

ATTACHMENT A

Chapter 13 - LICENSES, TAXATION, BUSINESS PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

FOOTNOTE(S):

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Cross reference— Alcoholic beverages, Ch. 4; cable television, Ch. 7; bicycle registration, § 16-241 et seq.; electricians, § 6-136 et seq.; mechanical contractors, etc., § 6-241 et seq.; plumbers, § 6-276 et seq.; massage parlors, health salons, etc., Ch. 14; peddlers, solicitors, etc., Ch. 20; railroads, Ch. 23; street shows, exhibitions, etc., § 26-196 et seq.; taxicabs and buses, Ch. 28. [\(Back\)](#)

ARTICLE I. - IN GENERAL

Sec. 13-1. - Reserved.

Sec. 13-2. - Notice of quitting business.

If any wholesale or retail merchant, as defined in Chapter 105, North Carolina General Statutes Section 105-164.3, paragraphs (14) and (23), shall sell out his business or stock of goods or fixtures or shall quit business for any reason whatsoever, he shall notify the city manager or his designee tax collector of that fact within forty-eight (48) hours immediately prior to the date he sells out his business or stock of goods or fixtures, or quits business.

(Code 1961, § 11-106)

Sec. 13-3. - General duties of keepers of place of amusement.

- (a) In this section "business place of amusement" means an establishment open to the public for the purpose of playing games of chance or skill for which some fee, direct or indirect, is charged, including but not limited to pool, billiards, bowling alleys and other similar types of amusements.
- (b) No ~~licensee~~, operator or employee of a business place of amusement ~~for which a license has been issued under article II of this chapter~~ shall:
 - (1) Suffer or permit any dice to be thrown for money or for anything of value, or suffer or permit any cards, illegal raffle or other game of chance or any form of gambling in the a place designated by the license or in any booth, yard, garden or other place appertaining to the place or connected therewith.
 - (2) Suffer or permit the ~~licensed~~ premises to repeatedly become disorderly.
 - (3) Permit any controlled substance as defined under the North Carolina Controlled Substances Act to be illegally possessed, sold or consumed on the ~~licensed~~ premises.
 - (4) Suffer or permit any keeley board or any other board or device to be attached to any pool or billiard table operated within the corporate limits of the city.
 - (5) Violate any provision of chapter 30 with respect to permitted and prohibited uses.
 - (6) Violate any significant provisions of the building code or fire prevention code affecting public safety.

Cross reference— Building code, § 6-21 et seq.; fire prevention code, § 10-21 et seq.

- (c) The acts and conduct of the agents and employees ~~of the licensee~~ in the conduct of a business place of amusement shall be deemed the acts and conduct of the licensee business. ~~A violation of~~

~~any provision of this section shall be cause for revocation of the license pursuant to the procedures set forth under section 13-48~~

(Code 1961, §§ 15-1—15-4)

Sec. 13-4. - Reserved.

Editor's note—

Ord. No. 14-086, § 4, adopted June 17, 2014, repealed § 13-4 in its entirety. Former § 13-4 pertained to contractor's bond and derived from the Code of 1961, § 11-10; Ord. No. 05-191, § 1, adopted Sept. 20, 2005.

Sec. 13-5. - Auto races and similar amusements.

~~Every person operating any ground track or place over which automobiles, midget automobiles, go-carts or motorcycles are driven and shall have its privilege license issued only on condition that any vehicle operated on such track, ground, or place shall be equipped with an effective noise-suppressing device. Upon a showing that this condition is violated, or that the track, ground, or place has become a nuisance because of excessive noise in spite of compliance with the condition, or because of excessive dust or the presence of other nuisance factors, the license may be suspended or revoked at the discretion of the city council.~~

(Code 1961, § 11-111)

Sec. 13-6. - Lighting of drive-in restaurants, curb service, etc.

It shall be unlawful to operate or engage in the business of a drive-in restaurant, grill, or other place where food or beverages are sold or delivered by "curb service," or otherwise sold or delivered, to patrons in automobiles or other vehicles parked on the premises unless the parking area is adequately lighted during all hours when such business is being operated. The term "adequately lighted" as used in this section shall be construed to require two (2) footcandles of light at a height of five (5) feet from the ground in every portion of the parking area. This section shall not apply to drive-in movies or theaters.

(Code 1961, § 11-101)

Sec. 13-7. - Junk dealers.

- (a) Every junk dealer shall keep a book in which he shall keep an accurate record showing the nature and amount of all junk purchased by him, the date of purchase and the name of the seller. Such book shall be subject, at all reasonable times, to inspection by the chief of police or by any other proper officer of the city.
- (b) Every junk dealer shall each day, (Sundays and holidays excepted) file with the chief of police a complete report showing each and every article purchased or otherwise acquired by him during the preceding day's business, such report to include the name, sex, color, and address of the person from whom such article was acquired, a description sufficient to identify each article, and the hour and date of receiving the same; provided, however, that such report shall be required only with respect to articles of the following nature: Automobile parts or accessories, hardware, tools, plumbing fixtures, supplies, materials or portions thereof, and electrical fixtures, appurtenances, wires or materials.

