

BUSINESS REGULATIONS

**CHAPTER 100:
FIRE, SMOKE, BUGLARY, AND ROBBERY SYSTEMS REGULATIONS.**

§ 100.01 Purpose.

The purpose of this chapter is to establish regulations governing fire, smoke, burglary, and robbery alarm systems requiring response thereto by the Town Police Department and Fire Department. The terms of this chapter shall in no way prohibit alarm companies from providing service by private source to other offices with or outside the town.

(Adopted: 5-1-07)

§ 100.02 Definitions.

Alarm Business. The business by any individual, partnership, or corporation servicing, repairing, altering, replacing, moving, or installing any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, or facility, and shall not include any other activity of the business.

Alarm Installation. Any alarm device or combination of devices installed for one or more buildings.

Alarm Systems. Any electronic or mechanical device which emits any signal (electronic, visible, audible, silent, recorded, or otherwise) which is designed, intended, or used to detect a fire, smoke, unauthorized entry into a building, structure, or premises, to signal an attempted robbery or holdup, or to alert others of a fire, smoke, or commission of unlawful act in or around a building, structure, or premises.

Alarm User. Any person, corporation, partnership, proprietorship, governmental or educational entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of the premises.

Automatic Dialing Service. Any type of device which automatically sends signals over regular telephone lines as opposed to dedication premises.

Chief of Police. The Chief of Police of the Town of Aberdeen Police Department or his/her designee.

Dedicated Alarm Line. A special leased telephone line circuit maintained for the sole purpose of transmitting alarm signals.

Digital Alarm. An alarm system which automatically send signals over regular telephone lines connected to a digital receiving consol, as opposed to a telephone hand set.

Digital Connecting Alarm. An alarm utilizing dedicated alarm lines to connect to a remote console.

Fire Chief. The Fire Chief of the Town of Aberdeen Fire Department or his/her designee.

Local Alarm. An alarm or device which produces a signal not connecting in any way to any alarm monitoring centers, such as store or home burglar alarms actuating bell devices.

Tape Dialer Alarm. An alarm system which automatically send a signal over regu;ar telephone lines and plays a pre-recorded message.

(Adopted: 5-1-07)

§ **100.03** **General Regulations.**

- A. The alarm user shall be responsible for knowing the contents of this chapter.
- B. Alarm system may be connecting directly to a private alarm control center, or may be a local alarm.
- C. All automatic dialing devices shall conform with Section 100.5 of this chapter.
- D. Local alarms shall be of a type that sounds for no more that 15 minutes.
- E. Any alarm existing as of the effective date of this chapter shall also be governed by the regulations of this chapter.
- F. Each local alarm user shall furnish to the Town Police Department the name(s) and telephone number(s) of at least one, but not more that three persons authorized and able to deactivate the alarm system.
- G. After the effective date of this chapter, it shall be unlawful to connect a local alarm without first notifying the Town Police Department of the name(s) and telephone number(s) of person(s) authorized and able to deactivate the alarm system. Any changes in the name(s) or telephone number(s) of person(s) authorized and able to deactivate the alarm system must be communicated to the Town Police Department immediately.
- H. Alarm systems installed within the Town shall be equipped with an automatic bell time cut-off module to prevent continuous alarm sounding when the user is unavailable to manually silence the alarm.
- I. Alarm systems installed after the effective date of this chapter will be required to have reset capabilities, and to reset within 15 minutes. An alarm cut-off shall be installed to override all malfunctioning alarms. Users whose alarm systems were installed prior to the effective date of this chapter shall have one year form the effective date of this chapter to convert their systems to comply with the provisions herein.

(Adopted: 5-1-07)

§ **100.04** **Automatic Dialing Devices:**

Interconnection to Police Department.

- A. No automatic dialing device shall be interconnected to any telephone numbers of the Town of Aberdeen Police Department after the effective date of this chapter.
- B. Within six months of the effective date of this chapter, all automatic dialing devices interconnected to any telephone numbers of the Town of Aberdeen Police Department shall be disconnected. The user of each such device shall be responsible for having the device disconnected upon notification of the Chief of Police.
- C. Each violation of this section shall be deemed a separate offense subject to penalties as provided for in Section 10.98 of the Town Code of Ordinances.

(Adopted: 5-1-07)

§ **100.05 Alarm Responses.**

- A. If, within any 12-month period, beginning with the first response, the Town of Aberdeen Police Department of the Town of Aberdeen Fire Department responds to three alarms at the same premises or location where no evidence indicates that a fire occurred, smoke was present, or an unauthorized entry, robbery, or other crime was committed or attempted, the Chief of Police or Fire Chief shall send a letter to the alarm user informing him/her of the alarm activations and responses encouraging the review or repair of the alarm system.
- B. If, within any 12-month period, beginning with the first response, the Town of Aberdeen Police Department responds to a fourth or subsequent alarm at the same premises or location where no evidence indicates that an unauthorized entry, robbery, or other crime was committed or attempted, the alarm user shall reimburse the Town for the cost of responding, at a flat rate of \$50 for each response over four (4).
- C. If within any 12-month period, beginning with the first response, the Town of Aberdeen Fire Department responds to a fourth or subsequent alarm at the same premises or location where no evidence indicated that a fire occurred or smoke is present, the alarm user shall reimburse the Town for the cost of responding, at a flat rate of \$50 for each response over four (4).
- D. The alarm user or his representative shall reset an alarm system when notified by the Town of Aberdeen Police Department that the alarm has activated. When an alarm sounds continuously for a period of sixty (60) minutes from the time officers or firefighters respond to the alarm, due to failure of the alarm user or his/her representative to reset the alarm, every subsequent sixty (60) minute period or portion thereof that the alarm continues to sound shall be deemed a separate alarm.
- E. It is the intent of this chapter that the date of the first response to an alarm user shall become the anniversary date for any 12-month period calculated herein, and upon each anniversary date that alarm user's number of responses shall be reduced to zero.

