

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. GENERAL PROVISIONS; LICENSE TAXES**
- 111. VEHICLES FOR HIRE**
- 112. AMUSEMENTS**
- 113. PEDDLERS AND SOLICITORS**
- 114. SEXUALLY-ORIENTED BUSINESSES;
MASSAGE ESTABLISHMENTS**

CHAPTER 110: GENERAL PROVISIONS; LICENSE TAXES

Section

Business License Taxes

- 110.01 Definitions
- 110.02 License tax levied
- 110.03 Tax Collector; duties
- 110.04 Duration; due date
- 110.05 Application; false statements unlawful
- 110.06 Proration of tax; seasonal businesses
- 110.07 Multiple businesses
- 110.08 Separate places of business
- 110.09 Display of license required
- 110.10 Change in place of business
- 110.11 No abatement of tax
- 110.12 Effect of license
- 110.13 Exemptions
- 110.14 Unlawful to conduct business without license
- 110.15 Collection of unpaid tax
- 110.16 Schedule of license taxes

110.99 Penalty

Cross-reference:

Alcoholic Beverages, see Chapter 114

Certificate of convenience and necessity required for taxicabs, see § 111.02

Licenses for pool rooms and bowling alleys required, see § 112.01

Massage establishments, see Chapter 115

Permits required for peddlers and solicitors, see § 113.01

Sexually-oriented businesses, see Chapter 115

BUSINESS LICENSE TAXES**§ 110.01 DEFINITIONS.**

For the purpose of §§ 110.01 *et seq.*, 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 §§ 110.01 *et seq.*, to a license tax.

ENGAGED (OR ENGAGING) IN BUSINESS WITHIN THIS TOWN. A person is engaged in business within the town when he or she engages in business activity of any type, either as owner or operator of the business, by:

- (1) Maintaining a business location within the town;
- (2) Soliciting business within the town; or
- (3) Picking up or delivering merchandise or performing services within the town.

PERSON. Includes any individual, trustee, executor, other fiduciary, corporation, association, partnership, company, firm, or other legal entity or agent thereof.
(Ord. passed - -)

§ 110.02 LICENSE TAX LEVIED.

A license tax is hereby levied on the privilege of engaging in every business within this town, which is listed in the schedule of taxes contained in § 110.16. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid.

(Ord. passed - -) Penalty, see § 110.99

§ 110.03 TAX COLLECTOR; DUTIES.

(A) The Town Clerk is hereby designated as the Town Tax Collector and is the proper town official to collect license taxes and to issue privilege licenses.

(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 business during normal business hours for the purpose of determining whether §§ 110.01 *et seq.* have been complied with.

(Ord. passed - -)

§ 110.04 DURATION; DUE DATE.

(A) Unless otherwise provided in the schedule of taxes in § 110.16, 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.

(Ord. passed - -) Penalty, see § 110.99

§ 110.05 APPLICATION; FALSE STATEMENTS UNLAWFUL.

(A) Every person desiring to obtain a license for the privilege of engaging in a business within this town shall make application therefore, in writing, to the Tax Collector. The application, to be made on a form provided by the Tax Collector, shall contain the following information:

- (1) Name and nature of the business for which the license is sought;
- (2) The address where the business is conducted and a mailing address for the business, if different;
- (3) The name and address of the person filling out the application, and his or her relationship to the business; and
- (4) 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 not more than \$50, or imprisoned for not less than 30 days.

(Ord. passed - -) Penalty, see § 110.99

§ 110.06 PRORATION OF TAX; SEASONAL BUSINESSES.

(A) Except when a tax is based on gross receipts, if a business is begun after January 31 but before July 1, the tax shall be 1/2 of the amount otherwise due.

(B) Except when a tax is based on gross receipts, a person engaged in a business which is seasonal in nature is liable for 1/2 of the amount of tax otherwise due.

(Ord. passed - -)

§ 110.07 MULTIPLE BUSINESSES.

If a person is engaged in more than one business made subject to a license tax under §§ 110.01 *et seq.*, that person shall pay the license tax prescribed in the tax schedule in § 110.16 for each business, even if the businesses are conducted at the same business location.

(Ord. passed - -) Penalty, see § 110.99

§ 110.08 SEPARATE PLACES OF BUSINESS.

(A) Unless otherwise provided by state law or by the tax schedule in § 110.16, if a person engages in a business in two or more separate places, a separate license tax shall be required for each place of business.

(B) For the purposes of this section, if a person engages in the same business at two or more locations within the town, the person is liable for only one license tax if the locations:

(1) Are contiguous;

(2) Communicate with and open directly into each other; and

(3) Are operated as a unit.

(Ord. passed - -) Penalty, see § 110.99

§ 110.09 DISPLAY OF LICENSE REQUIRED.

