

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: GENERAL LICENSING PROVISIONS

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PRIVILEGE LICENSES

§ 110.01 LICENSE REQUIRED.

To raise revenue for general municipal purposes the license taxes specified in § 110.15 are hereby levied for the privilege of carrying on the businesses, trades, professions, callings, occupations or doing the act named within the corporate limits of the town.
(Prior Code, § 10.1) (Ord. passed 5-2-1961)

§ 110.02 DUE DATE; DURATION.

The taxes levied by this subchapter will become due on July 1 in each year, and the license issued upon payment of the tax will be good for a period of 12 months, expiring on June 30, following the date of issue. When any business taxable under this subchapter is begun after July 1, in any tax year but before February 1, the full amount of the tax will be due. When any business other than a business taxed on gross receipts is begun on or after February 1, 1/2 the amount of the annual license tax will be due. A business taxed on gross receipts will be taxed at the regular rate throughout the year.
(Prior Code, § 10.2) (Ord. passed 5-26-1961)

§ 110.03 APPLICATION.

Upon receipt of an application for a license, upon such forms as are prescribed by the Tax Collector requiring any information necessary for determination of the tax and issuance of the license, and receipt of the amount of license tax prescribed by this subchapter, the Tax Collector, if satisfied of the correctness of the application, shall issue a license to the applicant to engage in the business, trade, employment or act set forth in the application. If the business, trade, employment or act set forth in the application is subject to other regulation under the provisions of other ordinances duly enacted by the Board, the Tax Collector shall not issue the license until satisfied that the applicant has satisfied the provisions of such other ordinances.
(Prior Code, § 10.3) (Ord. passed 5-26-1961)

§ 110.04 EXCEPTIONS.

When any person engaged in a business otherwise taxable under this subchapter shall make an application to the Tax Collector and the Tax Collector shall find as a fact, and issue a permit so stating, that the entire proceeds of the business are for an organized church or other religious, fraternal, or charitable organization, the business shall not be liable for any tax under this subchapter.
(Ord. passed 5-2-1961)

§ 110.05 LICENSE REQUIRED FOR EVERY SEPARATE BUSINESS.

The payment of any particular license tax imposed by this subchapter shall not relieve the person paying the same from liability for any other tax specifically imposed for any other business conducted by such person, unless otherwise provided by the section imposing the tax.
(Ord. passed 5-2-1961)

§ 110.06 LICENSE REQUIRED FOR EVERY PLACE OF BUSINESS.

Every person doing business in more than 1 factory, mill, warehouse, store, stall or stand, or other place of business, shall secure a separate license for each such place of business; provided, that where a business is carried on at 2 or more separate places which are contiguous to each other or open into each other, then a single license shall be issued if such places of business are operated as a single business. (Ord. passed 5-2-1961)

§ 110.07 CHANGE OF LOCATION.

When any business holding a license moves to a different location within the town during the period for which the license is issued, the licensee shall have his or her license or licenses re-issued for the new location upon the payment of a fee of \$1. If the business moving to a new location is also subject to regulation by the Board under the police power of the town, a license shall not be re-issued for the new location until the Board has reviewed the license and has voted to re-issue it for the unexpired period of the old license.

(Ord. passed 5-2-1961)

§ 110.08 CHANGE OF OWNERSHIP.

(A) If the business designated in the license is carried on at a fixed location and is sold as a unit to any person, firm or corporation for conduct of business at the same location, the license shall be re-issued to the purchaser upon surrender of the old license and payment of a fee of \$1. If the license was originally issued to a business subject to regulation by the Board under the police power of the town, the license shall not be reissued to the new owners until the Board has reviewed the license and has voted to re-issue it for the unexpired period of the old license.

(B) A business shall be regarded as continuing and not considered as commencing business:

- (1) In the event of a change only in the name of a firm partnership or corporation;
 - (2) In the event of the taking in of 1 or more new partners or members of the firm so long as a majority of the partners or members of the firm remain unchanged; and
 - (3) In the event of a change in ownership of less than a majority of the stock of a corporation.
- (Ord. passed 5-2-1961)

§ 110.09 ADDITIONAL TAX.