(Code 1961, § 11-102)

State law reference— Administrative search and inspection warrants, G.S. § 15-27.2.

Sec. 13-8. - Pawnbrokers.

- (a) Every pawnbroker shall keep a book in which he shall keep an accurate record of every article deposited with him or received by him as security, the name and address of the owner, a description of the article sufficient for identification, and the amount advanced or loaned thereon. Such book shall be subject at all reasonable times to inspection by the chief of police or by any other proper officer of the city.
- (b) Every pawnbroker shall also file each day (Sundays and holidays excepted) with the chief of police a complete report setting forth each and every article deposited with or received by him during the preceding day's business; the name, sex, color and address of the owner of each article, a description sufficient to identify each article, the hour and date of receipt thereof, the amount advanced thereon, and the number of the pawn ticket issued to the owner.

(Code 1961, § 11-104)

~~**Cross reference**— Pawnbrokers, § 13-103.~~

State law reference— Administrative search and inspection warrants, G.S. § 15-27.2.

Sec. 13-9. - Peanut and popcorn stands and roasters.

It shall be unlawful to keep or operate any peanut or popcorn stand or roaster on or in any street or sidewalk of the city.

(Code 1961, § 11-105)

Sec. 13-10. - Display of notice concerning coin-operated machine or device.

Every coin-operated machine, equipment or device placed at any location shall have affixed thereto in a conspicuous place identification showing the name and address of the local owner, operator, distributor or other person in charge of such coin-operated machine, equipment or device.

(Code 1961, § 11-108)

Sec. 13-11. – Hotels, motels, boardinghouses, rooming houses, tourist homes and tourist courts.

- (a) Every person engaged in the business of operating any hotel, motel, boardinghouse, roominghouse, tourist home, tourist court or similar place advertising in any manner for transient patronage, shall at all times keep and maintain therein a guest register in which shall be inscribed the true name and home address of each person renting said room or unit, as well as such person's vehicle description and license plate information. Such register shall be signed by the person renting said room or unit or someone signing by his authority.

The proprietor of such business shall write opposite such name so registered, the number of each room or unit assigned to and occupied by such guest, together with the date when such room or unit is rented. No person shall be allowed to occupy any room or unit in said establishment until all of the aforementioned entries have been made in such register.

The register required by this chapter shall be maintained by the proprietor of said business for one year of the date of rental, and subject to inspection at any reasonable time by any law-enforcement officer with territorial jurisdiction while in the performance of his duties or by an official of the fire prevention bureau of the city.

- (b) The guest vehicle parking area of any business permitted under this section shall be accessible at all times to any public safety officer in the performance of his duties.
- (c) Penalty. Any violation of this section shall be a misdemeanor, punishable by imprisonment up to thirty (30) days, or a fine of up to one hundred dollars (\$100.00), in the discretion of the court.

Sec. 13-12. – Outdoor advertising.

- (a) Every person maintaining signboards, poster boards, printed bulletins, or other outdoor advertisements of any nature shall have imprinted on the same the name of such person, firm, or corporation in sufficient size to be plainly visible and permanently affixed thereto.
- (b) The following signs and announcements are exempted from the provisions of this section:
 - (1) Signs upon property advertising the business conducted thereon.
 - (2) Notices or advertisements erected by public authority or required by law in any legal proceedings.
 - (3) Any sign containing sixty (60) square feet or less bearing an announcement of the city advertising itself; provided, the same is maintained at public expense.

Sec. 13-13. - Specialty market operator.

- (a) Specialty market operator shall mean any person using a location for the purpose of promoting the display or sale of merchandise, wares or other tangible items in connection with a specialty market as defined in G.S. § 105-53.
- (b) Possession of identification. Upon the request of any customer, state and/or local revenue or law enforcement agent, a specialty market operator shall provide its name and permanent address. If the specialty market operator is not a corporation, he shall, upon the request of any customer, state and/or local revenue or law enforcement officer or agent, provide a valid drivers license, a special identification card issued under G.S. § 20-37.7, military identification, or a passport bearing a physical description of the person named reasonably describing the specialty market operator. If the specialty market operator is a corporation, it shall, upon the request of any customer, state and/or local revenue or law enforcement officer or agent, give name and registered agent of the corporation and the address of the registered office of the corporation as filed with the North Carolina Secretary of State.
- (c) Specialty market registration list. A specialty market operator shall maintain a daily registration list of all vendors selling or offering goods for sale at the specialty market. This registration list shall clearly and legibly show each vendor's name and permanent address. Each daily registration list maintained pursuant to this section shall be retained by the specialty market operator for no less than two (2) years and shall, at any time, be made available upon request to any state or local revenue or law enforcement officer or agent.
- (d) Penalty. It shall be a misdemeanor, punishable by imprisonment of up to thirty (30) days, a fine of up to two hundred dollars (\$200.00) or both for a person to:
 - (1) Knowingly give false information in the application process for a permit or when registering pursuant to subsection (c);
 - (2) Fail to provide name, address or identification upon request as required by this section, or provide false information in response to such a request.
- (e) Additional penalties. It shall be a misdemeanor, punishable by imprisonment of up to thirty (30) days, a fine of up to one thousand dollars (\$1,000.00) or both for a specialty market operator to fail to comply with subsection (c).

