

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: ALCOHOLIC BEVERAGES

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- 110.01 Sale of alcoholic beverages limited on Sundays
- 110.02 Chief of Police to recommend suitability of candidates for permits
- 110.03 Violations
- 110.04 Drinking or displaying intoxicating beverages

§ 110.01 SALE OF ALCOHOLIC BEVERAGES LIMITED ON SUNDAYS.

It shall be unlawful for any person, firm or corporation to sell or offer for sale any beer, wine, or malt beverages within the boundaries of the town from 12:00 noon, Sunday to 7:00 a.m., the following Monday.

(Ord. passed 7-27-90; Am. Ord. passed 9-13-93) Penalty, see § 110.99

§ 110.02 CHIEF OF POLICE TO RECOMMEND SUITABILITY OF CANDIDATES FOR PERMITS.

The Chief of Police, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the town, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

(Ord. passed 9-12-94)

§ 110.03 VIOLATIONS.

Any person, firm or corporation violating the provisions of § 110.01 shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with the provisions of § 10.99 of this code.

(Ord. passed 7-27-90)

§ 110.04 DRINKING OR DISPLAYING INTOXICATING BEVERAGES.

(A) It shall be unlawful for any person to drink or to display any whiskey, wine, beer, or other intoxicating beverage on the public streets, sidewalks, parking lots, athletic or public parks in the town.

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(B) Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding \$50 or by imprisonment for a term of not exceeding 30 days. (Ord. 13, passed 3-12-73)

CHAPTER 111: AMUSEMENTS

Section

Pool Rooms

- 111.01 License required
- 111.02 Application
- 111.03 When license refused
- 111.04 Form and content of license
- 111.05 Prohibited activities to be observed by licensee and employees
- 111.06 Rules of operation
- 111.07 Responsibility of licensee
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Game Rooms

- 111.20 Purpose
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Statutory reference:

Regulation of places of amusements, see G.S. § 160A-181

POOL ROOMS

§ 111.01 LICENSE REQUIRED.

Pursuant to the authority granted the town in G.S. § 160A-181 to regulate places of amusement and entertainment, it shall be unlawful for any person to maintain or operate any pool table for any game or play for which a charge is made, either directly or indirectly, unless the person shall first have secured a license from the board to maintain or operate the amusement. The license shall expire on June 30 of each year, and shall not be transferable.

('79 Code, § 6-1-1) Penalty, see § 10.99

§ 111.02 APPLICATION.

Applications for a license to maintain or operate amusements shall be made upon forms provided by the Town Clerk and shall contain all information necessary for the Board to act intelligently upon the applications.

('79 Code, § 6-1-2)

§ 111.03 WHEN LICENSE REFUSED.

The Board shall not issue a license to any person:

(A) Who has been convicted within the past two years of a felony;

(B) Who is not a citizen and resident of the state; or

(C) Who is an habitual user of alcoholic beverages or narcotic drugs.

('79 Code, § 6-1-3)

§ 111.04 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 to be operated thereunder, the name of the owner or operator, and the dates upon which the license shall begin and expire. The license shall be posted in a permanent place on the premises at all times.

('79 Code, § 6-1-4)

§ 111.05 PROHIBITED ACTIVITIES 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;

(B) Suffer or permit the licensed premises to become disorderly, or permit any profane, obscene, or indecent language thereon;

(C) Suffer or permit any alcoholic beverage, as defined in G.S. § 18B-101(4), 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 on the licensed premises, unless the person is accompanied by a parent or guardian;

(E) Employ in the establishment any person who has been convicted within the past two years of a felony offense; or

(F) Suffer or permit any keeley board, keno board, or any other gambling board or device to be attached to or placed upon any tables.
(’79 Code, § 6-1-5) Penalty, see § 10.99

§ 111.06 RULES OF OPERATION.

The following rules shall be observed by all operators of poolrooms required to be licensed by § 111.01 within the town:

(A) All establishments shall close at 1:00 a.m. each Tuesday through Sunday, and no person other than the owner, operator, or employees shall be permitted on the premises from that hour until 7:00 a.m. the following morning.