(Adopted: 5-1-07)

§ **100.06 Exclusions.**

- A. For the purpose of computing the number of responses in Section 100.05, an alarm shall not include an alarm which is determined to have been activated by adverse weather conditions, a failure in the electrical power to the alarm, or any other condition beyond the control of the alarm user.
- B. A local alarm activated during the alarm testing procedure shall not be considered an alarm for the purpose of computing alarm responses, if the alarm user first notifies the Town of Aberdeen Police Department.

(Adopted: 5-1-07)

§ **100.07 Authority to Waive Reimbursement**

- A. The Town of Aberdeen Manager or hi/her designee shall have the power to waive any fee charged to an alarm user when the alarm user submits to the Manager or his/her designee evidence that an alarm to which an officer responded was not the result of negligence or evidence that indicates an unauthorized entry, robbery, or other crime was committed or attempted.

(Adopted: 5-1-07)

§ **100.08 Prohibited Acts.**

- A. It shall be unlawful for any person to activate a fire, smoke, burglary, or robbery alarm for the purpose of summoning the Police when no burglary or robbery, or other crime dangerous to life, is being committed or attempted on the premises; or otherwise to cause a false alarm.
- B. It shall be unlawful for an alarm user to fail to reimburse the Town of Aberdeen, in accordance with Section 100.05, for alarm response(s) by the Town of Aberdeen Police Department or Town of Aberdeen Fire Department.
- C. Violations of this section shall be subject to a civil penalty as provided for in Section 10.98 of the Town Code of Ordinances.

(Adopted: 5-1-07)

BUSINESS REGULATIONS

GENERAL LICENSING PROVISIONS

§ **110.01** **DEFINITIONS.**

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

AGENT. The person having the agency for the manufacturer, producer or distributor.

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

ENGAGED IN THE BUSINESS. Engaged in the business as owner or operator.

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

QUARTER. Any three consecutive months beginning with July 1 of a give fiscal year and ending June 30 of that fiscal year.
(’75 Code, § 11-1)

§ 110.02 LICSNSE REQUIRED.

It shall be unlawful for any person or his agent or servant to engage in or carry on a business in the town for which there is required a license, without first having paid the license tax required by this chapter and obtained the license. For the purpose of this section, the opening of a place of business or offering to sell followed by a single sale or the doing of any act or thing in furtherance of the business shall be construed to be engaging in or carrying on such business. ('75 Code, § 11-1) Penalty, see § 10.99

§ 110.03 LICENSE TAX REQUIRED FOR EACH BUSINESS.

The payment of any particular tax imposed by this chapter shall not relieve the person paying the same from the payment of any other tax imposed by this chapter for any other business he may carry on, unless so provided by the section imposing such tax. License taxes prescribed by various sections of this chapter applicable to any business shall be cumulative except where otherwise specifically provided.

('75 Code, § 11-3)

§ 110.04 LICENSE REQUIRED FOR EACH PLACE OF BUSINESS.

A license issued for the privilege of conducting a business shall be valid only for the business conducted at the place and by the licensee named therein. Every person doing business in more than one factory, mill, warehouse, store, stall, stand or other place of business shall secure a separate license for each such place of business, unless such places of business are contiguous, communicate directly with and open into each other and are operated as a unit. If the business is moved or if the licensee sells to another, then a new license shall be required, unless a special permit to continue business under the original license is obtained from the Board of Commissioners.

('75 Code, § 11-4)

§ 110.05 OPERATION OF PUBLIC ENTERPRISE WITHOUT FRANCHISE PROHIBITED.

No person shall operate an enterprise as designated by G.S. § 160A-311 within the town without first obtaining a franchise from the town, nor shall any person continue to operate such enterprise after the expiration of such franchise, except as provided by law.
(’75 Code, § 11-1) Penalty, see § 10.99

§ **110.06 TAX LEVIED; LICENSES GRANTED SUBJECT TO PROVISIONS
 OF CODE.**

(A) In addition to the tax on property there is hereby levied and collected annually, or more often where provided for, a privilege license tax on trades, professions, agencies, business operations, exhibitions, circuses and all subjects authorized to be licensed, as set out in this chapter.

(B) Nothing contained in this chapter shall be construed to prevent the Board of Commissioners from imposing, from time to time as they may see fit, such license taxes as are not specifically herein defined or from increasing or decreasing the amount of any special license tax or from prohibiting or regulating the business or acts licensed.

(C) All licenses granted shall be subject to the provisions of this Code, existing ordinances or those thereafter enacted.

('75 Code, § 11-1)

§ 110.07 TRANSFER PROHIBITED.

All licenses issued pursuant to this chapter shall be a personal privilege and shall not be transferable.

('75 Code, § 11-6)

§ **110.08 TERM OF LICENSE.**

All taxes and licenses provided for and fixed in this chapter shall be for the 12 months of a given fiscal year, unless otherwise specified.

('75 Code, § 11-7)

§ 110.09 DISPLAY REQUIRED.

Every license shall be prominently displayed at the place of business of the licensee or, if the licensee has no fixed place of business, such license shall be kept wherever such business is being operated and where it can be inspected at any time by the proper town official.
(’75 Code, § 11-8) Penalty, see § 10.99

§ 110.10 REBATE AND REFUNDS.

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

('75 Code, § 11-9)

§ 110.11 SCHEDULE OF TAXES.

(A) The amount of the license tax levied on each trade, profession, agency, business or other subject shall be as is determined by the Board of Commissioners and the regulations of the “N.C. City and County Privilege License Taxes” as published by the N.C. Institute of Government.

(B) Any such schedule of license taxes shall be maintained on file in the office of the Town Clerk where they shall be available for public inspection during the regular office hours of the Town Clerk.