Sec. 13-14. - Specialty market vendor.

- (a) A specialty market vendor is a person who transports an inventory of goods to a specialty market and who, at that location displays the goods for sale and sells the goods or offers the goods for sale.
- (b) Upon the request of any customer, state or local revenue or law enforcement agent, a specialty market vendor shall provide its name and permanent address. If the vendor is not a corporation, he shall, upon the request of any customer, state or local revenue or law enforcement agent, provide a valid drivers license, a special identification card issued under G.S. § 20-37.7, military identification, or a passport bearing a physical description of the person named reasonably describing the specialty market vendor. If the vendor is a corporation, it shall, upon the request of any customer, state or local revenue or law enforcement agent, give the name and registered agent of the corporation and the address of the registered office of the corporation, as filed with the North Carolina Secretary of State.
- (c) It shall be a misdemeanor, punishable by imprisonment up to thirty (30) days, a fine of up to two hundred dollars (\$200.00), or both for a person to:
 - (1) Knowingly give false information in the application process when providing information to a specialty market operator.
 - (2) Fail to provide name, address, or identification upon request as required by this section, or provide information in response to such request.

Secs. 13-14~~5~~—13-30. - Reserved.

ARTICLE II. - PRIVILEGE LICENSES

FOOTNOTE(S):

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Charter reference— Authority to license, tax, etc., § 5.41. [\(Back\)](#)

Cross reference— Privilege license for open-air sales, § 13-156 et seq.; privilege license on hazardous waste facilities, § 29-73. [\(Back\)](#)

State Law reference— Privilege license taxes, G.S. § 160A-211 et seq. [\(Back\)](#)

DIVISION 1. - GENERALLY

Sec. 13-31. - Application of article.

The privilege licenses issued under this article shall apply to persons engaged in the business of selling at retail within the corporate limits of the city malt beverages, including beer, as defined in North Carolina General Statutes Section 105-113.68, engaged in the business of dealing in or selling at wholesale beer, lager beer, ale, porter, and other brewed or fermented beverages, unfortified wines or fortified wines, or engaged in the business of keeping or operating taxicabs for hire that is operating or carrying on the businesses which are physically located within the Greensboro city limits, covered by the applicable sections of this article which are engaged in selling, delivering, soliciting, or rendering services or begging or soliciting alms for personal gain and thus carrying on the businesses covered by the applicable sections of this article.

(Code 1961, § 11-1; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 14-086, § 5, 6-17-14)

Sec. 13-32. - Obtaining license and paying fee required.

Except as allowed by this article, and within the period herein limited, no person shall engage in any business upon which a license tax is imposed by this article without having first paid the proper fee and obtained a license therefor.

(Code 1961, § 11-1)

Sec. 13-33. - ~~Businesses at Greensboro Coliseum. Repealed by Business Permit Ordinance effective July 1, 2015~~

~~Notwithstanding any other provision of this article, it shall be unlawful for any person operating or carrying on any commercial business covered by this article to conduct such business upon city-owned property under the control of the Greensboro Coliseum without having a prior written agreement with the city concerning such business activity in addition to any required privilege license.~~

~~(Code 1961, § 11-1)~~

Sec. 13-34. - Due dates.

The taxes levied by this article for taxicabs are levied as of July 1 for each fiscal year. On any business which immediately prior to July 1 has been operating under a duly issued license, the license tax shall be due and payable on or before July 1.

The license tax for taxicabs shall be due and payable immediately before such business is begun for any business which is begun on or after July 1.

Beer and wine privilege licenses are levied as of May 1 of each fiscal year. On any business which immediately prior to May 1 has been operating under a duly issued license, the license tax shall be due and payable on or before May 1.

The beer and wine license tax shall be due and payable immediately before such business sells beer or wine for any business which is begun on or after May 1.

(Code 1961, § 11-2)

Sec. 13-35. - Separate businesses.

The payment of any particular license tax imposed by this article shall not relieve the person paying the same for the payment of any other license tax imposed by this article for any other business he may carry on, unless so provided by the section imposing such tax, it being intended that license taxes prescribed by various sections or subsections of this article applicable to any business shall be cumulative except where otherwise specifically provided. Every person doing business in more than one (1) factory, mill, warehouse, store, stall or stand, or other place of business, shall secure a separate license for each such place of business, unless such places of business are contiguous to each other, communicate directly with and open into each other, and are operated as a unit, and shall pay the prescribed license fee for each such place of business.

(Code 1961, § 11-3)

Sec. 13-36. - Applications.