Where the amount of license tax, as prescribed by this subchapter, is determined by certain factors existent at the time the license tax is due, or issued, and, after the issuance of such license, the licensee proposes to change such factors so that his or her business will be subject to a greater license tax under the provisions of this subchapter, he or she shall, before making the change, pay the additional license tax and secure a new license to cover the additional tax.

(Ord. passed 5-2-1961)

§ 110.10 LICENSE MUST BE DISPLAYED.

Every license or charity permit must be kept prominently displayed at the place of business of the licensee named in the license, or, if the licensee has no fixed place of business, the licensee must keep the license wherever the business is being operated and where it can be inspected at any time by any proper town official.

(Ord. passed 5-2-1961)

§ 110.11 BOARD TO REGULATE.

Nothing contained in this subchapter shall prohibit the Board from imposing from time to time, as they see fit, the license taxes as are not specifically imposed herein, or from increasing or decreasing the amount of any special tax, or from prohibiting or regulating any business or act licensed, and all licenses are granted subject to further regulation by the town. If any license tax is increased during the tax year, the license will be revoked unless the additional tax is paid within 30 days after the increase has become effective. If any license tax is decreased, the town shall refund a proportionate part of the annual amount decreased to the licensee.

(Ord. passed 5-2-1961)

§ 110.12 NO ABATEMENT OF LICENSE TAX.

No license tax shall be abated, nor shall a refund or any part thereof be made, in any case where the licensee discontinues his or her business before the end of the period for which the license was issued.

(Ord. passed 5-2-1961)

§ 110.13 UNLAWFUL TO CONDUCT BUSINESS WITHOUT LICENSE.

Except as permitted by § 110.04 of this subchapter, it shall be unlawful for any person to engage in any business upon which a license tax is imposed by this subchapter without first having paid the amount of the tax and having received a license for engaging in the business. Each day any person operates any business after the license tax imposed on such business becomes due and payable, without paying such tax and securing a license for engaging in the business, shall constitute a separate offense. Each license tax prescribed by this subchapter shall be increased 5% for each month or fraction thereof during which the license tax remains unpaid after it becomes due and payable.
(Ord. passed 5-2-1961)

§ 110.14 DEFINITIONS.

Whenever in this subchapter the words hereinafter defined or construed in this section are used, they shall, unless the context requires otherwise, be deemed to have the following meaning:

BUSINESS. Any business, trade, occupation, profession, avocation, or act subjected by the provisions of this subchapter to a license tax.

CHARITY PERMIT. A permit issued by the Town Tax Collector under § 110.04.

ENGAGED IN THE BUSINESS. Having an active part in a business as owner or operator.

FISCAL YEAR. The period beginning with the July 1 and ending with June 30 next following.

PERSON. Any person, firm, corporation, partnership, or company.
(Ord. passed 5-2-1961)

§ 110.15 SCHEDULE OF LICENSE TAXES.

Taxes shall be levied and collected on the trades, professions, agencies, business operations, and other subjects set out in the schedule of license taxes, hereby made a part hereof, which is on file in the town office.

(Prior Code, § 10.15)

Statutory reference:

Similar provisions, see G.S. § 160A-211 and Ch. 105

CHAPTER 111: TAXICABS

Section

- 111.01 Definitions
- 111.02 Unlawful to operate without certificate
- 111.03 Application required
- 111.04 Board issued certificates
- 111.05 Duration of certificates
- 111.06 Determination of convenience and necessity
- 111.07 Hearing; notices
- 111.08 Burden of proof
- 111.09 Failure to begin operations
- 111.10 Transfer
- 111.11 Revocation of certificate
- 111.12 Substitution of vehicles
- 111.13 No person to hold more than 1 certificate

§ 111.01 DEFINITIONS.

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

PERSONS. When used in this subchapter, shall mean and include both singular and plural, and shall also mean and include persons, individuals, firms, corporations, partnerships and associations.

TAXICAB. When used in this subchapter, shall be defined as any motor vehicle seating 9 or fewer passengers, operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, and shall not include motor vehicles or motor carriers as defined in G.S. § 20-4.01.
(Prior Code, § 10.21)

§ 111.02 UNLAWFUL TO OPERATE WITHOUT CERTIFICATE.

It shall be unlawful for any person to operate a taxicab upon and over the streets of the town without first having applied for and secured from the Board a certificate of convenience and necessity as hereinafter set forth.

(Prior Code, § 10.22) Penalty, see § 10.99

§ 111.03 APPLICATION REQUIRED.