(B) No play on any table, alley, or machine shall be allowed during the times when the premises are required by this subchapter to remain closed.

(C) All establishments shall remain closed on Sunday after 1:00 a.m.

(D) All establishments shall be operated only on the ground floor of a building and an unobstructed transparent plate glass window or windows shall be located in those parts of the building facing any street so that a clear view inside may be had from the street.

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

(’79 Code, § 6-1-6) Penalty, see § 10.99

§ 111.07 RESPONSIBILITY OF LICENSEE.

The acts and conduct of the agents and employees of the licensee in the conduct of business covered hereunder shall be deemed to be the acts and conduct of the licensee.

(’79 Code, § 6-1-7)

§ 111.08 REVOCATION OF LICENSES.

A second conviction of a licensee, or his 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 for which the licensee shall be given reasonable notice as the Board may direct, revoke any license issued pursuant to this subchapter.

(’79 Code, § 6-1-8)

GAME ROOMS**§ 111.20 PURPOSE.**

To protect the health, safety, welfare, peace, and dignity of the citizens of the town by licensing and regulating the business and operation of game rooms.
(Ord. passed 3-14-88)

§ 111.21 DEFINITION.

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

GAME ROOM.

(1) A ***GAME ROOM***, for the purpose of this subchapter, shall be any place of business or any establishment, which houses or operates one or more pool tables, or more than three video games, mechanical games, or pay devices, or a combination of video games and mechanical games for which charges are made, either directly or indirectly.

(2) Examples of a ***GAME ROOM***, by way of illustration and not limitation, are businesses or establishments which house or operate one or more pool tables, or bowling alleys, billiard halls, amusement centers and the like.

(3) Any established business (whose primary business is other than the operation of a ***GAME ROOM***) which houses or operates no more than three video games, mechanical games, or pay devices, or a combination of video games and mechanical games for which charges are made, either directly or indirectly shall be exempt from the provisions of this subchapter that require them to obtain a license to operate a game room.

(Ord. passed 3-14-88)

§ 111.22 LICENSE REQUIRED.

(A) No person, partnership, corporation, or association shall operate a game room, as herein defined, within town unless such person, partnership, corporation or association shall have first applied for and received the regulatory license provided by this section.

(B) Every application for the regulatory license prescribed herein shall be upon a form approved by the Board of Commissioners and shall be filed with the City Clerk. Every such application shall be made under oath and shall contain the following information:

(1) If the applicant is a person, the name and residence address of such person. If the applicant is a partnership, corporation, the name and residence address of all persons having any legal or beneficial interest in such applicant;

(2) The address of the premises where the game room shall be located;

(3) A complete statement of all convictions of any persons whose names are required to be given in division (B)(1) of this section of any felony, or gambling or any violation of the law relative to gambling;

(4) A complete statement of any revocation, by any governmental unit, or any license to operate a game room or to engage in the business of operating a game room held by any person whose name is required to be given in division (B)(1) of this section;

(5) A complete statement of any conviction of any person whose name is required to be given in division (B)(1) of this section; for violation of any statute, law, ordinance or regulation of any governmental unit concerning the operation of a game room;

(6) The name and address of any game room or other establishment owned or operated by any person whose name is required to be given in division (B)(1) of this section wherein the business of operating a game room is carried out;

(7) A description of any other business to be operated on the same premises or adjoining premises owned or controlled by the applicant.

(C) The City Clerk shall transmit a copy of the application to the Police Department for an investigation report, to determine compliance with all zoning and building regulations and ordinances; and to the Fire Department to determine compliance with any law relating to fire protection. The Police and Fire Departments shall, within 60 days from the date a copy of the application is delivered to the Police and Fire Departments, report the results of their examinations to the City Clerk.