- (a) Every application for a license under this article shall be made in writing to the city manager or his designee tax collector upon a form to be provided by the city manager or his designee tax collector. Such application shall be signed either by the applicant or by his agent, and shall contain the following information:

- (1) Complete and exact name under which the business is proposed to be operated.
 - (2) If the business is proposed to be operated by an individual under any assumed name, the name of such individual and his address.
 - (3) If the business is a partnership, the name and address of each partner.
 - (4) If the business is a corporation, the name and address of the president and of the secretary of the corporation, and the location of the principal office.
 - (5) Nature of the business for which license is desired.
 - (6) Proposed location.
- (b) In addition, the applicant shall furnish to the city manager or his designee ~~tax collector~~ any other information required by the city manager or his designee ~~tax collector~~ in order to enable him to determine the proper classification of the applicant and the appropriate license tax.
- ~~(c) Every solicitor applying for a license shall furnish to the tax collector the name and address of the person whom he represents, together with a description of the goods or services offered for sale.~~
- (Code 1961, § 11-5)

Sec. 13-37. - Term of licenses; ~~prorations and refunds.~~

- (a) Term of license for a taxicab. A license issued to a new business shall be effective on the day it begins operating and shall expire on June 30 of the city's fiscal year. A business license issued for each subsequent fiscal year shall be effective July 1 and shall expire on June 30 of the city's fiscal year.

Term of beer and wine license. A license to a new business shall be effective on the day it begins operating and shall expire on April 30 of each year. A business license issued for each subsequent year shall be effective May 1 and shall expire on April 30 of each year.

~~(b) New business license.~~

~~(1) New businesses with ten (10) or less employees shall not exceed fifty dollars (\$50.00) license tax for each separate location for the first license year ending June 30. Any licensee that begins business after the expiration of eight (8) months of the current license year shall be required to pay one-half the tax prescribed with a maximum tax of fifty dollars (\$50.00) for the current license year and fifty dollars (\$50.00) for the immediately following license year.~~

~~(2) New businesses with eleven (11) or more employees shall pay license taxes prescribed. Any licensee that begins business after the expiration of eight (8) months of the current license year shall be required to pay one-half the tax prescribed unless it is computed upon a gross receipts or percentage basis in which case the tax shall be paid on whichever basis is applicable.~~

~~(c) Business license renewal.~~ For all subsequent years, taxes will be based on actual gross receipts and/or applicable code sections.

- ~~(d) Tax not abated; no refund.~~ No license tax shall be abated, nor shall a refund of any part thereof be made, in any case where the licensee discontinues his business before the end of the period for which the license was issued.

(Code 1961, § 11-4; Ord. No. 09-73, § 1, 4-21-09)

Sec. 13-38. - ~~Information required where license tax is graduated.~~ Repealed by G.S. § 160A-211 effective July 1, 2015

~~The applicant for a license for any business for which the license tax is graduated shall furnish to the tax collector facts with reference to which the amount of his license tax must be determined.~~

~~(Code 1961, § 11-6)~~

~~Sec. 13-39. - Determination of license tax based upon number of employees. Repealed by G.S. § 160A-211 effective July 1, 2015~~

~~When the license tax depends upon the number of employees engaged in the business, or engaged in some particular place or branch of the business, all owners or operators of the business, if it is owned or operated by an individual or a partnership, or all officers of the corporation owning or operating the business, if such owners, operators or officers are actively engaged for the whole or a part of their time in the conduct of the business, or in the conduct of the particular phase of the business designated as the basis for determining the amount of the license tax, shall be counted in determining the number upon which the tax is made to depend.~~

~~(Code 1961, § 11-7)~~

~~Sec. 13-40. - Determination of license tax based upon sales or receipts. Repealed by G.S. § 160A-211 effective July 1, 2015~~

~~If a license tax is based upon sales or receipts:~~

- ~~(1) In the case of any business already in operation at the beginning of a fiscal year, and for which a renewal license is sought, the basis for the determination of such license tax shall be the amount of sales or receipts, as the tax may be dependent upon one or the other, for the year next preceding the year for which such license is sought.~~
- ~~(2) If such business was in operation less than a year preceding such time, then the tax collector shall, on the basis of the actual sales or receipts for the time the business was operated, estimate the yearly sales or receipts and such estimate shall be the basis for the tax unless the business qualifies as a "new business" as described in section 13-37(b)(1).~~
- ~~(3) In the case of any business that is discovered operating without a business license, the applicant shall furnish the tax collector an estimate of sales or receipts during the period for which a license is sought, and such estimate, if accepted by the tax collector as reasonable, shall be the basis for the tax. The license tax determined as hereinbefore set out in this section shall be tentative only and shall be subject to subsequent correction.~~

~~(Code 1961, § 11-8; Ord. No. 09-73, § 2, 4-21-09)~~

~~Sec. 13-41. - Final report of sales or receipts; payment of additional tax. Repealed by G.S. § 160A-211 effective July 1, 2015~~

~~On or before July 31 next following the close of each fiscal year, the licensee of every business for which the license tax is determined on the basis of estimated sales or receipts shall submit to the tax collector a sworn final report showing the amount of sales or receipts for the year, and shall pay to the tax collector any additional license tax that may be due. The tax collector shall not issue to such licensee any license for any fiscal year until a report for the preceding year, or part thereof covered by the license, has been submitted and the additional license tax, if any, paid.~~

~~(Code 1961, § 11-9)~~

~~Sec. 13-42. - Final report of franchise holders. Repealed by G.S. § 160A-211 effective July 1, 2015~~

~~Within sixty (60) days after the end of the calendar year or fiscal year, according to the type of year under which such person, firm, or corporation operates, every person operating any type of business for which a franchise has been granted by a vote of the qualified electors shall submit to the city clerk a sworn statement showing the sales or receipts and the net gain or loss sustained in the operation of the business for which the franchise has been granted. If one (1) person holds a franchise for more than one (1) type or kind of business, each type or kind of business shall be shown on such statement.~~

~~(Code 1961, § 11-10)~~

Cross reference—Telecommunications, Ch. 28.1.