(’75 Code, § 11-10)

GENERAL PROVISIONS

ALCOHOLIC BEVERAGES

§ 111.01 CONSUMPTION ON PUBLIC PROPERTY PROHIBITED.

It shall be unlawful for any person to drink or consume beer, wine or any other intoxicating beverage on any public street, alley, sidewalk, park or any other public property within the corporate limits of the town whether in a vehicle or on foot, except during an event at the Aberdeen Lake Recreation Station or as part of a special event, as that term is defined in section 96.16. Events held at the Aberdeen Lake Recreation Station shall be held in accordance with the rules and policies established by the town. Special events permits shall be issued in accordance with sections 96.16 through 96.31.

(Ord., passed 6-9-2008; Amended 6-29-15) Penalty, see § 10.99

GENERAL PROVISIONS

AMUSEMENTS AND ENTERTAINMENT

GAME ROOMS

§ 112.01 DEFINITION.

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

(A) ***GAME ROOM.*** Any place of business that principally operates mechanical games or pay devices or tables for which charge is made directly or indirectly.

(B) Examples of game rooms are, but not limited to, poolrooms, bowling alleys, billiard halls, amusement centers, miniature golf courses and the like.
(Ord., passed 7-11-83)

§ **112.02** **LICENSE REQUIRED.**

(A) Every operator of a game room shall be required to pay a privilege license tax in accordance with the privilege license ordinance of the town.

(B) Every operator of a game room shall apply for and obtain a license from the Town Clerk, with an investigation made by the Police Department to operate a game room. Application for such a license shall be made upon forms provided by the Town Clerk.

(C) It shall be unlawful to operate a game room within the town without a license. (Ord., passed 7-11-83) Penalty, see § 10.99

§ **112.03 RESTRICTIONS ON ISSUANCE OF LICENSE.**

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

(A) Has been convicted of unlawfully selling intoxicating liquors or narcotic drugs.

(B) Is a habitual user of alcoholic beverages or narcotics drugs.

(Ord., passed 7-11-83)

§ **112.04** **PROHIBITED CONDUCT.**

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

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

(B) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football or any parlay cards or gambling boards or devices.

(C) Employ in carrying on the business any person who has been convicted of unlawfully selling alcoholic beverages or narcotic drugs.
(Ord., passed 7-11-83) Penalty, see § 10.99

§ **112.05** **RULES FOR OPERATION.**

The following rules shall be observed by all operators of game rooms within the town:

(A) All game rooms shall be closed from 12:00 midnight Saturday night until 1:00 p.m. Sunday.

(B) No play on any game shall be allowed during the times when game rooms are required by this chapter to be closed.

(C) No loud noises shall be allowed to emanate beyond the licensed premises.

(D) No beer, wine or liquor shall be possessed or consumed upon the premises where any game room regulated under this subchapter is operated.

(E) No permit and license shall be issued for a game room where any part of the property upon which the business is to be operated is within 150 feet of the property line of any established church.

(F) It shall be unlawful for the owner of a game room to knowingly allow a person under the age of eighteen to enter or remain on such premises when the manager or owner of such premises has been notified in writing by the parents or guardian of such persons not to allow such person to enter or remain on such premises.

(G) A copy of divisions (A) through (F) of this section will be posted in the business so that it is visible to all people who patronize the business.
(Ord., passed 7-11-83) Penalty, see § 10.99

§ **112.06** **REVOCATION OF LICENSE.**

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

- (A) Violates the provisions of this chapter; or
 - (B) Is convicted of unlawfully selling or giving of alcoholic beverages or narcotic drugs.
- (Ord., passed 7-11-83)

POOLROOMS

§ 112.15 **SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES;
GAMBLING PROHIBITED.**

(A) No beer or wine shall be sold and no beer, wine or whiskey shall be consumed upon the premises where any business regulated under this chapter is operated.

(B) No gambling in any form shall be permitted on any such premises.
(’75 Code, § 21-2) Penalty, see § 10.99

§ **112.16** **PROXIMITY TO CHURCHES.**

No permit and license shall be issued for the operation of any billiard or pool tables for any establishment where any part of the property upon which the business is to be operated is within 150 feet of the property line of any established church.
(’75 Code, § 21-3)

§ 112.17 PRESENCE OF MINORS.

It shall be unlawful for the owner of a poolroom or parlor or place where pool is played to knowingly allow a person under 18 years of age to enter or remain on such premises when the manager or owner of such premises has been notified in writing by the parents or guardian of such person not to allow such person to enter or remain in such premises.

('75 Code, § 21-4) Penalty, see § 10.99

§ 112.18 POSTING OF REGULATIONS.

A copy of §112.17 shall be posted in an appropriate place in any establishment affected thereby.

('75 Code, § 21-6) Penalty, see § 10.99

BUSINESS REGULATIONS

PAWNBROKERS

§ 113.01 LICENSE, BOND REQUIRED.

(A) No person, partnership, corporation or association shall operate a pawnshop unless such person, partnership, corporation or association shall have first applied for a received a privilege license from the Town Clerk. A separate license shall be required for each location, place or premises used for the conduct of a pawnshop and each license shall designate the location, place or premises to which it applies. In addition, each business shall not be carried on or conducted in any other place than that designated in or by such license.

(B) Every person, firm or corporation licensed under this chapter shall, at the time of receiving the license, file with the Town Clerk a bond payable to the town in the sum of \$5,000 to be executed by the licensee and by two responsible sureties or a surety company licensed to do such business in this state, to be approved by the town, which shall be for eth faithful performance of the requirements and obligations pertaining to the business so licensed. The town may sue for forfeiture of the bond upon a breach thereof. Any person who obtains a judgment against a pawnbroker and upon which judgment execution is returned unsatisfied may maintain an action in his own name upon the bond, to satisfy the judgment. (G.S. § 91A-14) (Ord., passed 5-25-81) Penalty, see § 10.99

§ 113.02 EMPLOYEES TO REGISTER WITH POLICE DEPARTMENT.