(D) An application in proper form, accompanied by all reports required by this section, shall be submitted to the Board of Commissioners, which shall approve such application if the Board of Commissioners determines that:

(1) The application contains no misstatement of fact;

(2) The applicant, or any person having any legal or beneficial ownership interest in the applicant, has not been convicted of any crime involving gambling, or of any violation of any law or ordinance of any governmental unit concerning or related to the business of operating game rooms;

(3) The applicant conforms to all requirements of applicable, zoning, building, and fire prevention codes;

(4) The applicant or any person having a legal or beneficial ownership interest in the applicant has not, for the three-year period preceding the application, had a previously issued license revoked by any governmental unit for any reason.

(E) Upon approval of the application by the Board of Commissioners, and upon receipt of a \$100 license fee, the Board of Commissioners shall issue a license to applicant.

(F) After giving the operator of a game room an opportunity to be heard, a license issued pursuant to this section may be revoked by the Board of Commissioners if the Board of Commissioners determines that:

(1) The licensee has violated any provisions of this subchapter;

(2) The licensee, or any agent of the licensee, employs or permits the game room to be operated by any other person who has previously held a valid regulatory license to operate a game room in the town, and has had that license revoked in accordance with the provisions of this section or the provisions of § 112.07 of this chapter, or has previously held a comparable regulatory license to operate a game room, issued by competent local or state authority in the state or elsewhere, and has had that license revoked for reasons which would be sufficient grounds for revocation of a license under this section or § 112.07 of this chapter;

(3) The licensee, or the legal or beneficial owner of any interest in the licensee is convicted of any crime involving gambling, including but not limited to violations of G.S. §§ 14-177 through 14-202.1, Article 26 (offenses against public morality and decency);

(4) Any employee of the licensee is convicted of any felony in connection with his or her employment, or is convicted of any crime involving gambling, including but not limited to violations of G.S. §§ 14-202.1, Article 26 (offenses against public morality and decency);

(5) The license violates any zoning, building, or fire prevention ordinance;

(6) A license issued pursuant to this subchapter is void if the licensee moves or ceases operating a game room at the location required to be stated in the application for license pursuant to division (B)(1).

(Ord. passed 3-14-88) Penalty, see § 10.99

§ 111.23 RESTRICTIONS.

The Town Board shall not issue a license to any, applicant who:

(A) Has been convicted of unlawfully selling alcoholic beverages or narcotic drugs; or has been convicted of a felony; or

(B) Is of immoral character; or

(C) Is a habitual user of alcoholic beverages or narcotic drugs.
(Ord. passed 3-14-88)

§ 111.24 PROHIBITED CONDUCT.

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 or devices on the licensed premises; or

(B) Suffer or permit the licensed premises to become disorderly, or permit any profane, obscene, or indecent language thereon; or

(C) Suffer or permit any alcoholic beverages or narcotic drugs to be sold or kept or consumed on the licensed premises; or

(D) Employ in carrying on the business any person who has been convicted or unlawfully selling alcoholic beverages or narcotic drugs.
(Ord. passed 3-14-88) Penalty, see § 10.99

§ 111.25 RULES OF OPERATION.

(A) All game rooms shall be allowed to operate between the hours of 8:00 a.m. and 10:00 p.m. Monday through Friday.

(B) All game rooms shall be allowed to operate between the hours of 8:00 a.m. and 11:00 p.m. on Saturdays.

(C) All game rooms may be open on Sunday only between the hours of 1:00 p.m. and 10:00 p.m.

(D) No play on any games shall be allowed during the time when the game rooms are required by this subchapter to be closed.

(E) There must be an adult (18 years of age or older) managing the business on the premises during the hours of operation at all times.

(F) All game rooms shall be operated only on the ground floor of a building, and see-through plate glass windows shall occupy at least 60% of the front and shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.

(G) The outside area of all game rooms, including the parking lot, shall be sufficiently lighted during the hours of operation.
(Ord. passed 3-14-88) Penalty, see § 10.99

§ 111.26 REVOCATION OF LICENSE.