Each person issued a license under §§ 110.01 *et seq.* 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 Town Tax Collector. If a machine or other item of personal property is licensed, the license shall be affixed to that machine or item.

(Ord. passed - -) Penalty, see § 110.99

§ 110.10 CHANGE IN PLACE OF BUSINESS.

(A) If a person who has obtained a license for a business taxed under §§ 110.01 *et seq.* desires to move from one business location to another within the town, the license which has been issued shall be valid for the remainder of the license year at this new location, and no additional tax need be paid.

(B) Within a reasonable time after the change in location, however, the person shall inform the Tax Collector of the change in address.

(Ord. passed - -) Penalty, see § 110.99

§ 110.11 NO ABATEMENT OF TAX.

If a licensee discontinues a business before the end of the period for the 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.

(Ord. passed - -)

§ 110.12 EFFECT OF LICENSE.

The issuance of a license under §§ 110.01 *et seq.* does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law, nor does the issuance of a license prevent the town from enacting additional regulations applicable to the licensee.

(Ord. passed - -)

§ 110.13 EXEMPTIONS.

(A) *Religious, educational, or charitable purposes.* 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 §§ 110.01 *et seq.*

(B) *Blind persons.* Any blind person engaging in business within this town shall be exempt from paying any privilege license tax levied by §§ 110.01 *et seq.*, to the extent provided by G.S. § 105-249.

(C) *Armed forces or merchant marine.*

(1) *Combat.* The Secretary may not assess interest or a penalty against a taxpayer for any period that is disregarded under G.S. § 7508 in determining the taxpayer's liability for a federal tax. A taxpayer is granted an extension of time to file a return or take another action concerning a state tax for any period during which the Secretary may not assess interest or a penalty under this section.

(2) *Disaster.* The penalties in G.S. § 105-236(2), (3), and (4) may not be assessed for any period in which the time for filing a federal return or report or for paying a federal tax is extended under G.S. § 7508A because of a presidentially declared disaster. For the purpose of this section, "presidentially declared disaster" has the same meaning as in G.S. § 1033(h)(3).

(Ord. passed - -) (G.S. § 105-249.2)

§ 110.14 UNLAWFUL TO CONDUCT BUSINESS WITHOUT LICENSE.

It shall be unlawful for any person to engage in a business within this town, upon which a privilege license tax is imposed by §§ 110.01 *et seq.*, without having paid the license tax specified in § 110.16 herein.

(Ord. passed - -) Penalty, see § 110.99

§ 110.15 COLLECTION OF UNPAID TAX.

(A) If a person begins or continues to engage in a business taxed under §§ 110.01 *et seq.* without payment of the required privilege license tax, the Tax Collector may use either of the following methods to collect the unpaid tax: the remedy of levy and sale or attachment and garnishment, in accordance with G.S. § 160A-207; or the remedy of levy and sale of real and personal property of the taxpayer in accordance with G.S. § 105-249.

(B) Any person who begins or continues to engage in a business taxed under §§ 110.01 *et seq.* without payment of the 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.

(Ord. passed - -)

§ 110.16 SCHEDULE OF LICENSE TAXES.

The town's schedule of license taxes is hereby adopted by reference and incorporated herein as if set out in full.

§ 110.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Violators of § 110.14 shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50 or imprisoned for not more than 30 days. Each day that a person engages in business in violation of this section constitutes a separate offense. The town may seek an injunction against any person engaging in business in violation of § 110.14. A conviction under § 110.14 does not relieve a person of his or her liability for the license tax or taxes imposed by §§ 110.01 *et seq.*

(Ord. passed - -)

CHAPTER 111: VEHICLES FOR HIRE

Section

Taxicabs

- 111.01 Definitions
- 111.02 Unlawful to operate without certificate
- 111.03 Application required
- 111.04 Board issues certificates
- 111.05 Duration of certificate
- 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 of certificate
- 111.11 Revocation of certificate
- 111.12 Substitution of vehicles
- 111.13 No person to hold more than one certificate

TAXICABS

§ 111.01 DEFINITIONS.

For the purpose of §§ 111.01 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON(S). Include persons, individuals, firms, corporations, partnerships, and associations.

TAXICAB. Any motor vehicle seating nine or fewer passengers, operated upon any street or highway, on call or on demand, accepting or soliciting passengers indiscriminately for hire between the 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 vehicle carriers as defined in G.S. §§ 20-4.01 (11a) and (21b).

(1973 Code, § 10.10)

§ 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 of Commissioners a certificate of convenience and necessity as hereinafter set forth.

(1973 Code, § 10.11) 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 a certificate of convenience and necessity.

(1973 Code, § 10.12) Penalty, see § 10.99

§ 111.04 BOARD ISSUES CERTIFICATES.