Every employee of a pawnshop shall, within five days of being employed, register his name and address with the Police Department and have his thumbprints, fingerprints and photograph taken by the Police Department. Such employee shall be issued by the Police Department a certificate of compliance with this section upon payment of the amount due a per the fee schedule on file in the office of the Town Clerk.
(Ord., passed 5-25-81) Penalty, see § 10.99

§ 113.03 APPLICATION FOR LICENSE; FEE.

(A) Any person applying to the Town Clerk for a license to conduct the business of a pawn shop shall pay a fee as is on file in the office of the Town Clerk to the town to compensate the town for the cost of investigating the applicant's criminal record and character. The applicant shall report to the Police Department and furnish his full name, address, physical description, age, North Carolina driver's license (if applicable) and social security number. In addition, the applicant shall be photographed and fingerprinted in order to facilitate the investigation.

(B) In the event the applicant is a partnership or association, all persons owning or having an interest therein shall pay to the town the investigation fee as is on file in the office of the Town Clerk and comply with provisions of division (A) above.

(C) In the case of a corporate applicant, each stockholder owning 10% or more of the corporation's common stock shall pay to the town the investigation fee as is on file in the office of the Town Clerk and comply with the provisions of division (A) above.
(Ord., passed 5-25-81)

§ 113.04 QUALIFICATIONS FOR LICENSE.

In order to qualify for a pawnbroker license a person must be a resident of Moore County and have been a resident for 12 months.
(Ord., passed 5-25-81)

§ **113.05 COOPERATION WITH LAW ENFORCEMENT AGENCIES.**

Any and all pawnshop operators shall totally cooperate with and assist the Police Department and the County Sheriff's Office at all times.
(Ord., passed 5-25-81) Penalty, see § 10.99

§ 113.06 STOLEN GOODS.

(A) If at any time a pawnshop operator has any reason to believe that he has received stolen goods he is required to notify the Police Department immediately.

(B) In the event an item which is believed stolen is located in a pawnshop and this item is required as evidence, the pawnbroker shall release to the police, upon their request, said item.

(Ord., passed 5-25-81) Penalty, see § 10.99

§ **113.07 REVOCATION OF LICENSE.**

Violation of any one of these ordinances shall be grounds for revocation of the pawnbroker license.
(Ord., passed 5-25-81)

BUSINESS REGULATIONS

PEDDLERS AND SOLICITORS

GENERAL PROVISIONS

§ 114.01 DEFINITION.

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

REGULARLY ESTABLISHED PLACE OF BUSINESS. A place of business open to the public at least two days a week for not less than four hours daily and having one or more persons in charge thereof, at which place the same person has the intent to continue in business for at least six consecutive months.

('75 Code, § 18-1)

§ 114.02 TELEPHONE SOLICITATION.

(A) No solicitor, peddler, promoter, vendor or any other person in the town shall use any telephone in the town for the purpose of contacting another person in the town to offer for sale or sell products or services or to promote by any plan, scheme, device or means, any commercial or business plan, project or venture without having been requested or invited to do so by the person called or without the existence, prior to the enactment of this section, of a current business or commercial relationship between the person making such use of a telephone and the person to whom the call is placed.

(B) The actions prohibited by this section are hereby declared to be a nuisance and may be abated as such.
(’75 Code, § 18-2) Penalty, see § 10.98

§ 114.03 SOLICITATION OF PRIVATE RESIDENCES.

It shall be unlawful for any person to engage in the practice of going in and upon any private residence in the municipality by solicitors, agents, representatives, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owners or occupants of such private residence for the purpose of soliciting orders for the sale of goods, wares and merchandise or for the purpose of disposing of or peddling or hawking the same or soliciting orders for goods or services or for future completion or continuation.

('75 Code, § 18-2.1)(Ord., passed 10-13-75) Penalty, see § 10.98

ITINERANT PHOTOGRAPHERS

§ 114.10 LICENSE REQUIRED.

Every person engaged in the practice of photography, but having no regularly established place of business located in this or another state, and who personally or through officers, employees, agents or servants goes from town to town or from place to place within this municipality soliciting the making of photographic pictures or reproductions with a view to selling same, shall apply for and obtain from the Town Clerk a license for the privilege of engaging in such business in the town, for each individual photographer, agent, servant, representative or employee so engaged.

('75 Code, § 18-3) Penalty, see 10.98

§ 114.11 APPLICABILITY OF LICENSE TAX.

The license tax imposed by this subchapter shall apply to every person who practices the profession or occupation of an itinerant photographer in this town, whether as principal, officer, employee, agent or servant, and whether engaged in soliciting or in one or more of the operations involved in the making of photographic pictures or reproductions.
(’75 Code, § 18-4)

§ **114.12 STATE LICENSE REQUIRED.**

The Town Clerk shall issue a license only to such persons who have been issued similar licenses by the state Department of Revenue.

('75 Code, § 18-5)

BOOK OR MAGAZINE SALES

§ 114.20 PERMIT REQUIRED.

No person shall go from house to house or from place to place within the town and sell or solicit orders for books, magazines or periodicals of any kind or subscriptions thereto, with out first having obtained a permit to do so as provided in this subchapter.

('75 Code, § 18-6) Penalty, see § 10.98

§ 144.21 APPLICATION FOR PERMIT; ISSUANCE.

(A) Any person desiring to engage in the business described in § 114.20 shall, before engaging in such business, file an application for a permit to do so with the Town Clerk.

(B) The application shall state the applicant's name, age, sex, race, business and residence addresses and the name and address of the applicant's employer and shall furnish at least three references, satisfactory to the Town Clerk, as to the applicant's character.

(C) The application shall state the length of time for which the permit is requested, shall be in writing and shall be sworn to.