After giving the operator of a game room adequate notice and an opportunity to be heard, the Town Board may revoke the license of any game room operator who:

(A) Violates the provisions of §§ 111.24 or 111.25, or

(B) Is convicted of unlawfully selling alcoholic beverages or narcotic drugs.
(Ord. passed 3-14-88)

CHAPTER 112: CABLE TELEVISION

Section

112.01 Town compliance with FCC rate regulations

§ 112.01 TOWN COMPLIANCE WITH FCC RATE REGULATIONS.

(A) The town will follow the FCC Rate Regulations in its regulation of the basic service rates and charges of the company and any other cable television system operating in the town, notwithstanding any different or inconsistent provisions in the franchise; and

(B) In connection with such regulation, the town will ensure a reasonable opportunity for consideration of the views of interested parties, and

(C) The Mayor or Cable Administrator, is authorized to execute on behalf of the town and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the town to regulate basic service rates and charges. (Ord. passed 12-13-93)

CHAPTER 113: MASSAGE PARLORS

Section

- 113.01 Scope
- 113.02 Definitions
- 113.03 License for business required; application
- 113.04 Masseuses to be licensed; application
- 113.05 Employer to use only licensed employees
- 113.06 Notice of hearing
- 113.07 Hours of operation
- 113.08 Provisions applicable to minors
- 113.09 Licenses to be renewed annually
- 113.10 Violations

§ 113.01 SCOPE.

To protect health, safety, welfare and morals, the following privilege license provisions and regulations are ordained for the privilege of carrying on the business, trade, or profession of masseuse and for the operation or carrying on of the businesses, trades, or professions commonly known as massage parlor, health salons, physical culture studios, or similar establishments wherein massage or physical manipulation of the human body is carried on or practiced. The provisions of this chapter shall not apply to a regularly established and licensed hospital, sanitarium, nursing home, nor to an office or clinic operated and regularly used by a duly qualified and licensed medical practitioner, osteopath, or chiropractor in connection with the practice of medicine, chiropractic, or osteopathy. (Ord. passed 10-12-81)

§ 113.02 DEFINITIONS.

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

BUSINESS or PROFESSION OF MASSAGE. Includes the massage or treatment of any person for a fee or in expectation of a gratuity from the person massaged.

MASSAGE. The manipulation of body muscle or tissue by rubbing, striking, kneading, or tapping, by hand or mechanical device.

MASSAGE BUSINESS. Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, and massage studios.

MASSEUSE. Any person engaged in the business or profession of massage.
(Ord. passed 10-12-81)

§ 113.03 LICENSE FOR BUSINESS REQUIRED; APPLICATION.

(A) No person, partnership, corporation, or association shall operate a massage business as herein defined unless such person, partnership, operate massage business as herein defined unless such person, partnership, corporation or association shall have first applied for and received the privilege license provided by this section.

(B) Every application for the privilege license prescribed herein shall be upon a form approved by the Board of Commissioners and shall be filed with the City Clerk. Every such application shall be made under oath and shall contain the following information:

(1) If the applicant is a person, the name and residence address of such person. If the applicant is a partnership, corporation or association, the same and residence address of all persons sharing any legal beneficial interest in such applicant; and

(2) The address of the premises where the massage business shall be located; and

(3) A complete statement of all convictions of any person whose name is required to be given in division (B)(1) of this section for any felony, or prostitution or any violation of the law relative to prostitution; and

(4) A complete statement or any revocation, by any governmental unit, of any license to operate a massage business or engage in the business or profession of massage held-by any person whose name is required to be given in division (B) of this section; and

(5) A complete statement of any conviction of any person whose name is required to be given in division (B)(1) of this section; for violation of any statue law, ordinance or regulation of any government concerning the operation of a massage business or the business or profession of massage; and

(6) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in division (B)(1) of this section wherein the business or profession of massage is carried on; and

(7) A description of any other business to be operated on the same premises or on adjoining premises owed or controlled by the applicant.