Every person desiring to operate a taxicab upon and over the streets of the town shall file on forms supplied by the Town Clerk an application for certificate of convenience and necessity.

(Prior Code, § 10.23)

§ 111.04 BOARD ISSUED CERTIFICATES.

The Board shall have power and it will be its duty to order certain certificates issued or refuse to issue certain certificates or to issue certificates for partial exercise of the rights granted only such certificate under such terms and conditions as in its judgment the public convenience and necessity may require.

(Prior Code, § 10.24)

§ 111.05 DURATION OF CERTIFICATE.

A certificate shall constitute a franchise from the town for the operation of taxicabs within the town subject to the provisions of this subchapter for 1 year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and hearings conducted as herein provided.

(Prior Code, § 10.25)

§ 111.06 DETERMINATION OF CONVENIENCE AND NECESSITY.

In determining whether the public convenience and necessity require the franchising of such taxicab or taxicabs, the Board shall, among other things, take into consideration the following factors:

(A) Whether or not the public convenience and necessity require the proposed or additional taxicab service within the town;

(B) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory;

(C) The number and condition of equipment;

(D) The schedule of proposed rates, if required by the Board to be charged;

(E) The number of taxicabs now operated and the demand for increased service, if any, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved and whether or not adequate provision has been made for off-street parking of said taxicabs;

(F) The experience of applicant in the taxicab business; and

(G) Such other relative facts as may be deemed necessary and advisable. Before making any decision with respect to the issuance of a certificate of convenience and necessity, the Board, or a committee thereof, shall make a full and complete investigation of all facts, if it so desires, subpoena witnesses and utilize the services of the Chief of Police or any other officer or employee of the town. (Prior Code, § 10.26)

§ 111.07 HEARING; NOTICES.

Each application for certificate of convenience and necessity shall be scheduled for a hearing not later than 30 days after the same is filed, and the applicant shall be notified by the Town Clerk by mail to the business address set forth in the application of the date and time of such hearing, such notification to be sent at least 10 days before the date set for the hearing. The Town Clerk shall also, within the same time, notify all persons who at the time hold certificates of convenience and necessity for the operation of taxicabs within the municipality, of the date and time for the hearing and the name of the applicant. In addition, the Board shall have the power to have published at least once in a newspaper of general circulation at least 10 days before the hearing a notice setting forth the name of the applicant and the date and time of hearing. The cost of the publication shall be paid by the applicant. (Prior Code, § 10.27)

§ 111.08 BURDEN OF PROOF.

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicab or taxicabs specified in his or her application, and all other facts required for the granting of a certificate. (Prior Code, § 10.28)

§ 111.09 FAILURE TO BEGIN OPERATIONS.

If a certificate is granted to an applicant, and the applicant shall fail, in accordance with the provisions of the certificate, to begin operations within 60 days after the date of the certificate, then the certificate shall become null and void, and no refund of any amount paid by the applicant shall be made by the town.

(Prior Code, § 10.29)

§ 111.10 TRANSFER.

A certificate is not transferable without the consent and approval of the Board. Applications for a permit to transfer shall be filed in the same manner as an application for a certificate of convenience and necessity. The proceedings upon the application for transfer shall be the same as those prescribed for the issuance of a certificate, except that the question of public convenience and necessity need not be proved. No certificate will be issued to any applicant unless the applicant be the holder in due course and for value of the title to the taxicab, and the holder of the certificate only shall be permitted to operate the taxicab, and the applicant shall not be allowed to engage the services of any person to operate his or her taxicab for him or her or in his or her stead at any time.

(Prior Code, § 110.30)

§ 111.11 REVOCATION OF CERTIFICATE.

(A) The Board may at any time after a public hearing revoke any certificate issued by authority of this subchapter for any 1, or more, of the following causes:

- (1) Failure to operate the taxicab specified in such manner as to serve the public adequately and efficiently;
- (2) Failure to maintain motor equipment in good repair;
- (3) Failure to carry liability insurance or bond as required by law;
- (4) Failure to pay to the Town taxes or license fees imposed upon such taxicabs;
- (5) Repeated and persistent violation by the taxicab drivers of traffic and safety ordinances, or state laws relating to alcoholic beverages or prostitution;
- (6) Failure to report accidents; and/or

(7) Wilful failure to comply with any provision of this subchapter or other ordinances or state laws relating to the operation of taxicabs, whether such ordinances and laws be now in force or hereafter enacted into ordinances and into laws.