(D) After investigation of the application by the Town Clerk, if the same is approved, the Town Clerk shall issue to the applicant a permit, which shall be signed by the Town Clerk, authorizing the applicant to engage in the business described in § 114.20 for the period of time therein stated.

('75 Code, § 18-7)

CHARITABLE SOLICITATION

§ 114.30 PERMIT REQUIRED.

Before any person directly or indirectly solicits money, donations or money, property or financial assistance of any kind, or sells or offers for sale any article, tag, service emblem, publication, ticket, advertisement, subscription or anything of value on the plea or representation that such sale or solicitation or the proceeds thereof is for a charitable, religious, patriotic, educational or philanthropic purpose on the streets in any office or business building, by house-to-house canvas or in any other private or public place by telephone, personal solicitation, by mail or in any other way in the city, such person shall first apply for and obtain a permit to engage in such solicitation in the manner and under the provisions set forth in this subchapter. (Ord., passed 2-9-76) Penalty, see § 10.98

§ 114.31 APPLICATION FOR PERMIT.

Application for a permit to solicit for any cause whatever as provided in § 114.30 shall be sworn to and addressed to the town and filed with the Town Clerk who shall have authority to require any or all of the following information:

(A) Name of the organization applying for a permit to solicit and the address of its headquarters.

(B) Names and addresses of the organization's principal officers and management.

(C) The purpose for which such solicitation is to be made and the use or disposition to be made of any receipts therefrom.

(D) The name of the persons by whom the receipts of such solicitation shall be disbursed.

(E) The name and address of the person who will be in direct charge of conducting the solicitations.

(F) An outline of the methods to be used in conducting the solicitations.

(G) The time when solicitations shall be made, giving the preferred dates for the beginning and ending of such solicitations.

(H) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to anyone in connection with such solicitation, together with the manner in which such wages, fees, expenses, commissions or emoluments are to be expended, to whom to be paid and the amount thereof.

(I) A financial statement for the last preceding fiscal year of any funds collected for the purposes set out in § 114.30, by the persons seeking a permit for such solicitations; the statement giving the amount of money so raised, together with the cost of raising it and the final distribution thereof.

(J) A full statement of the character and extent of the patriotic, charitable, educational, religious or philanthropic work being done by the applicant or person within the town.

(K) Such other information as may be required by the Town Clerk in order for the Town Clerk to determine fully the kind and character of the proposed solicitation and whether such solicitation is in the interest of, or inimical, to the public welfare.

(L) A statement to the effect that if a permit is granted it will not be used or represented in any way as an endorsement by the town.

(Ord., passed 2-9-76)

§ **114.32** **INVESTIGATION; INSURANCE; TERM; TRANSFER.**

Upon receipt of the written and sworn-to application as provided in § 114.31, the Town Clerk shall make or cause to be made, such investigation as shall be deemed necessary in regard thereto, and if satisfied that such solicitation is to be for a bona fide charitable, religious, patriotic, education or philanthropic purpose, that such solicitation is prompted solely by a desire to finance the cause in question, that the organization for which solicitation is to be conducted is under the control and supervision of responsible and reliable persons, that the cost of raising the funds shall be reasonable, and that such solicitation will not be detrimental to the general welfare of the community, then the Town Clerk shall issue such permit. Such permit shall be nontransferable and shall not run for more than the period stated in the certificate issued by the Town Clerk.

(Ord., passed 2-9-76)

§ **114.33 EXTENSION OF TERM OF PERMIT.**

The Town Clerk upon receipt of an application in writing for extension stating the grounds thereof, may extend a permit issued under this subchapter for such reasonable additional period as, in the judgment of the Town Clerk may be necessary for the proper conduct of such solicitation.

(Ord., passed 2-9-76)

§ **114.34 REPORTS AND INFORMATION REQUIRED FROM
 PERMITTEES.**

The Town Clerk may require from the holder of a permit issued under this subchapter any reports or information at such times and intervals, as in the discretion of the Town Clerk, shall be necessary for the proper administration of this subchapter and the public welfare of the town.

(Ord., passed 2-9-76)

§ **114.35 COPY OF PERMIT TO BE PROVIDED OT POLICE
 DEPARTMENT.**

 The Town Clerk shall furnish to the Police Department, within 48 hours after the issuance thereof, a copy of each permit issued under the provisions of this subchapter.
(Ord., passed 2-9-76)

§ 114.36 REVOCATION OF PERMIT.

The Town Clerk may revoke in accordance with this section, any permit that may have been granted as provided in this subchapter. If, upon the receipt of written information or upon his own investigation, the Town Clerk shall find that any agent or representative of the permittee is misrepresenting or making untrue statements with regard to the solicitations or the purposes thereof, or has made untrue statements in the application, or that in any other way the solicitation has been conducted or is being conducted in violation of any part of this subchapter or in a manner inimical or detrimental to the public welfare of the community, the Town Clerk shall give the permit holder 12 hours notice in writing that a hearing is to be had upon the question of revoking the permit. At such hearing the Town Clerk shall ascertain the facts. If the Town Clerk shall find that any of the provisions of this subchapter have been or are being violated, that any agent or representative of the permittee is or has been making misrepresentations with regard to the solicitations or the purposes thereof, that untrue statements are made in the application, or that the solicitation is being conducted or has been conducted in violation of this subchapter or in such way or manner as to be inimical or detrimental to the public welfare of the community, the permittee in question and his agents, employees and representative shall, from that time, have no authority or right to make any further solicitations under the permit and the permit shall be null and void. The permittee shall have the right to appeal from the action of the Town Clerk within the time and in the manner set forth in § 114.37.

(Ord., passed 2-9-76)

§ 114.37 APPEAL FROM DECISIONS OF TOWN CLERK.