Sec. 13-43. - Procedure if other approval or permit required.

In any case where other approval or permit is required of any licensee, the city manager or his designee tax collector shall not issue a license until such approval or permit has been presented to the city manager or his designee tax collector.

(Code 1961, § 11-11)

Sec. 13-44. - Contents of license; official copies of same.

Every license shall show the name of the licensee, the nature of the business, the location thereof (if it is to be operated at a fixed place), and the time for which issued. The city manager or his designee tax collector shall keep a copy record of every license issued.

(Code 1961, § 11-12; Ord. No. 94-8, § 1, 2-21-94)

Sec. 13-45. - Display of license.

Every license must be kept prominently displayed at the place of business of the licensee named in the license, or, if the license has not a fixed place of business, such licensee must keep the same displayed on his or her chest, hanging from a lanyard or clipped to their garment, so that the name, type of license and date of expiration is visible wherever such business is being operated and where it can be inspected at any time by any proper city official.

(Code 1961, § 11-1; Ord. No. 10-136, § 1, 9-7-10)

Sec. 13-46. - Assignments and transfers.

~~Every license issued under the provisions of this article shall be a personal privilege and shall not be assignable; except that when any business carried on at a fixed place is sold as a unit to any person and the purchaser thereof is to carry on the same business at the same place, the license may be assigned to the purchaser. Upon delivery of the license, properly assigned, to the tax collector, together with a written statement that the business has been sold as a unit and that the purchaser is to carry on the same at the same place of business, and upon the payment of a fee of five dollars (\$5.00), the assignee shall be entitled to have a new license issued to him. The tax collector shall cancel the assigned license upon issuance of a new license.~~

(Code 1961, § 11-14; Ord. No. 90-55, § 1, 4-12-90)

Sec. 13-47. - Change in location of business.

~~Every license issued under the provisions of this article shall be a personal privilege and shall not be assignable. No license for a business at a fixed place shall be changed so as to cover the conduct of such business at any other place. When a licensee proposes to remove a business to another location in the city, the licensee, upon the delivery of the license to the tax collector and the payment of a fee of five dollars (\$5.00), shall be entitled to have a new license issued to him by the tax collector for the conduct of the business at such proposed new location.~~

(Code 1961, § 11-15; Ord. No. 90-55, § 1, 4-12-90)

Sec. 13-48. - Refusal or revocation of licenses generally.

- (a) If it shall be made to appear to the city manager or his designee tax collector and the city manager or his designee tax collector shall determine that any licensee or applicant for a license is conducting or desires to conduct a business activity pursuant to his privilege license which activity is prohibited or unlawful under the state law or would be in violation of any provision of chapter 30 with respect to

permitted and prohibited uses or any significant provisions of the building regulations affecting public safety, he shall:

- (1) Refuse to issue a license to such applicant and so notify him in writing; or
 - (2) In the case of a licensee, notify such licensee in writing that the license is revoked with a statement of the facts which provide a basis therefor.
- (b) Thereafter, in the event of a zoning use violation, the person shall have seven (7) days in which to file an appeal with the planning department and request a hearing before the board of adjustment. Upon appeal, the board of adjustment shall hold a hearing on the appeal and make a final determination thereof with respect to the zoning use. If the zoning use of the applicant or licensee is found to be in violation of chapter 30, the refusal or revocation shall be upheld.
- (c) In the event of any reason other than a zoning use violation, the person shall have seven (7) days in which to file an appeal with the city manager or his designee ~~tax collector~~ and request a hearing before the board of adjustment. Upon appeal, the board of adjustment shall hold a hearing on the appeal and make a final determination thereof with respect to the application for a license or the revocation thereof.
- (d) In the case of a licensee, the filing of a timely appeal shall stay the revocation pending hearing and final determination by the board of adjustment.

(Code 1961, § 11-16; Ord. No. 97-46, § 1, 4-15-97; Ord. No. 14-44, § 1, 4-1-14)

Sec. 13-49. - Exemptions.

- (a) The following businesses are exempt from the requirements of this article as indicated below:
- (1) Any not-for-profit business operated for a religious, educational, civic, patriotic, charitable, or fraternal purpose, if the entire gross income of the business is used for religious, educational, civic, patriotic, charitable, or fraternal purpose, is exempt from the requirements of this article unless they conduct sales to the general public, or unless this business includes group homes, day cares or other type of care facilities.
 - (2) All not-for-profit religious, educational, civic, patriotic, charitable, or fraternal organizations who conduct sales to the general public are exempt from payment of a privilege license tax if the proceeds from this organization's sales are used exclusively for nonprofit purposes. No income shall be provided to any individual conducting these sales and no reimbursement shall be provided other than the cost of the merchandise sold and the actual cost to prepare and market these goods. Persons vending under this article shall file with the city manager or his designee ~~tax collector~~ a letter from the religious, educational, civic, patriotic, charitable, or fraternal organization stating:
 - a. The name and address of the organization.
 - b. A list of its principal officers.
 - c. A brief statement of the religious, educational, civic, patriotic, charitable, or fraternal purpose for which the proceeds shall be used.
 - d. The names, addresses, locations of the vendors and the dates during which they will vend.
 - e. A statement of the estimated percentage of proceeds that shall be applied to those purposes after deducting the cost of the merchandise sold and the actual cost to prepare these goods. A statement that no income shall be provided to any individual conducting these sales.

