

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: LICENSES

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Statutory reference:

Privilege license taxes, see G.S. §§ 105-33 et seq.

§ 110.01 DEFINITIONS.

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

BUSINESS. Any trade, occupation, profession, business, franchise or calling of any kind, subject by the provisions of this chapter to a license tax.

ENGAGED (OR ENGAGING) IN BUSINESS WITHIN THIS TOWN. A person in engage in business within the town when he or she engages in business activity of any type, as owner or operator of a business; by maintaining a business location within the town; by soliciting business within the town; or by picking up or delivering merchandise or performing services within the town.

PERSON. Any individual, trustee, executor, other fiduciary, corporation, association, partnership, company, firm or other legal entity or agent thereof.

SEASONAL IN NATURE. A business is **SEASONAL IN NATURE** when it is taxed by this chapter on an annual basis, but is operated within the town for less than six months of the year.
(Prior Code, § 50.01)

§ 110.02 LICENSE TAX LEVIED.

A license tax is hereby levied on the privilege of engaging in every business within this town. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid.
(Prior Code, § 50.02)

§ 110.03 TAX COLLECTOR; DUTIES.

(A) The Tax Collector is designated as the proper town official to collect license taxes and to issue privilege licenses. The Chief of Police shall approve any beer and wine license before the Tax Collector issues such.

(B) The Tax Collector shall make any investigation necessary to determine the tax liability of persons engaged in business within the town. If necessary, the Tax Collector is authorized to enter upon the premises of any such business during the normal business hours for the purpose of determining whether this chapter has been complied with.
(Prior Code, § 50.03)

§ 110.04 LICENSE; DUE DATE.

(A) Each privilege license issued shall cover the 12-month period beginning July 1 of each calendar year and ending June 30 of the subsequent calendar year.

(B) The privilege license tax is due on July 1 of each year. If, however, a person begins a business after July 1, the tax for that year must be paid before the business is begun.
(Prior Code, § 50.04)

Statutory reference:

Town license to be issued for 12-month period; expiration date, see G.S. § 105-33(b)

§ 110.05 APPLICATION FOR LICENSE.

(A) (1) Every person desiring to obtain for the privilege of engaging in a business within this town shall make application therefor in writing to the Tax Collector.

(2) The application, to be made on a form provided by the Tax Collector, shall contain the following information:

- (a) Name and nature of the business for which the license is sought;
- (b) The address where the business is conducted, and a mailing address for the business, if different;
- (c) The name and address of the person filling out the application, and his or her relationship to the business;
- (d) The gross receipts of the business for the most recently completed tax year, if applicable; and
- (e) Any other information which the Tax Collector determines to be necessary.

(B) Any person who willfully makes a false statement on a license application shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court. (Prior Code, § 50.05) Penalty, see § 10.99

§ 110.06 MULTIPLE BUSINESSES.

If a person is engaged in more than one business made subject to a license tax under this chapter, such person shall pay the license tax for each such business, even if the businesses are conducted at the same business location. (Prior Code, § 50.07)

§ 110.07 SEPARATE PLACES OF BUSINESS.

Unless otherwise provided by state law or by the tax schedule, if a person engages in a business in two or more separate places, a separate license shall be required, if a person engages in the same business at two or more locations within the town, which locations are contiguous, communicate with and open directly into each other, and are operated as a unit, the person is liable for only one license tax. (Prior Code, § 50.08)

§ 110.08 DISPLAY OF LICENSE.

Each person issued a license under this chapter shall post the license in a conspicuous place in his or her regular place of business. If there is no regular place of business, the license shall be kept where it may be inspected at appropriate times by the Tax Collector. If a machine or other item of person property is licensed, the license shall be affixed to the machine or other item. (Prior Code, § 50.09)

§ 110.09 NO ABATEMENT OF TAX.

If a licensee discontinues a business before the end of the period for which the license was issued, the license tax shall not be abated nor shall a refund of any part of the license tax be made.
(Prior Code, § 50.11)

§ 110.10 POSSESSION LICENSE DOES NOT PREVENT IMPOSITION OF ADDITIONAL REGULATIONS.