Any applicant or permittee under this subchapter may appeal to the Town Board of Commissioners from any final decision or final action of the Town Clerk; provided notice of such appeal is duly filed in writing by such appellant with the Town Clerk within ten days after notice by the appellant of such decision or action from which an appeal is desired. Such notice of appeal shall be signed by the appellant or his attorney and shall contain a clear and concise statement of the grounds upon which such appeal is based. Failure to perfect such appeal within the time and in the manner provided for in this section shall constitute a waiver of the right to appeal. Upon any such appeal's being duly filed in property time in writing as provided in this section, the Town Clerk shall bring the appeal to the attention of the Town Board at its next regular meeting which may be held after the receipt of the notice of appeal by the Town Clerk, at which time the Town Board shall pass upon the appeal and may reverse, affirm or modify the decision of the Town Clerk appealed from, may remand the case to the Town Clerk for further proceedings, or may refer the entire matter to a committee of the Town Board before taking final action upon the appeal, all as in the proper judicial discretion of the Town Board may appear to be just, fair and reasonable according to the facts and circumstances involved on the appeal. (Ord., passed 2-9-76)

§ 114.38 USE OF PERMIT AS ENDORSEMENT UNLAWFUL.

It shall be unlawful for any person holding a permit issued under this subchapter of for any agent, member or representative thereof, to advertise, represent or hold out in any manner that the permit is an endorsement of the holder by the Town Clerk or by the town; provided, that it shall be lawful for a permit holder to use, advertise and hold out the fact of its permit in the following words and no other: “Ordinance Requiring Permits for Solicitation: Permit No.____” including the serial number of its permit.

(Ord., passed 2-9-76) Penalty, see § 10.98

§ **114.39** **EXCEPTIONS TO REGULATIONS.**

The provisions of this subchapter shall not apply to:

(A) Solicitations of any established church within the town, society, association or corporation where the solicitation of such organization shall be conducted exclusively among the members thereof by other members or officers thereof voluntary and without remuneration for such solicitations, or where such solicitations may be had in the form of collections or contributions at the regular meetings, exercises or services of such organization or branch thereof.

(B) Magazines, newspapers and periodicals published and sold by any educational institutions located within the county.

(C) Any organization which may be a participating agency of the United Fund at the time of such solicitation.
(Ord., passed 2-9-76)

§ 114.40 VIOLATIONS.

Any person or any agent or representative thereof, violating any of the provisions of this subchapter or knowingly filing or causing to be filed, a false affidavit in connection with the application provided in § 114.31, or representing in any way that any permit granted hereunder is an endorsement of such solicitation shall be deemed guilty of a misdemeanor.
(Ord., passed 2-9-76) Penalty, see § 10.98

BUSINESS REGULATIONS

SECONDHAND PRECIOUS METAL DEALERS

§ 115.01 DEFINITIONS.

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

SECONDHAND ARTICLE. An article which has been used or which has been previously traded or sold by a retailer. For purposes of this chapter, the term ***SECONDHAND ARTICLE*** shall not include any coin or any gold or silver ingot or bar.

SECONDHAND PRECIOUS METAL BUSINESS. Any person, firm, corporation or association engaged in the business of purchasing, trading for or otherwise taking in any secondhand article made, in whole or in part, of gold silver or platinum.
(Ord., passed 12-23-80)

§ 115.02 LICENSE REQUIRED.

No person, partnership, corporation or association shall operate a secondhand precious metal business as defined in § 115.01 unless such person, partnership, corporation or association shall have first applied for and received a privilege license from the Town Clerk. A separate license shall be required for each location, place or premises used for the conduct of a secondhand precious metal business and each license shall designate the location, place or premises to which it applies. In addition, such business shall not be carried on or conducted in any other place than that designated in or by such license.

(Ord., passed 12-23-80) Penalty, see § 10.99

§ 115.03 EMPLOYEES TO REGISTER WITH POLICE DEPARTMENT.

Every employee of a secondhand precious metal business shall, within five days of being employed, register his name and address with the Police Department and have his thumbprints, fingerprints and photograph taken by the Police Department. Such employee shall be issued by the Police Department a certificate of Compliance with this section upon his payment of the fee as per the fee schedule on file in the office of the Town Clerk.

(Ord., passed 12-23-80) Penalty, see §10.99

§ 115.04 BOND.

Before a license shall be issued to a secondhand precious metal business, the applicant shall file with the Town Clerk a bond payable to the town in the sum of \$10,000 to be executed by the applicant and by two responsible sureties, or a surety company licensed to do business in the state, to be approved by such Town Clerk, which said bond should be for the faithful performance of the requirements and obligations set forth in this chapter. The Town Board of Commissioners shall have full power and authority to revoke such license and sue for forfeiture of the bond upon a breach of any provision of this chapter. Any person who obtains a judgment against a secondhand precious metal business and upon which judgment execution is returned unsatisfied, may maintain an action in his own name upon the said bond of secondhand precious metal business in any court having jurisdiction of the amount demanded, to satisfy said judgment.

(Ord., passed 12-23-80)

§ 115.05 INVESTIGATION FEE.

(A) Any person applying to the Town Clerk for a license to conduct the business of a secondhand precious metal dealer shall pay a fee as per the fee schedule on file in the office of the Town Clerk to the Town to compensate the town for the cost of investigating the applicant's criminal record and character. The applicant shall report to the Police Department and furnish his full name, address, physical description, age, North Carolina driver's license (if applicable) and social security number. In addition, the applicant shall be photographed and fingerprinted in order to facilitate the investigation.

(B) In the event the applicant is a partnership or association, all persons owning or having interest therein shall pay to the town the investigation fee and comply with the provisions of division (A) above.

(C) In the case of a corporate applicant, each stockholder owning 10% or more of the corporation's common stock shall pay to the town the investigation fee and comply with the provisions of division (A) above.