Such vendors shall comply with all provisions of this article but shall not be assessed a privilege license tax.

- (3) Any not-for-profit business that operates group homes, day cares or other types of care facilities for a nonprofit religious, educational, civic, patriotic, charitable, or fraternal purpose, is exempt

from payment of a privilege license tax, if the entire gross income of the business is used exclusively for nonprofit purposes.

Such businesses shall comply with all provisions of this article but shall not be assessed a privilege license tax.

- (b) Every person engaging in any business which is exempt from the payment of license taxes by this section shall secure from the city manager or his designee ~~tax collector~~ a license to engage in such business, which license shall show upon its face that the licensee is exempt from the payment of a license tax. Nothing in this section shall be construed to exempt the promoter of a project sponsored by a religious, educational, civic, patriotic, charitable, or fraternal organization from the payment of all applicable privilege license taxes, and it shall be unlawful for any person to solicit funds or any kind of property by selling tickets, advertising, or any kind of property or by a direct solicitation upon the representation that the proceeds of such solicitation are for a religious, educational, civic, patriotic, charitable, or fraternal purpose unless the solicitation is duly qualified for a privilege license tax exemption by this section. "Gross income," as used in this section, means gross receipts after the deduction of all applicable federal, state, and local admission taxes.

(Code 1961, § 11-17; Ord. No. 11-77, § 1, 5-3-11)

Sec. 13-50. - Delinquent license tax and penalty.

Each license tax prescribed by this article shall be increased five (5) percent for each month or fraction thereof during which such license tax remains unpaid after it becomes due and payable. The minimum penalty charge shall be five dollars (\$5.00) and the maximum shall not exceed twenty-five (25) percent. Upon discovering any business which has been operating within the city without a privilege license as required by this article, the city manager or his designee ~~city tax collector~~ is hereby authorized to assess and collect the delinquent privilege license taxes plus penalties due for each taxable year that the same has remained unpaid, not exceeding three (3) years including the current year for which said license tax may be required. ~~Any business discovered operating without a business license will not qualify as a "new business" as described in section 13-37(b)(1).~~

(Code 1961, § 11-18; Ord. No. 90-55, § 2, 4-12-90; Ord. No. 00-217, § 1, 12-5-00; Ord. No. 09-73, § 3, 4-21-09)

Sec. 13-51. - ~~Investigative powers of tax collector.~~ Repealed by G.S. § 160A-211 effective July 1, 2015

- ~~(a) The city tax collector may examine the books, papers and records of any licensee in order to ascertain the amount of license fee due under the provisions of this article. Each licensee shall give to the tax collector the means, facilities and opportunity for the making of such examination and investigation.~~
- ~~(b) The tax collector is hereby authorized to examine any person under oath concerning the matters set forth in this section, and to this end he may compel the production of books, papers, records, and the attendance of all persons before him, whether as parties or as witnesses whom he believes to have knowledge of the matters set forth in this section, to the extent that any officer empowered to administer oaths in this state is permitted to cause such coercion.~~

~~(Code 1961, § 11-19)~~

State law reference — ~~Administrative search and inspection warrants, G.S. § 15-27.2.~~

Sec. 13-52. - ~~Information obtained by tax collector confidential.~~ Repealed by G.S. § 160A-211 effective July 1, 2015

~~Any information gained by the city tax collector as a result of any investigations, hearings, etc., as required or authorized by this article, shall be confidential, except for official purposes and except in~~

~~accordance with proper judicial order or as otherwise provided by law, and it shall be unlawful to divulge such information; provided, however the city tax collector may disclose to the state commissioner of revenue, or his duly authorized agent all such information and right to inspect any of the books and records of the city tax collector if the commissioner grants to the city tax collector the reciprocal right to obtain information from the files and records of the state department of revenue and maintains the privileged character of the information so furnished him.~~

~~(Code 1961, § 11-20)~~

Secs. 13-53—13-65. - Reserved.

Editor's note—

Ord. No. 14-086, § 6, adopted June 17, 2014, repealed § 13-53 in its entirety, which pertained to forfeiture of bond upon revocation of license and derived from the Code of 1961, § 11-21.

DIVISION 2. - LICENSE FOR SPECIFIC BUSINESSES

Sec. 13-66. - Alcoholic beverages—Retail.