The Town 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 the certificate under terms and conditions as in its judgment the public convenience and necessity may require.

(1973 Code, § 10.13)

§ 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 §§ 111.01 *et seq.* for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and a hearing conducted as herein provided.

(1973 Code, § 10.14)

§ 111.06 DETERMINATION OF CONVENIENCE AND NECESSITY.

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

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

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

(3) The number and condition of equipment;

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

(5) 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 the taxicabs;

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

(7) Other relative facts as may be deemed necessary and advisable.

(B) Before making any decision with respect to the issuance of a certificate of convenience and necessity, the Town 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.

(1973 Code, § 10.15)

§ 111.07 HEARING; NOTICES.

(A) Each application for a 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 the hearing, the notification to be sent at least ten days before the date set for the hearing.

(B) 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.

(C) In addition, the Town Board shall have the power to have published, at least once in a newspaper of general circulation at least ten 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.

(1973 Code, § 10.16) Penalty, see § 10.99

§ 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.

(1973 Code, § 10.17)

§ 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 will be made by the town.

(1973 Code, § 10.18)

§ 111.10 TRANSFER OF CERTIFICATE.

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.

(1973 Code, § 10.19)

§ 111.11 REVOCATION OF CERTIFICATE.

(A) The Town Board may at any time after a public hearing revoke any certificate issued by authority of §§ 111.01 *et seq.* for any one or more of the following causes:

(1) Failure to operate the taxicab specified in the certificate in a 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 of \$15 imposed upon the 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) Willful failure to comply with any provision of this subchapter or other ordinances or state laws relating to the operation of taxicabs, whether the 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 five-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 one 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.

(1973 Code, § 10.20)

§ 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 that instance, the liability insurance or bonds shall also be transferred to the substitute vehicle or vehicles.

(1973 Code, § 10.21)

§ 111.13 NO PERSON TO HOLD MORE THAN ONE CERTIFICATE.

The Town Board reserves the right to issue only one certificate to any one 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.

(1973 Code, § 10.22) Penalty, see § 10.99

CHAPTER 112: AMUSEMENTS

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 or she shall first have secured a license from the Board of Commissioners to do so. The license shall expire on June 30 each year, and shall not be transferable.

(1973 Code, § 10.25) Penalty, see § 10.99

§ 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 of Commissioners to act intelligently upon the applications.

(1973 Code, § 10.26) Penalty, see § 10.99

§ 112.03 WHEN LICENSE REFUSED.

The Board of Commissioners shall not issue the 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.
- (1973 Code, § 10.27)

§ 112.04 FORM AND CONTENT OF LICENSE.

(A) Every license issued pursuant to §§ 112.01 *et seq.* 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.

(B) The license shall be posted in a prominent place on the premises at all times.
(1973 Code, § 10.28) Penalty, see § 10.99

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

Licensees under §§ 112.01 *et seq.* 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 that 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 board or device to be attached to or placed upon any pool or billiard tables.
(1973 Code, § 10.29) Penalty, see § 10.99

§ 112.06 RULES FOR OPERATION OF POOL ROOMS.

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

(B) (1) All pool rooms shall close at 11:30 p.m. each evening, Monday through Friday, and at 12:00 midnight on Saturdays.
(Ord. passed 11-9-1976)

(2) No play on any table shall be allowed during the times when pool rooms are required by §§ 112.01 *et seq.* to remain closed.

(3) Pool rooms shall remain closed on Sundays, except between the hours of 9:00 a.m. and 6:00 p.m.
(Ord. passed 1-3-1984)

(4) 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 a clear view inside may be had from the street.

(5) 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 the room. A clear view of the interior from the entrance to the rear of the room must be maintained at all times.

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

(7) 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.
(1973 Code, § 10.30)
Penalty, see § 10.99

§ 112.07 LICENSEE RESPONSIBLE.

The acts 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.
(1973 Code, § 10.31)

§ 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 §§ 112.01 *et seq.* shall by operation of law constitute an automatic revocation of the license of the licensee. In addition, the Board of Commissioners 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 §§ 112.01 *et seq.*

(1973 Code, § 10.32)

CHAPTER 113: PEDDLERS AND SOLICITORS

Section

On Private Property

- 113.01 Permit required
- 113.02 Application for permit
- 113.03 Issuance of permit; possession and exhibition
- 113.04 Appeal from the refusal to issue permit
- 113.05 Duration and renewal
- 113.06 Transferability
- 113.07 Revocation of permit
- 113.08 Exceptions

ON PRIVATE PROPERTY

§ 113.01 PERMIT REQUIRED.