(C) The City Clerk shall transmit a copy of the application to the Police Department for an investigative report; to determine compliance with all zoning and building regulations and ordinances; and to the Fire Department to determine compliance with any law relating to fire protection. The Police and Fire Departments shall, within a reasonable time, not to exceed 60 days, report the results of their examination to the City Clerk.

(D) An application in proper form, accompanied by all reports required by this section, shall be submitted to the Board of Commissioners, which shall approve such application if the Board of Commissioners determines that:

(1) The application contains no misstatement of fact;

(2) The applicant, or any person having any legal or beneficial ownership interest in the applicant, has not been convicted of any crime involving sexual misconduct, including but not limited to G.S. §§ 14-177 through G.S. 14-202.1, Article 26 (offenses against public morality and decency); and G.S. §§ 14-202 through 14-208, Article 27 (prostitution), or of any federal statute relating to prostitution, or of any violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage;

(3) The applicant conforms to all requirements of applicable zoning/building, and fire prevention codes;

(4) The applicant or any person having a legal or beneficial ownership interest in has not, for the three-year period preceding the application, had a previously issued license for engaging in the business or profession of massage revoked.

(E) Upon approval of the application by the Board of Commissioner, and upon receipt of a \$100 license fee, the Board of Commissioners shall issue a privilege license to applicant.

(F) A license issued pursuant to this section shall be revoked by action of the Board of Commissioners if the Board of Commissioners determine that:

(1) The licensee has violated any provisions of this subchapter; or

(2) The licensee, or any agent of the licensee, employs or permits to be on the premises of the applicant's massage business any person practicing the business or profession of massage who has not been issued the privilege license required by § 113.04, or whose license under § 113.04 has been revoked; or

(3) The licensee, or the legal or beneficial owner of any interest in the licensee is convicted of any crime involving sexual misconduct, including but not limited to G.S. §§ 14-177 through G.S. 14-202.1, Article 26 (offenses against public morality and decency), and G.S. §§ 14-203 through G.S. 14-208, Article 27 (prostitution) or

(4) Any employee of the licensee is convicted of any felony in connection with his or her employment, or is convicted of any crime involving sexual misconduct, including but not limited to G.S. §§ 14-177 through G.S. 14-202.1, Article 26 (offenses against public morality and decency) and G.S. §§ 14-203 through G.S. 14-208, Article 27 (prostitution); or

(5) A licensee violates any zoning, building, or fire prevention ordinance.

(G) A license issued pursuant to this subchapter is void if the licensee moves or ceases operating a massage parlor at the location required to be stated in the application for license pursuant to division (B)(2) of this section.

(Ord. passed 10-12-81) Penalty, see § 10.99

§ 113.04 MASSEUSES TO BE LICENSED; APPLICATION.

(A) No person shall engage in the business or profession of massage unless such person shall have first applied for and received the privilege license provided by this section.

(B) The application for the license required by this section shall be upon a form approved by the Board of Commissioners and shall be filed with the City Clerk. Such application shall be given under oath and shall contain the following information:

(1) The name, age and residence address of the applicant;

(2) A complete statement of the previous business or occupation of the applicant for the two years immediately preceding the date of application, including any massage establishment experience;

(3) A complete statement of all convictions of the applicant for any felony or misdemeanor or violation of a local ordinance;

(4) A complete statement of any revocation of any license granted by any governmental unit to the applicant to engage in the business or profession of massage;

(5) The date and place of applicant's birth, the name of applicant's parents and the residence address or addresses of the applicant for the five years immediately preceding the date of application.

(C) The applicant shall submit, as part of the application required in division (B) of this section, the following:

(1) Fingerprints of the applicant by the Police Department: and

(2) Two recent photographs of the applicant's head and shoulders, of a size and quality prescribed by the Board of Commissioners; and

(3) A medical certificate signed by a physician, licensed to practice in the state, within seven days of the date of application. That certificate shall state that the applicant was examined by the certifying physician and that the applicant is free from communicable disease. The additional information required by this subsection shall be provided at the applicant's expense.

