civil penalty does not relieve a person of his liability for taxes imposed under this chapter.

(C) The town may seek appropriate equitable relief from a court of competent jurisdiction to prevent or redress violations of this chapter.

(D) Each day that a violation of Section 8-3 or 8-27 exists after the person has been notified of the violation shall constitute a separate and distinct offense.

(E) This chapter may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section.

Section 8-35 through 8-39 Reserved.

Town Code for Blowing Rock, North Carolina

CHAPTER 8 - TRADES AND BUSINESSES

Subchapter II - Regulation and Licensing of Businesses

Article V - Taxicabs

Section 8-40 Privilege License Required.

(A) No person may conduct a taxicab business within the town unless and until such person has been issued a privilege license in accordance with this article.

(B) For purposes of this article, a taxicab is defined as a vehicle that transports passengers for hire and has a capacity of not more than nine passengers. A person conducts a taxicab business when he operates one or more taxicabs.

Section 8-41 Criteria for Privilege License.

(A) A privilege license for the operation of a taxicab business shall be issued in accordance with the procedures set forth in subchapter I of this chapter and subject to the following:

(1) In accordance with G.S. 20-97, the applicant for such privilege license shall pay the sum of \$15.00 upon each vehicle operated as a taxicab.

(2) The privilege license shall not be issued until the applicant has presented sufficient proof of financial responsibility (i.e., a certificate of liability insurance) as required by G.S. 20-280.

(3) The privilege license shall not be issued until the applicant demonstrates that all drivers of all taxicabs operated by the business have been issued an operator's permit pursuant to Section 8-42.

(B) A privilege license issued under this section may be revoked, in accordance with the procedures specified in subchapter I of this chapter, for any reason that would have justified denial of the license.

Section 8-42 Operator's Permit.

(A) No person may operate a motor vehicle as a taxicab without a taxicab operator's permit issued by the police chief in accordance with this section. Operator's permits issued under this article are non-transferrable.

(B) An applicant for a taxicab operator's permit shall be required to furnish to the police chief, on forms prescribed by the town or otherwise, information deemed reasonably necessary by the police chief to determine whether the permit should be issued according to the criteria set forth in subsection (C).

(C) The taxicab operator's permit shall be issued unless the police chief determines that the permit should be refused for one of the following reasons:

(1) Conviction of a felony against this State, or conviction of any offense against another state which would have been a felony if committed in this State;

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- (2) Violation of any federal or state law relating to use, possession, or sale of intoxicating liquors or narcotic or barbiturate drugs;
- (3) Addiction to or habitual use of intoxicating liquors or narcotic or barbiturate drugs;
- (4) Violation of any federal or State law relating to prostitution;
- (5) Noncitizenship in the United States; or
- (6) Habitual violation of traffic laws or ordinances.

(D) The taxicab operator's permit may be revoked by the police chief for any reason that would have justified denial of the permit as specified in subsection (C). Before revocation, the police chief shall notify the permit holder of his intent to revoke the permit and the reasons therefor and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the police chief shall notify the permit holder in writing of his decision and the reasons therefor.

Section 8-43 Taxicabs to Display Required Information.

(A) Any person who conducts a taxicab business, as well as the driver of any taxicab, shall be responsible for ensuring that the following items are displayed within the taxi so as to be visible to passengers:

- (1) The taxicab operator's permit required by Section 8-42;
- (2) A photograph of the driver; and
- (3) The schedule of fares

Section 8-44 Identification Signs.

Every vehicle used for a taxicab or vehicle for hire shall have signs posted at conspicuous places during operation.

Amended January 8, 2013

Section 8-45 Reserved.

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CHAPTER 8 - TRADES AND BUSINESSES

Article VI - Peddlers, Etc.

Section 8-46 Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the following words and phrases shall have the meaning indicated when used in this article:

- (1) ***Administrator.*** The police chief or any other person designated by the Board to perform the responsibilities assigned by this article to the administrator.
- (2) ***Door-To-Door Salesman.*** Any person who travels from dwelling to dwelling selling or offering for sale or taking orders for the sale of any goods, wares, magazines, periodicals, or other merchandise of any kind.
- (3) ***Itinerant Merchant.*** A person classified as an itinerant merchant under G.S. 105-53.
- (4) ***Peddler.*** A person classified as a peddler under G.S. 105-53.

Section 8-47 Commercial Solicitation Permit Required.

(A) Subject to subsection (B), no person shall conduct any business within the town as a door-to-door salesman, itinerant merchant or peddler until such person has obtained a commercial solicitation permit in accordance with the provisions of this article.