The issuance of a license under the provisions of this chapter does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law, or does the issuance of a license prevent the town from enacting additional regulations applicable to the licensee.
(Prior Code, § 50.12)

§ 110.11 EXEMPTIONS.

Any person who engages in business within this town for religious, educational or charitable purposes shall be exempt from paying any privilege license tax levied by this chapter.
(Prior Code, § 50.13)

§ 110.12 UNLAWFUL TO CONDUCT BUSINESS WITHOUT LICENSE.

(A) It shall be unlawful for any person to engage in a business within this town upon which a privilege license tax is imposed by this chapter without having paid the license tax.

(B) The town may seek an injunction against any person engaging in business in violation of this section.

(C) A conviction under this section does not relieve a person of his or her liability for the license tax or taxes imposed by this chapter.
(Prior Code, § 50.14) Penalty, see § 10.99

§ 110.13 COLLECTION OF UNPAID TAX.

(A) If a person begins or continues to engage in a business taxed under this chapter without payment of the required privilege license tax, the Tax Collector may use either of the following methods to collect the unpaid tax:

(1) The remedy of levy and sale or attachment and garnishment, in accordance with G.S. § 160A-207; or

(2) As permitted by G.S. § 105-109(e), the remedy of levy and sale of real and personal property of the taxpayer in accordance with G.S. § 105-109(b) and (d).

(B) Any person who begins or continues to engage in a business taxed under this chapter without payment of such tax is liable for an additional tax of 5% of the original tax due for each 30 days or portion thereof that the tax is delinquent, as set forth in G.S. § 105-109(b).
(Prior Code, § 50.15)

§ 110.14 UNLAWFUL TO SELL, PERMIT CONSUMPTION OF BEER OR WINE ON SUNDAYS.

(A) It shall be unlawful for any business in the corporate limits of the town to sell or permit to be sold any beer or wine between the hours of 1:00 a.m. Sunday through 7:00 a.m. Monday.

(B) It shall be unlawful for any business establishment within the corporate limits of the town to permit the consumption of beer or wine on its premises between the hours of 1:00 a.m. Sunday through 7:00 a.m. Monday.

(C) This section shall not apply to business establishments within the corporate limits of the town holding valid brown-bagging permits issued by the State Board of Alcoholic Beverage Control.
(Prior Code, § 50.17) Penalty, see § 10.99

CHAPTER 111: ADVERTISING

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§ 111.01 PURPOSE.

In order to protect the people against the nuisance of the promiscuous distribution of handbills and circulars (particularly commercial handbills), the public interest, convenience and necessity requires the regulation thereof, and to that end the purposes of this chapter shall be as follows:

(A) To protect the people against the health and safety menace and the expense incident to the uttering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills; and

(B) To preserve to the people their constitutional rights to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by the promiscuous distribution of advertising and commercial circulars the right to deliver noncommercial handbills to all who are willing to receive such handbills.

(Prior Code, § 51.01)

§ 111.02 DEFINITIONS.

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

BILLPOSTER. Any person engaging in the business for hire of posting, fastening, nailing or affixing any written, painted or printed matter of any kind containing a message of information of any kind, to any outdoor billboard, or on any bridge, fence, pole, post, sidewalk, tree or on the exterior of any other structure. This definition shall not apply to or include any sign mounted on, fastened to or suspended from the outside of any building or other structure in accordance with an authorized by any provision of this code or any statute, either for any public convenience or use or for regulating the construction or use of outdoor display signs whether the display signs are illuminated or not.

COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet or any other printed or otherwise reproduced original or copy of any matter of literature which:

- (1) Advertises for sale any merchandise, produce, commodity or thing;
- (2) Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purposes of private gain or profit. However, the terms of this division (3) shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expense incident to such meeting, theatrical performance, exhibition or event of any kind, when either the same is held, given or takes place in connection with ordinary rules of decency, good morals, public peace, safety and good order; further, nothing contained in this division (3) shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state or any ordinance of this town; or
- (4) While containing reading matter other than advertisement, is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

HANDBILL DISTRIBUTOR. Any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

NEWSPAPERS. Any newspaper of general circulation as defined by general law; any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation; any newspaper filed and recorded with any recording office as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with no less than four issues per year and sold to the public.

NONCOMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copy of any matter or literature not included in the definitions of commercial handbill or newspaper.

PRIVATE PREMISES. Any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenance to such dwelling, house, building or other structure.
(Prior Code, § 51.02)

§ 111.03 DISTRIBUTION OF HANDBILLS.

(A) *Throwing or distributing handbills in public places.* No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street or other public place within the town, or hand out, distribute or sell an commercial handbill in any public place; providing, that any person may hand out, distribute or sell to the receiver thereof any noncommercial handbill to any person willing to accept it.

(B) *Placing commercial and noncommercial handbills on vehicles.*

(1) No person shall throw or deposit any commercial or noncommercial hand bill in or on any vehicle.

(2) This division (B) shall not prohibit any person in any public place from handing out or distributing, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(C) *Distribution handbills on streets, highways and intersections.* No person shall, in the course of distributing commercial or noncommercial handbills to occupants of vehicles temporarily stopped on town streets, highways or intersections, distribute handbills if such actions:

(1) Obstruct any public street, highway or intersection by hindering, impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

(2) Create or cause to be created a danger of breach of peace; or

(3) Create or cause to be created any danger to the life and safety of pedestrians or occupants of vehicles engaged in lawful passage on any street, highway or intersection.

(D) *Depositing commercial and noncommercial handbills on uninhabited or vacant premises.* No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant, where:

(1) It is apparent that the property in unoccupied;

(2) It is apparent that a previous day's distribution of handbills had not been removed; or

(3) The owner has not given permission to do so.

(E) *Distribution of commercial and noncommercial handbills at inhabited private premises.*

(1) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or on such premises.

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(2) Any person may place or deposit any noncommercial handbill in or on inhabited private premises which are not posted as provided in division (F) below, unless requested by anyone on such premises not to do so; and may place or deposit any such handbill in or on such inhabited private premises if such hand bill is placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places. However, mailboxes may not be so used when prohibited by federal law or regulations.

(3) This division (E) shall not apply to the distribution of mail by the United State, not to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements on any street, sidewalk or other public place or on private property.

(F) *Distributing hand bills prohibited where premises properly posted.* No person shall throw, deposit or distribute any commercial or noncommercial handbill on private premises if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words “No Trespassing”, “No Peddlers or Agents”, “No Advertisement” or any similar notice indicating in any matter that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.

(G) *Hours of distribution.* No person shall distribute or deposit any commercial or noncommercial handbills daily from 8:00 p.m. to 8:00 a.m. of the following morning.

(H) *Commercial distributors of handbills: license required.*

(1) No person shall engage in the business of a handbill distributor for hire, without first obtaining a license in accordance with this section.

(2) Any person desiring to engage, as principal, in the business of distributing commercial or noncommercial handbills for hire, shall make application to and receive from the Town Administrator a distributor’s license. Such applicant shall make written application on forms provided for such purpose by the Town Administrator. These forms shall contain, among other things that may be required, the name, the business address and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business.

(3) License fees for a commercial distributor’s license shall be set by the Town Council.

(4) No license issued under this section shall be transferable to any other person.

(5) If any commercial distributor’s license is surrendered by the licensee or is revoked for cause, neither the licensee named in such license nor any other person shall be entitled to any refund of part of the license fee.

(6) The Town Council may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations or for violation of this chapter or any other relevant laws and regulations.

(7) The provisions of this section shall not be deemed to apply to distribution of mail by the United States nor to newspapers.