(D) The City Clerk shall transmit a copy of the application to the Police Department for an investigative report. The Police Department shall, within a reasonable time, not to exceed 60 days, report the results of its investigation to the City Clerk.

(E) An application in proper form shall be submitted to the Board of Commissioners together with all reports required by this election. The Board of Commissioners shall approve such application if the Board of Commissioners determines:

(1) That the applicant is at least 18 years of age;

(2) The applicant contains no misstatement of fact;

(3) The applicant has not been convicted of any crime involving sexual misconduct, including but not limited to G.S. §§ 14-177 through G.S. 14-202.1, Article 26 (offenses against public morality and decency), and G.S. §§ 14-203 through 14-208, Article 27 (prostitution), or of any federal statute relating to prostitution, or for violation of any law or ordinance of any governmental unit concerning or related to the business or related to the business or profession of massage;

(4) The applicant has not, for the three year period preceding the application had a previously issued license for engaging in the business or profession of massage revoked;

(5) The applicant is free from communicable disease as evidenced by the medical certificate required herein;

(6) The applicant has not been previously convicted of any violation of any provision of this subchapter.

(F) Upon approval of the application by the Board of Commissioners, and upon receipt of a \$100 license fee, the Board of Commissioners shall issue a privilege license to the applicant.

(G) The Board of Commissioners shall have authority to direct that any person licensed under this section submit to a medical examination by a licensed physician approved by the Board of Commissioners. This authority shall be exercised only when the Board has reason to believe that any such person has contracted a communicable disease. Refusal to submit to such examination shall be grounds for revocation of such license as provided in division (H) of this section. Notwithstanding the provisions of this division, every person licensed under this section shall file and continue to file with the City Clerk a new medical certificate with each application for renewal of the license prescribed by this section. Failure to file such updated certificates shall be grounds for revocation of such license as provided in division (H) of this section.

(H) A license issued pursuant to this section shall be revoked by action of the Board of Commissioners if the Board of Commissioners determines;

(1) The licensee has violated any provision of this subchapter;

(2) The licensee is afflicted with a communicable disease;

(3) The licensee has failed to be examined by a licensed physician when required by the Board of Commissioners pursuant to division (G) of this section, or has failed to file any medical certificate required by the division (G);

(4) The licensee has been convicted of a felony or any crime involving sexual misconduct, including but not limited to G.S. §§ 14-177 through G.S. 14-202.1, Article 26 (offenses against public morality and decency), and G.S. §§ 14-203 through G.S. 14-208, Article 27 (prostitution), or of violating of this code, or under any federal statute relating to prostituting, or for violation of any laws or ordinances of any governmental unit related to the business or profession of massage.

(Ord. passed 10-12-81) Penalty, see § 10.99

§ 113.05 EMPLOYER TO USE ONLY LICENSED EMPLOYEES.

No person, corporation, partnership, or association licensed under § 113.03 shall allow or permit any person to massage or treat any person upon the premises operated by the licensee unless the person giving such massage or treatment has complied with all requirements of licensing under § 113.04 including periodic medical examinations by a licensed physician. Violations of this section shall be grounds for revocation of the license to such violator pursuant to this subchapter.

(A) Every masseuse shall post the license required by this subchapter in his work area.

(B) Every person, corporation, partnership, or association licensed under § 113.03 shall display such license in a prominent place.

(Ord. passed 10-12-81) Penalty, see § 10.99

§ 113.06 NOTICE OF HEARING.

Before the Board of Commissioners revokes a license issued pursuant to this subchapter, or if the Board of Commissioners determines reasonable grounds exist to deny an application for a license pursuant to this subchapter, the Board of Commissioners shall cause a written notice to be sent by certified mail to the licensee affected or applicant affected, at the address stated in the licensed or application. This notice shall advise the affected party of a right to appear before the Board of Commissioners, with or without legal council, at a stated time and place, for the purpose of presenting any evidence relevant to such revocation or denial, and for the purpose of hearing all evidence submitted and examining or cross-examining any person providing such evidence.