(Ord., passed 12-23-80)

§ 115.06 DENIAL OF LICENSE; REVOCATION.

(A) No privilege license shall be issued to any applicant if any of the persons required to be investigated under § 115.05 above has been convicted of any felony or a crime involving fraud, theft or receiving or possession of stolen property in the five years immediately preceding the date of the license application.

(B) The conviction of any person required to be investigated under § 115.05 above, for any felony or for any crime involving fraud, theft or receiving or possession of stolen property or for any violation of this chapter shall constitute grounds for immediate revocation by the Town Board of Commissioners of the privilege license issued to such secondhand precious metal business.
(Ord., passed 12-23-80)

§ 115.07 RECORD OF TRANSACTIONS TO BE KEPT.

(A) Every secondhand precious metal business shall keep a tightly bound book or books, no looseleaf, with pages numbered in sequence, in which there shall be legibly written at the time of any transaction with a local non-licensee involving the purchasing of, trading for or taking in of any secondhand article made, in whole or in part, of gold, silver or platinum, the following information:

(1) An account and description of the item(s), article(s) or thing(s) purchased, traded for or taken in, including, if applicable, the manufacturer's name, the model, the model number, the serial number and any engraved number(s), initial(s) or marking(s);

(2) The amount of money involved in the transaction or any item offered in trade;

(3) The date of the transaction;

(4) The name and residence of the person involved in the transaction with the secondhand precious metal business, along with the person's date of birth and general physical description, including their hair color and approximate height and weight; and

(5) A notation whether the item(s), article(s) or thing(s) are stored on the licensed premises or elsewhere.

(B) No transaction involving purchasing, trading for or taking in a secondhand article made, in whole or in part, of gold, silver or platinum shall be completed by any secondhand precious metal business or an agent or employee thereof until the person involved in the transaction presents two forms of positive identification, at least one of which is a photographic representation imprinted thereon. This identification information shall be recorded next to the person's name and residence in the books required to be kept pursuant to division (A) above.

(C) The book(s) required by this section shall be a permanent record to be kept at all times on the premises of the secondhand precious metal business. Such book(s) shall be made available during regular business hours to any law enforcement officer. A full and accurate copy of the records required to be kept by this section shall be filed with the Police Department within 48 hours of the transaction.

(D) The book(s) must be kept for a period of one year by the licensee.
(Ord., passed 12-23-80) Penalty, see § 10.99

§ **115.09 PURCHASE FROM MINORS.**

No secondhand precious metal business or employee or agent thereof shall purchase from any person under 18 years of age any secondhand article made, in whole or in part, of gold, silver or platinum without the written consent of that person's parent or guardian.
(Ord., passed 12-23-80) Penalty, see § 10.99

§ **115.10 BUSINESS TO BE CONDUCTED ONLY ON LICENSED
 PREMISES.**

No secondhand precious metal business shall make use of any property or premises not included within the premises designated in or by the license required by this chapter, for the display of any secondhand article, made in whole or in part, of gold, silver or platinum, or the for the conduct of a secondhand precious metal business. This chapter does not prohibit the storage or safekeeping of any such secondhand article off of the licensed premises, but it does prohibit the sale, exchange or purchase of any secondhand precious metals out of any mobile home, moveable business on wheels, motel room, apartment or dwelling place.

(Ord., passed 12-23-80) Penalty, see § 10.99

**§ 115.11 ADVERTISEMENTS OT CONTAIN LICENSE NUMBER;
LICENSE FEE.**

Any secondhand precious metal business approved for the conduct of its business pursuant to this chapter shall set forth in all of its advertisements the license number given to it by the town. The cost of the privilege license shall be such as is on file in the office of the Town Clerk, and no portion thereof shall be prorated.
(Ord., passed 12-23-80) Penalty, see § 10.99

§ **115.12 VIOLATIONS.**

Violation of any of the provisions of this chapter by any person shall constitute a misdemeanor.

(Ord., passed 12-23-80) Penalty, see § 10.99

BUSINESS REGULATIONS
TAXICABS AND VEHICLES FOR HIRE

§ 116.01 PERMIT REQUIRED.

(A) No person shall operate or drive any vehicle for hire or taxicab carrying passengers for hire from place to place within the town, unless that person shall have first applied for and secured a permit for the operation of such vehicle for hire or taxicab.

(B) This section shall apply to an operator picking up a fare in town for the purpose of transporting such fare to any place outside of the town.

('75 Code, § 23-1) Penalty, see § 10.98

§ **116.02 APPLICATION FOR AN ISSUANCE OF PERMIT; PRIVILEGE LICENSE ALSO REQUIRED.**

(A) Any person desiring to operate any vehicle for hire or taxicab carrying passengers for hire within the town shall file a written application with the Town Clerk for a permit or license for such business.

(1) After receiving such permit, such person shall file an additional application for every additional motor vehicle or taxicab proposed to be used in connection with such business on forms approved by the Town Clerk.

(2) The Town Clerk shall submit such application to the Chief of Police for investigation.
(’75 Code, § 23-2)

(B) Upon issuance of a permit with approval of the Police Department, such person shall also apply for a privilege license as required in Chapter 110 of this Code.

§ 116.03 INFORMATION TO ACCOMPANY APPLICATION.

Each applicant for a permit to operate a motor vehicle under the provisions of this chapter shall file with his application a record of his state chauffeur's license and such other information as the Board of Commissioners may require.

('75 Code, § 23-3)

§ 116.04 REFUSAL OF ISSUE PERMIT; REVOCATION.

(A) The Chief of Police may refuse to issue any permit required in this chapter to any person who has been convicted within five years prior to the date of the application, of any alcohol or drug offense, of a felony, a violation of any prohibition, narcotic drugs or prostitution laws or ordinances, or to any person who is a habitual user of intoxicating beverages or narcotic drugs, or to any person who is a habitual violator of traffic laws or ordinances.