- (a) Every person engaged in the business of selling at retail within the corporate limits of the city malt beverages, including beer, as defined in North Carolina General Statutes Section 105-113.68 shall pay a license tax of:
 - (1) On-premises, per annum\$ 15.00
 - (2) Off-premises, per annum5.00
- (b) Every person engaged in the business of selling at retail within the corporate limits of the city unfortified wine, as defined in North Carolina General Statutes Section 105-113.68 shall pay a license tax of:
 - (1) On-premises, per annum\$ 15.00
 - (2) Off-premises, per annum10.00
- (c) The privilege license tax for retailers of fortified wines shall be the same as for retailers of unfortified wines; retailers of both unfortified and fortified wine shall pay only the license tax rate applicable to unfortified wine.
- (d) The rate of license tax levied under this section shall be for the first license issued to one (1) person; for each additional license issued to one (1) person an additional tax of ten (10) percent of the base tax shall be levied, such increase to apply progressively for each additional license issued to one (1) person.

(e) Every person engaged in the business of selling malt beverages and/or unfortified wine must provide proof of ABC Permit issued by the NC ABC Commission prior to issuance of a beer and/or wine privilege license.

(Code 1961, § 11-81)

Cross reference— Alcoholic beverages, Ch. 4.

State law reference— City retail alcoholic beverage license, G.S. § 105-113.77.

Sec. 13-67. - Same—Wholesalers.

Every person engaged in the business of dealing in or selling at wholesale beer, lager beer, ale, porter, and other brewed or fermented beverages, unfortified wines or fortified wines, with a place of business located within the corporate limits of the city, shall pay the following tax:

- (1) Beer, lager beer, ale, porter, per annum\$ 37.50
- (2) Fortified wines, unfortified wines, per annum37.50
- (3) License to sell at wholesale all of the above-mentioned beverages or any of them, per annum62.50

Every person engaged in the business of dealing in or selling at wholesale beer, lager beer, ale, porter, and other brewed or fermented beverages, unfortified wines or fortified wines must provide proof of ABC Permit issued by the NC ABC Commission prior to issuance of a beer and/or wine privilege license.

(Code 1961, § 11-30)

Cross reference— Alcoholic beverages, Ch. 4.

State law reference— City wholesale alcoholic beverage license, G.S. § 105-113.79.

Section 13-67.5 – Section 13-112 Repealed by G.S. § 160A-211 effective July 1, 2015

~~Sec. 13-67.5. – Adult businesses.~~

~~Every person who shall operate a sexually oriented business as defined in section 30-2-2.7 of this Code shall first pay an annual license tax of one hundred dollars (\$100.00) for each location where such business is conducted, except those persons operating a massage business who shall, in lieu thereof, obtain the license and pay the fee required by section 14-45 of this Code.~~

~~(Ord. No. 95-61, § 5, 6-1-95)~~

Editor's note—

~~Ord. No. 95-61, § 5, adopted June 1, 1995, added a new § 13-68.1. For purposes of classification, such section has been redesignated as § 13-67.5, at the discretion of the editor.~~

~~Sec. 13-68. – Amusements – Not otherwise taxed.~~

~~Every person engaged in the business of giving, offering, or managing any form of entertainment or amusement not otherwise taxed or specifically exempted, for which an admission is charged, shall pay an annual license tax for each room, hall, tent or other place where such admission charges are made of twenty five dollars (\$25.00). Every person offering or managing any dance or athletic contest of any kind, except high school and elementary school athletic contests, for which an admission fee in excess of fifty cents (\$0.50) is charged, shall pay an annual license tax of two dollars and fifty cents (\$2.50) for each location where such charges are made.~~

~~(Code 1961, § 11-26)~~

State law reference— Limitations on above license, G.S. § 105-37.1.

~~Sec. 13-69. – Same—Certain exhibitions and performances exempt from license tax.~~

All exhibitions, performances, and entertainments, except as in this Code expressly mentioned as not exempt, produced by local talent exclusively, and for the benefit of religious, charitable, benevolent, or educational purposes, and where no compensation is paid to such local talents shall be exempt from a license tax.

~~(Code 1961, § 11-29)~~

State law reference— Similar provisions, G.S. § 105-40.

~~Sec. 13-70. Same—Bagatelle tables, merry-go-rounds, etc.~~

~~(a) Every person engaged in the operation of a bagatelle table, merry-go-round or other riding device, hobby horse, switch-back railway, shooting gallery, swimming pool, skating rink, other amusements of a like kind, or a place for other games or play with or without name (unless used solely and exclusively for private amusement or exercise), at a permanent location shall pay for each subject enumerated an annual license tax of twenty-five dollars (\$25.00).~~

~~(b) Subsection (a) does not apply to bowling alleys and music machines.~~

~~(Code 1961, § 11-52)~~

State law reference— Limitations on above license, G.S. § 105-102.5.

~~Sec. 13-71. Same—Billiard and pool tables.~~

~~(a) Every person who shall rent, maintain, or own a building wherein there is a table or tables at which billiards or pool is played, whether operated by a slot or otherwise, shall pay an annual license tax for each location of twenty-five dollars (\$25.00).~~

~~(b) Subsection (a) does not apply to fraternal organizations having a national charter, American Legion posts, or posts or other local organizations of other veterans' organizations chartered by Congress or organized and operating on a statewide or nation-wide basis, Young Men's Christian Associations, and Young Women's Christian Associations.~~

~~(Code 1961, § 11-48; Ord. No. 90-55, § 3, 4-12-90)~~

State law reference— Limitations on above license, G.S. § 105-102.5.