(Ord. passed 10-12-81)

§ 113.07 HOURS OF OPERATION.

(A) No person licensed as a masseuse under § 113.04 shall massage or treat any person or engage in the business or profession of massage, on Sundays and before 8:00 a.m. or after 12:00 p.m., prevailing time, Monday through Saturdays.

(B) No person, corporation, partnership, or association licensed under § 113.03 shall admit customers or prospective customers, or remain open for business or allow or permit any person upon the premises on Sundays and before 8:00 a.m. or after 12:00 p.m., prevailing time, Mondays through Saturdays.

(C) No person in charge of managing a massage business upon the premises shall allow, permit, or condone any massage or treatment of any person on Sundays and before 8:00 a.m. or after 12:00 p.m. prevailing time, Mondays through Saturdays.

(Ord. passed 10-12-81) Penalty, see § 10.99

§ 113.08 PROVISIONS APPLICABLE TO MINORS.

(A) No person licensed as a masseur or masseuse under § 113.04 shall massage or treat any person under the age of 18 upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or register physician therapist, such order being dated and in the possession of the masseur giving the massage treatment. A violation of this division shall be grounds for revocation of any license issued to such violator pursuant to this subchapter.

(B) No person, corporation, partnership, or associations licensed under § 113.03 shall allow, permit or condone the massage treatment of any person under the age 18 upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist, such order being dated, and a true copy of such order being in the possession of the licensee before administration of any massage or treatment. A violation of this division shall be grounds for revocation of any license issued to such violator pursuant to this subchapter.

(C) No person, corporation, partnership, or association licensed pursuant to § 113.03 of this subchapter shall employ any person under the age of 18 years in the operation of a massage business. (Ord. passed 10-12-81) Penalty, see § 10.99

§ 113.09 LICENSES TO BE RENEWED ANNUALLY.

The licenses required under this subchapter are annual privilege licenses. Such licenses shall be due and payable in the same manner as prescribed for other privilege issued by the town pursuant to the license and privilege tax ordinance of the town.

(Ord. passed 10-12-81)

§ 113.10 VIOLATIONS.

Any person convicted of violating any provisions of this subchapter shall be punished by fine or imprisoned as provided by G.S. § 14-4.
(Ord. passed 10-12-81)

CHAPTER 114: PEDDLING AND SOLICITING

Section

- 114.01 Definitions
- 114.02 Registration
- 114.03 Door-to-door activities prohibited

§ 114.01 DEFINITIONS.

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

PEDDLER. Any person who transports goods from place to place and sells or offers for sale the goods, or who, without travelling 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.

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 subchapter merely by conducting a transient business in association with any permanently established merchant.
(’79 Code, § 6-1-21)

§ 114.02 REGISTRATION.

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

- (A) Name and address of individual filing the 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.
('79 Code, § 6-1-22) Penalty, see § 10.99

§ 114.03 DOOR-TO-DOOR ACTIVITIES PROHIBITED.

It shall be unlawful for any peddler, solicitor, or transient vendor or other seller of merchandise to go in, or upon, private residences or the premises posted with a "no solicitation" sign or some similar marking.

('79 Code, § 6-1-23) Penalty, see § 10.99

Statutory reference:

Regulation of solicitations and itinerant merchants authorized, see G.S. § 160A-178

CHAPTER 115: TAXICABS

Section

115.01 License required

§ 115.01 LICENSE REQUIRED.

(A) Every person engaged in the business of operating one or more taxicabs in the town shall pay an annual license tax for each vehicle so operated in an amount to be determined by ordinance from time to time. The license tax shall be due for the fiscal year July 1 through June 30, and shall not be prorated.

(B) It shall be unlawful for any person to operate a taxicab in the town without first having paid the license tax levied by this section.
(’79 Code, § 2-4-11) Penalty, see § 10.99