(B) No certificate shall be revoked until the owner has had at least 5-days' notice by personal service or registered mail of the charges against him or her, and of the time and place of the hearing. If, after the hearing, it is found that the owner is guilty of 1 or more of the offenses listed herein, the Board shall have the power to revoke the certificate, or to condition a revocation upon compliance of its order within any time fixed by it.
(Prior Code, § 10.31)

§ 111.12 SUBSTITUTION OF VEHICLES.

The person to whom a certificate has been issued may, by proper endorsement thereon by the Town Clerk, substitute another vehicle, or other vehicles, for the vehicle or vehicles for which the certificate was granted. In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicle or vehicles.
(Prior Code, § 10.32)

§ 111.13 NO PERSON TO HOLD MORE THAN 1 CERTIFICATE.

The Board reserves the right to issue only 1 certificate to any 1 person, and the person holding the certificate shall be required to operate his or her taxicab himself or herself and shall have no power or authority by virtue of his or her certificate to delegate the operation of the taxicab to any person.
(Prior Code, § 10.33)

CHAPTER 112: AMUSEMENTS; POOL ROOMS AND THE LIKE

Section

Pool Rooms and Bowling Alleys

- 112.01 License required
- 112.02 Application for license
- 112.03 When license refused
- 112.04 Form and content of license
- 112.05 Certain prohibitions to be observed by licensee and employees
- 112.06 Rules for operation of pool rooms
- 112.07 Licensee responsible
- 112.08 Revocation of licenses

POOL ROOMS AND BOWLING ALLEYS

§ 112.01 LICENSE REQUIRED.

No person shall maintain or operate any pool or billiard table, bowling alley, or other table or alley for any game or play for which a charge is made, either directly or indirectly, unless he shall first have secured a license from the Board to do so. The license shall expire on June 30 each year, and shall not be transferable.

(Prior Code, § 10.51)

§ 112.02 APPLICATION FOR LICENSE.

Applications for the license shall be made upon forms provided by the Town Clerk, and shall contain all information necessary for the Board to act intelligently upon such applications.

(Prior Code, § 10.52)

§ 112.03 WHEN LICENSE REFUSED.

The Board shall not issue such license to any person:

- (A) Who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs;
 - (B) Who is not a citizen and resident of North Carolina;
 - (C) Who is of immoral character; or
 - (D) Who is a habitual user of intoxicating liquor or narcotic drugs.
- (Prior Code, § 10.53)

§ 112.04 FORM AND CONTENT OF LICENSE.

Every license issued pursuant to this subchapter shall specify the premises for which it is issued, the number of tables or alleys to be operated thereunder, the name of the owner or operator, and the dates upon which the license begins and shall expire. The license shall be posted in a prominent place on the premises at all times.

(Prior Code, § 10.54)

§ 112.05 CERTAIN PROHIBITIONS TO BE OBSERVED BY LICENSEE AND EMPLOYEES.

Licensees under this subchapter shall not, and neither shall their employees:

- (A) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football, or other parlay cards or gambling boards;
- (B) Suffer or permit the licensed premises to become disorderly; or permit any profane, obscene, or indecent language thereon;
- (C) Suffer or permit any intoxicating liquors or narcotic drugs to be sold or kept or consumed on the licensed premises;
- (D) Suffer or permit any person under the age of 16 years to enter or remain upon the licensed premises, unless such person be accompanied by his or her parent or guardian;
- (E) Employ in carrying on the business any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs; or

(F) Suffer or permit any keeley board, keno board, or any other such board or device to be attached to or placed upon any pool or billiard tables.
(Prior Code, § 10.55)

§ 112.06 RULES FOR OPERATION OF POOL ROOMS.

The following rules shall be observed by all operators of pool rooms within the town.

(A) All pool rooms shall close at 1:00 a.m. each morning.

(B) All pool rooms shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that clear view inside may be had from the street.

(C) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where pool is played and the rear wall of such room. A clear view of the interior from the entrance to the rear of the room must be maintained at all times.

(D) No partitions forming rooms, stalls, or other inclosures where the public congregate shall be permitted. Provided, this shall not be construed so as to prohibit the maintenance of closets used exclusively for storage purposes, or of toilets.