(I) *Commercial handbills.* All commercial handbills which are distributed, deposited, scattered, handed out or circulated in any place or under any circumstances shall have printed on the corner, front or back thereof the following information:

(1) The name and address of the person who printed, wrote, compiled or manufactured such handbill; and

(2) The name and address of the person who caused such handbill to be distributed.
(Prior Code, § 51.03) Penalty, see § 10.99

§ 111.04 POSTING OF BILLS OR NOTICES.

(A) *License requirements.*

(1) No person shall engage in the business of billposter for hire without first complying with the terms of this chapter and all other relevant laws and regulations.

(2) Any person desiring to engage, as principal, in the business of a billposter for hire, shall make application to and receive from the Town Administrator a license in the manner and for the period prescribed by the terms of this section. Such applicant shall make written application on forms provided for such purpose by the Town Administrator. These forms shall contain, among other things that may be required, the name, the business address and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business. Such application shall be accompanied by the fee provided by the Town Council.

(3) No license issued under this section shall be transferable to any other person.

(4) If any billposter's license is surrendered by the licensee or is revoked for cause, neither the licensee named in such license nor any other person shall be entitled to any refund of any part of the license fee.

(5) The Town Council may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations or for violation of this chapter or any other relevant laws and regulations.

(B) *Prohibited activities.*

(1) No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole or on any public structure or building, except as may be authorized or required by law.

(2) No person shall post, paint, burn, set up or expose any bill, placard or advertisement, or cause the same to be posted, painted, burnt, set up or exposed on the property or premises of any other person without first obtaining the consent of the legal owner or custodian of such property or premises.

(3) No person shall willfully or recklessly remove, tear down, deface, injure or destroy any written or printed handbill, poster or other notice or advertisement of like character legally posted or otherwise legally displayed in any public place in this town, so long as the same shall be of value for the purposes thereof to the person who posted or displayed the same, or caused it to be posted or displayed.

(4) No person shall paint, post, paste or otherwise in any manner attach any bills, posters, streamers or advertisements on any telephone, telegraph, electric light poles or any other utility poles located on the streets, thoroughfares or alleys in the town. The Public Works Department shall tear down or remove any bills, poster or display advertisements in any manner attached to any utility poles.
(Prior Code, § 51.04) Penalty, see § 10.99

CHAPTER 112: CANVASSERS AND SOLICITORS

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§ 112.01 DEFINITIONS.

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

***CANVASSER* or *SOLICITOR*.**

(1) Any individual, whether a resident of the town or not, traveling by foot, wagon, automobile, motor truck or any other type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of the sale or whether he or she is collecting advance payment on these sales or not. This definition shall include any person who, for himself, herself or for another person, hires, leases, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop or any other place within the town for the sole purpose of exhibiting samples and taking orders for future delivery.

(2) This definition shall not apply to any person who solicits:

- (a) Order solely from industrial, commercial or profession establishments within the town;
- (b) Order solely for agricultural or forest products;

(c) Orders solely for any kind of insurance, if the individual is licensed by the state, county or town; and

(d) For schools or approved educational, religious or charitable organizations, when the proceeds from the solicitation in excess of the cost of goods sold, go to the fund of some approved educational or charitable organization.

(Prior Code, § 52.01)

§ 112.02 PERMIT REQUIRED.

It shall be unlawful for any solicitor or canvasser to engage in such business within the corporate limits of the town without first obtaining a permit therefor in compliance with the provisions of this chapter.

(Prior Code, § 52.02) Penalty, see § 112.99

§ 112.03 APPLICATION; FEE.

(A) An applicant for a permit under this chapter shall file with the Town Administrator a sworn application in writing on a form to be furnished by the Town Administrator which shall give the following information:

- (1) The name and description of the applicant;
- (2) The permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and goods or services to be sold;
- (4) If employed or acting as an agent, the name and address of the employer or principal, together with credentials establishing the exact relationship;
- (5) The length of time for which the permit is desired;
- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof are manufactured or produced where the goods or products are located at the time the application is filed, and the proposed method of delivery;
- (7) Two photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which photographs shall be two inches by two inches, showing the head and shoulders of the applicant in a distinguishing manner;
- (8) The fingerprints of the applicant;

(9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance; the nature of the offense; and the punishment or penalty assess therefor; and

(10) A statement by a reputable physician date not more than ten days prior to submission of the application certifying the applicant to be free of contagious, infectious or communicable disease.