It shall be unlawful for any person, firm, or corporation, without first obtaining a permit as hereinafter provided, to go in or upon or permit its representatives to go in or upon any private residence or premises in the town as solicitor, peddler, hawker, itinerant merchant, or transit vendor of merchandise, not having been requested or invited to do so by the occupants of the private residence or having secured their permission to do so for the purpose of soliciting orders for the sale of goods, wares, periodicals, or merchandise, or for the purpose of distributing, disposing of, peddling, or hawking the same.

(1973 Code, § 10.33) Penalty, see § 10.99

§ 113.02 APPLICATION FOR PERMIT.

Any person, firm, or corporation desiring to engage in the business or practices referred to in § 113.01 hereof shall file with the Chief of Police an application for a permit to do so. The application

shall be in writing, under oath, and shall show the applicant's name, age, fingerprints, current address, and his or her place of residence and nature of employment during the preceding year, the address and nature of business of his or her employer or principal, if any, and shall specify in detail the goods, wares, periodicals, or other merchandise to be offered for sale and shall state whether or not the applicant has been convicted of any crime involving moral turpitude and, if so, the nature of the crime and the place and time of conviction. The applicant shall also furnish, at the time of filing his or her application, a photograph made within one year of the date of the application. The applicant shall also give to the Chief of Police, at the time of filing of the application, any other information requested as may be of assistance in passing upon the qualifications of the applicant. If the application is filed by an employer there shall also be filed a separate application for each solicitor giving the information set forth above as to the qualifications of the solicitor and the same shall be signed and sworn to by each solicitor and a separate permit shall be issued for each applicant.

(1973 Code, § 10.34) Penalty, see § 10.99

§ 113.03 ISSUANCE OF PERMIT; POSSESSION AND EXHIBITION.

If, upon investigation reasonably made, the Chief of Police ascertains and determines that the applicant for a permit, as herein required, is a person of good moral character and proposes to engage in a lawful commercial or professional enterprise during hours that will not unduly disturb the occupants of residences, the Chief of Police shall issue to him or her a permit to engage in the business which permit shall contain substantially the information set forth in his or her application and to which shall be attached the applicant's photograph and fingerprints. The permit shall be carried at all times by the applicant to whom issued when soliciting or canvassing in the town and shall be exhibited by the applicant whenever requested to do so by any police officer or any person solicited. If the Chief of Police shall, upon investigation, determine that the applicant is not a person of good moral character and that he or she does not propose to engage in a lawful commercial or professional enterprise during hours reasonably convenient for the occupants of residences, he or she shall refuse to issue the permit.

(1973 Code, § 10.35) Penalty, see § 10.99

§ 113.04 APPEAL FROM THE REFUSAL TO ISSUE PERMIT.

Upon the refusal of the Chief of Police to grant a permit as hereinbefore required, the applicant thereafter may appeal to the Board of Commissioners and, if the Board shall be satisfied that the applicant and his or her proposed business and hours of work meet the requirements herein set forth, it shall direct the Chief of Police to issue the permit, otherwise, the same shall be refused.

(1973 Code, § 10.36)

§ 113.05 DURATION AND RENEWAL.

The Chief of Police shall determine from the application and from the facts as may be developed in connection with the application the period for which the permit shall be approved and granted, provided, however, that the period shall in no case exceed 12 calendar months. Upon the expiration of the permit, the Chief of Police may, upon application filed in the form and giving the information required in the original application, renew and extend the permit for additional periods not to exceed 12 calendar months for any period.

(1973 Code, § 10.37)

§ 113.06 TRANSFERABILITY.

No permit approved and issued as herein provided shall be transferable.

(1973 Code, § 10.38)

§ 113.07 REVOCATION OF PERMIT.

If it should thereafter appear that the facts set forth in the applicant's application are untrue or if the applicant is thereafter convicted of a crime involving moral turpitude, or if he or she engages in business other than as set forth in his or her permit or fails to utilize the same in good faith and for the purpose issued, the permit shall be revoked by the Chief of Police and from the revocation the applicant may, if he or she desires, appeal to the Board of Commissioners.

(1973 Code, § 10.39)

§ 113.08 EXCEPTIONS.

The provisions of §§ 113.01 *et seq.* shall not apply to the sale or solicitation of farm or dairy products by the producer or to organizations or representatives of organizations, organized and operated exclusively for educational, benevolent, religious, fraternal, charitable, or civic purposes, and not operating for profit, and where the solicitation or sales are made without remuneration to the solicitor.

(1973 Code, § 10.40)

**CHAPTER 114: SEXUALLY-ORIENTED BUSINESSES;
MESSAGE ESTABLISHMENTS**

Section

114.01 Adoption by reference

§ 114.01 ADOPTION BY REFERENCE.

The county's provisions regarding sexually-oriented businesses and message establishments are hereby adopted by reference and incorporated herein as if set out in full.
(Res. passed 2-7-1995)