(B) The Chief of Police may revoke any driver's permit, if the person to whom it was issued is convicted of the violation of any such laws, and shall submit a report of such revocation to the next meeting of the Board of Commissioners for action.

('75 Code, § 23-4)

§ 116.05 DUTY OF OWNER TO REQUIRE LICENSING.

Every owner or operator of a motor vehicle or taxicab for hire shall require all drivers to be properly licensed and to comply with the provisions of this chapter.

('75 Code, § 23-5) Penalty, see § 10.98

§ 116.06 INSURANCE.

The owner or operator of any motor vehicle or taxicab for hire shall furnish to the Town Clerk evidence that he has in force such liability insurance as is required by state law.
(’75 Code, § 23-6)

§ 116.07 OBTAINING SERVICES FRAUDULENTLY.

Every person requesting a taxicab operator or driver to take him to a designated terminus and refusing to pay the applicable fare or legitimate charge for carrying baggage, shall be presumed to have fraudulently obtained such services with the intent to cheat the operator or driver of his just charges and shall be guilty of a misdemeanor.

('75 Code, § 23-7) Penalty, see § 10.98

***LOCATION OF SEXUALLY
EXPLICIT MATERIAL***

§ 117.01 PURPOSE.

It is declared to be the intent and purpose of this chapter to regulate the direct commercial distribution of sexually explicit materials to minors in order to aid parents and guardians in supervising and controlling the access of minors to such material. The Board of Commissioners finds that whatever social value such material may have for minors can adequately be served by its availability to young persons through their parents or guardians. It is also the purpose of this chapter to limit the public display of sexually explicit materials, particularly for the protection of minors.

§ 117.02 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BUSINESS. Any commercial establishment.

KNOWINGLY. Having knowledge of the general content, nature and character of material for sale, but not necessarily the knowledge that specific materials are sexually explicit.

MATERIAL. Any book, magazine, newspaper, pamphlet, handbill, or similar printed or written matter; or any drawing, picture, illustration, transparency, photograph, motion picture, film negative, film positive, videotape, DVD, other digital media or similar representation or reproduction.

MINOR. A person under the age of 18.

NUDITY. The showing, in the context of sexual or erotic conduct or arousal, of the human male or female genitals, pubic area, or anal area, with less than full opaque covering, or the showing of the female breasts with less than full opaque covering of any portion thereof below the top of the areola, or the depiction of covered or uncovered male genitals in a discernibly turgid state.

PUBLIC DISPLAY. To place or make available materials in any place to which the public is invited.

SEXUALLY EXPLICIT MATERIAL. Any material which:

(1) The average person, applying contemporary community standards, would find, when considered in the whole context in which it is used or presented, appeals to the prurient interest of minors;

(2) Depicts or describes: (i) ultimate sex acts, actual or explicitly simulated; (ii) masturbation, excretory functions, or direct physical stimulation of unclothed genitals or anal area; (iii) nudity, as defined in this section; or, (iv) acts of apparent or actual sexual stimulation or gratification; and

(3) When considered as a whole and in the context in which it is used or presented, lacks serious artistic, literary, political, educational, or scientific value to minors.

Material may be found to be sexually explicit if the externally visible covers thereof meet the standard of this definition or if the contents thereof meet the standard of this definition.

§ 117.03 RESPONSIBILITY OF THE BUSINESS.

(A) No person shall knowingly place sexually explicit material upon public display on the premises of any business through which minors pass or to which they are invited as members of the general public, except that sexually explicit material may be displayed as provided in subsection (B) of this section.

(B) A business may place sexually explicit material on public display in an area open to the public through which minors pass or to which they are invited as members of the general public, if the following conditions are met:

(1) The sexually explicit material is placed in racks, shelves or display cases separate from racks, shelves or other display cases for material that is not sexually explicit;

(2) The racks, shelves or display cases for sexually explicit material are constructed with a full opaque or solid barrier that fully screens from view the sexually explicit portions of all materials. These racks, shelves or display cases may, however, be designed to display those portions of materials that are not sexually explicit, such as magazine titles, and the racks, shelves or display cases may be designed so that sexually explicit materials may be conveniently removed and perused or inspected by persons not minors;

(3) All racks, shelves and display cases that contain sexually explicit material shall be clearly and continuously visible without obstruction from the cash register or other purchase location by the proprietor or an employee, either directly or by means of mirrors or closed circuit monitors; and

(4) The cash register or other purchase location shall be tended by a person who shall be under an affirmative duty to ascertain that minors do not peruse, inspect, or leaf through sexually explicit materials.

(C) Nothing in this section shall prohibit any other lawful method of preventing minors from perusing, inspecting, or leafing through sexually explicit materials, provided that such methods fully screen sexually explicit material from view in a manner similar to the method described in subdivision (B)(2) of this section. For example, sexually explicit materials may be kept on shelves behind an opaque or solid barrier behind the cash register or other purchase location and under the exclusive control of the person tending the register until the completion of a sale of the sexually explicit materials to a person other than a minor.

§ 117.04 DEFENSE TO VIOLATION.

It shall be a defense to the charge of a violation of this chapter that:

- (1) A minor possessing or handling sexually explicit materials is at that time under parental or parentally-approved adult supervision; or
- (2) That the proprietor or other employee of the business made a bona fide, good faith effort to determine the minor's age and had reasonable grounds to believe the minor was eighteen (18) years of age or older.

§ 117.05 VIOLATIONS DEEMED SEPARATE; ENFORCEMENT.

(A) Each instance of public display on the premises of a business of an item of sexually explicit material shall constitute a separate violation of this chapter, but possession of multiple copies of a particular item of sexually explicit material shall only constitute a single violation of such sections.

(B) This chapter shall be enforced pursuant to the provisions of Code of Ordinances § 10.98, "General Penalty."

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

(Ord., passed 09-10-07)