(B) The requirements of subsection (A) shall apply only to door-to-door salesmen, itinerant merchants, and peddlers who:

- (1) Are exempt from obtaining a privilege license under G.S. 105-53 because such persons are engaged in the sale of books, periodicals, printed music, ice, wood for fuel, fish, beef, mutton, pork, bread, cakes, pies, dairy products, poultry, eggs, livestock or other articles produced by the vendor offering them for sale; or
- (2) Are exempt from obtaining a privilege license because such persons are engaged exclusively in interstate commerce by soliciting orders for goods, wares, magazines, periodicals, or other merchandise produced outside the State of North Carolina.

(C) A permit issued under this article shall be valid for the period specified in the permit, which period shall be the period the permittee intends to conduct business within the town, up to a maximum of one year from the date of issuance.

Section 8-48 Application Requirements; Grounds for Denial.

(A) To obtain the permit required by Section 8-47 above, a permit applicant shall submit to the administrator his or her name, address, telephone number, and social security number, along with the name, address, and telephone number of any company, firm, organization, or person for whom the applicant is acting as an agent or employee.

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- (B) The administrator shall issue the permit requested under this article unless he finds that:
- (1) Within the preceding five years, the applicant has been convicted of a Class A, B, C, D, E, F, or H felony as defined by G.S. 14-1.1 et seq.
 - (2) The applicant is not in fact a legitimate agent or employee of the company, firm, organization, or person that the applicant purports to represent.
- (C) Immediately upon receiving an application for a permit under this article, the administrator shall investigate whether the applicant is entitled to the permit and shall forthwith either: (i) issue the permit; or (ii) deny the permit and provide the applicant with a written statement of the reasons for denial.

Section 8-49 No Itinerant Merchants, Peddling or Soliciting in Central Business.

(A) In accordance with Section 7-1 of this code, no person may sell or display for sale any goods, wares, or merchandise within the right-of-way of any street or on any sidewalk adjacent thereto. Provided, however, that this section shall not apply to a nonprofit charitable, educational, religious, or civic organization that wishes to sell or display for sale goods, wares, or merchandise within the right-of-way of any such street or sidewalk when such street or sidewalk has been closed as part of a Town-sponsored or Town-authorized special event. Said organization shall apply for and obtain a permit from the administrator for such sales or displays. *[Amended October 8, 1996]*

(B) Peddlers, as defined by North Carolina General Statute 105-53, shall not be permitted to operate anywhere within the Central Business District. Itinerant merchants, as defined by North Carolina General Statute 105-53, are specifically prohibited except in strict compliance with the provisions of the Land Use Ordinance. (See Section 16-146, *Table of Permissible Uses*.) *[Amended October 8, 1996 and December 9, 1997]*

(C) The distribution of commercial flyers, handbills, or leaflets shall not be permitted within the rights-of-way of any of the streets or portions of streets identified in subsection (D) or on any sidewalks adjacent thereto. The distribution of such flyers, handbills, or leaflets may be authorized in other commercial areas, subject to the approval and the issuance of a permit by the administrator. In reviewing the application for the distribution of flyers, handbills, or leaflets, the administrator may reject the application if he or she determines that the proposed location or time would unreasonably endanger the safety of the distributors or the general public. The permit shall be limited to a period covering three consecutive days or less, and only one such permit may be approved for a business, organization, or individual within any three-month period. The fee for the permit shall be \$25.00, and that fee is intended to cover the cost of reviewing the application, as well as the cost of collecting and disposing of any litter that may result from the distribution of the materials. *[Amended October 8, 1996]*

(D) The restrictions set forth in subsection (C) shall apply to the following streets or portions of streets:

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Street	From	To
Main Street	Yonahlossee Road	Chestnut Drive
Sunset Drive	Main Street	Valley Boulevard
Maple Street	Beginning	End
Park Street	Beginning	End
Laurel Lane	Main Street	Wallingford Street
Pine Street	Main Street	Wallingford Street
Morris Street	Beginning	End

[Amended October 8, 1996]

Sections 8-50 and 8-51 Reserved.

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CHAPTER 8 - TRADES AND BUSINESSES

Article VII - Penalties and Remedies

Section 8-52 Penalties and Remedies.

(A) A violation of sections 8-40, 8-42, 8-47, or 8-49 shall constitute a misdemeanor, punishable as provided in G.S. 14-4.

(B) A violation of the provisions listed in subsection (A) shall also subject the offender to a civil penalty of one hundred dollars (\$100.00). If the offender fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt. *[Amended July 13, 1993]*

(C) Each day that a violation continues after notification that such violation exists shall constitute a separate offense for purposes of the penalties and remedies specified in this section.

(D) This article may be enforced by an appropriate equitable action.

(E) This article may be enforced by any one, all, or any combination of the remedies authorized by this section.

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