(E) There shall not be permitted or maintained any open or secret connections through doors, windows, trap doors, hidden doors, panels, stairways, or other devices with any place where gambling is conducted or where persons meet or congregate for immoral purposes.
(Prior Code, § 10.56)

§ 112.07 LICENSEE RESPONSIBLE.

The act and conduct of the agents and employees of the licensee in the conduct of the business shall be deemed to be the acts and conduct of the licensee.
(Prior Code, § 10.57)

§ 112.08 REVOCATION OF LICENSES.

A second conviction of a licensee, or his or her agent or employee, for any violation of any provision of this subchapter shall by operation of law constitute an automatic revocation of the license of the licensee. In addition, the Board may at any time, for cause, and after a hearing, of which the licensee shall be given reasonable notice as the Board may direct, revoke any license issued pursuant to this subchapter.

(Prior Code, § 10.58)

Statutory reference:

Similar provisions, see G.S. § 160A-194

CHAPTER 113: PEDDLING AND SOLICITING

Section

- 113.01 Definitions
- 113.02 Registration
- 113.03 Badge

§ 113.01 DEFINITIONS.

For the purpose of this subchapter, the following terms shall have the meanings respectively ascribed:

PEDDLER. Any person who transports goods from place to place and sells or offers for sale such goods, or who, without traveling from place to place, sells or offers for sale any goods from any vehicle or device; provided, that any person who separates the acts of sale and delivery for the purpose of evading the provisions of this subchapter shall be deemed a peddler. Peddlers are not permitted on Sunday.

SOLICITOR. Any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.

TRANSIENT VENDOR. Any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any building or premises; provided, that no person shall be relieved from complying with the provisions of this section merely by conducting a transient business in association with any permanently established merchant.
(Prior Code, § 10.61)

§ 113.02 REGISTRATION.

Each and every person doing business in the town as a peddler, solicitor or transient vendor shall file with the Town Clerk, on a form to be provided for the purpose, a statement setting forth the following information:

- (A) Name and address of individual filing statement;
- (B) Name and address of principal or employer if individual is an agent or employee;
- (C) Credentials showing relationship of agent or employee;
- (D) Description of individual filing statement including height, weight, sex, age, color and distinguishing characteristics, if any;
- (E) The goods to be sold or offered for sale; or the type of services to be rendered;
- (F) The period of time during which the business will be carried on in the town; and
- (G) Description of automobile or other vehicle to be used in the business, including the make, model, body style, color and license number.
(Prior Code, § 10.62)

§ 113.03 BADGE.

(A) The Town Clerk shall issue to each person filing the statement required by § 113.02 hereof, a badge substantially as follows:

20 _____ Town of _____, NC No. SOLICITOR'S BADGE

(Name) has registered with the Town Clerk as required by Ordinance

____/____/____

(Date) Town Clerk

(B) During the time a person is engaged in soliciting, the badge shall be worn on the front of his or her outer garment in such manner as to be conspicuous.

(Prior Code, § 10.63)

Statutory reference:

Similar provisions, see G.S. § 160A-178

113.04 Special Events

Special event or day permit applicants will be approved if the special event meets certain criteria including the following:

- (A) A completed signed application.
- (B) Each participating vendor, peddler or transient merchant must have a permit issued by the Town of Newton Grove as well as the host or sponsor of the special event.
- (C) A fee of \$25.00 will be required on each special vendor, peddler, transient merchant and sponsor.
- (D) Special event location, parking and traffic patterns must be approved by the Newton Grove Police Department and/or NCDOT.
- (E) All special events must adhere to all Sampson County fire codes.
- (F) Each vendor, peddler or transient merchant must have a minimum of a 10 foot by 10 foot vendor space.
- (G) Each food truck or food vendor must show proper proof of the appropriate permits issued by the health department and sanitation department.
- (H) Each permit holder must agree in writing, attested by a notary that the Town of Newton Grove will be held harmless from any accidents, personal injuries or property damage caused by the special event or the participants.
- (I) Security/extra law enforcement will be the responsibility of the event sponsor and not the Town of Newton Grove.
- (J) No more than 5 special event permits shall be issued to any one vendor, peddler, transient merchant or sponsor in one fiscal year.