(B) If any applicant for a permit has been convicted of any felony, misdemeanor or violation this code or other town ordinance, the Town Administrator shall submit the application to the Sheriff for his or her approval. If the Sheriff shall find the previous criminal record of the applicant justifies the conclusion that the health and safety of occupants of homes solicited might be menaced by commission of a breach of the peace or some form of assault, he or she shall not approve the issuance of a permit.

(C) At the time of filing the application, a fee fixed by the Town Council and kept on file in the office of the Town Administrator shall be paid to the town to cover the cost of issuing the permit.
(Prior Code, § 52.03)

§ 112.04 ISSUANCE OF PERMIT.

Upon receipt of an application for a permit under § 112.03 and payment of the prescribed fee therefor, the Town Administrator or other town official charged with regulation of solicitors shall deliver to the applicant:

(A) A permit containing the signature of the issuing officer, the name, address and photograph of the licensee; the class of permit issued and the kind of goods to be sold thereunder; the date of issuance of the permit; the length of time the permit shall be in effect; the permit number; and an identify description of any vehicles used in the soliciting;

(B) A badge which shall contain the words “licensed solicitor”. The badge shall also show the period for which the permit is issued and the number of the permit; and

(C) A copy of this chapter.
(Prior Code, § 52.05)

§ 112.05 DURATION.

A permit issued under § 112.04 shall be effective during the fiscal year beginning July 1 and ending on June 30, unless the application requests permission to do business for a lesser period, in which case the permit shall be valid for that period. The permit is applicable only during the hours between 8:00 a.m. and 8:00 p.m.

(Prior Code, § 52.06) Penalty, see § 112.99

§ 112.06 DISPLAY OF BADGE; PRODUCTION OF PERMIT.

(A) The badge issued under the provision of § 112.04(B) shall, during the time the solicitor is engaged in soliciting, be worn constantly by him or her on the front of his or her outer garment in a way as to be conspicuous.

(B) It shall be the duty of any law enforcement officer in the town to require any person seen soliciting or canvassing to produce his or her solicitor's or canvasser's permit and to enforce the provisions of this chapter against any person found to be violating the same.

(Prior Code, § 52.07) Penalty, see § 112.99

§ 112.07 REVOCATION OF PERMIT.

(A) A permit issued under the provision of this chapter may be revoked by the Sheriff, after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or false statement made in the course of carrying on business as a solicitor or canvasser of a statement made in the application;

(2) Any violation of this chapter;

(3) Soliciting or canvassing in an unlawful or abusive manner or in a manner as to constitute a breach of the peace or a menace to the health and enjoyment of the privacy of the home of any individual called upon or solicited; and

(4) Conviction during the permit year of any crime or misdemeanor involving moral turpitude.

(B) A notice of the hearing for revocation of the license shall be given in writing, setting forth specifically the ground for complaint and the time and place of the hearing. The notice shall be mailed, postage paid, to the licensee at his or her last known address at least five days prior to the date set for the hearing.

(Prior Code, § 52.08)

§ 112.08 APPEAL.

Any person aggrieved by the action of the Sheriff in the denial of, or in the revocation of a permit, or the rejection of an application for a permit under § 112.03(B), shall have the right to appeal to the Town Council. The appeal shall be taken by filing with the Town Council, within 14 days after notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Council shall set a time and place for a hearing on the appeal, and notice of the hearing shall be given to the applicant in the same manner as provided

for notice of hearing on revocation. The decision of the Town Council on the appeal shall be final and conclusive.

(Prior Code, § 52.09)

§ 112.99 PENALTY.

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

(Prior Code, § 52.99)