~~Sec. 13-72. Same—Bowling alleys.~~

~~(a) Every person who shall rent, maintain, or own a building wherein, or any premises on which, there is a bowling alley or alleys of like kind shall pay an annual license tax for each alley kept or operated of ten dollars (\$10.00).~~

~~(b) Subsection (a) does not apply to fraternal organizations having a national charter, American Legion posts, Young Men's Christian Associations, and Young Women's Christian Associations.~~

~~(Code 1961, § 11-49)~~

State law reference— Limitations on above license, G.S. § 105-102.5.

~~Sec. 13-73. Same—Carnival companies, etc.~~

~~(a) Every person engaged in the business of a carnival company or a show of like kind, moving picture and vaudeville shows, museums, and menageries, merry-go-rounds, Ferris wheels, riding devices,~~

~~and other like amusements, and enterprises, conducted for profit, under the same general management, or an aggregate of shows, amusements, eating places, riding devices, or any of them operating together on the same lot or contiguous lots or streets, traveling from place to place, whether owned and operated by separate persons or not, filling week-stand engagements, or giving week-stand exhibitions, under canvas or not, shall pay for each week or part of a week, a license tax of one hundred fifty dollars (\$150.00); provided:~~

~~(1) When a person, firm or corporation exhibits only riding devices, or riding devices along with two (2) or less concession stands which are not a part of, nor used in connection with any carnival company, the tax shall be five dollars (\$5.00) per week for each such riding device or concession stand.~~

~~(2) Except for the operation of two (2) or less concession stands as authorized above, it shall be unlawful under this section for the owners or operators of riding devices to operate or cause to be operated, any show, game, stand or other attraction whatsoever.~~

~~(b) No person, firm, or corporation, nor any aggregation of same, giving such shows, exhibitions or performances, shall be relieved from the payment of the tax levied in subsection (a), regardless of whether or not the state or any subdivision thereof derives a benefit from the same. No carnival operating or giving performances or exhibitions in connection with any fair shall be relieved from the payment of the tax levied in subsection (a). It is the intent and purpose of this section that every person who is engaged in the giving of such shows, exhibitions, performances, or amusements, whether the whole or a part of the proceeds are for charitable, benevolent, educational, or other purposes whatsoever, shall pay the license taxes provided for in subsection (a).~~

~~(Code 1961, § 11-28)~~

State law reference— ~~Limitations on above license, G.S. § 105-39.~~

~~Sec. 13-74.— Same—Circuses, menageries, wild west, dog and/or pony shows, etc.~~

~~(a) Every person engaged in the business of exhibiting performances, such as a circus, menagerie, wild west show, dog or pony show, or any other show, exhibition or performance similar thereto, not taxed in other sections of this chapter, shall pay for each day or part of a day a license tax of twenty-five dollars (\$25.00).~~

~~(b) The provisions of this section, or any other section of this Code, shall not be construed to allow without the payment of the tax imposed in this section, any exhibition or performance described in this section, for charitable, benevolent, educational, or any other purpose whatsoever, by any person who is engaged in giving such exhibitions or performances, no matter what terms of contract may be entered into or under what auspices such exhibitions or performances are given. It is the intent and purpose of this section that every person who is engaged in the business of giving such exhibitions or performances, whether a part or all of the proceeds are for charitable, benevolent, educational, or other purposes or not, shall pay the license tax imposed in this section.~~

~~(c) In lieu of the tax levied in section 13-102 of this Code, each circus, or other form of amusement taxed under this section, advertising by means of outdoor advertising shall pay a tax of fifty dollars (\$50.00) for the privilege of advertising in this manner. This tax is in addition to the other taxes levied in this section.~~

~~(Code 1961, § 11-27; Ord. No. 90-55, § 4, 4-12-90)~~

State law reference— ~~Limitations on above license, G.S. § 105-38.~~

~~Sec. 13-75.— Same—Electronic video games.~~

- ~~(a) Every person engaged in the business of owning or operating machines that play electronic video games where a coin or other thing of value is deposited in the machine shall pay an annual license tax for each machine of five dollars (\$5.00).~~
- ~~(b) The applicant for license under this section shall, in making application for license, specify the serial number of the video machine or machines proposed to be operated. The license shall not, under any condition, be transferable to any other video machine. It shall be the duty of the person in whose place of business the video machine is operated or located to see that the proper license is attached in a conspicuous place on the machine before its operation shall commence. The tax collector may seize any machine not licensed in accordance with this section and may hold the machine until it is duly licensed.~~

~~(Code 1961, § 11-51)~~

State law reference— ~~Limitations on above license, G.S. § 105-66.1.~~

~~Sec. 13-76. Same—Moving picture shows.~~

~~Every person engaged in the business of operating a moving picture show shall pay an annual license tax of two hundred dollars (\$200.00). Such businesses which operate three (3) days or less per week shall pay an annual license tax of one hundred dollars (\$100.00).~~

~~(Code 1961, § 11-25; Ord. No. 90-55, § 5, 4-12-90)~~

State law reference— ~~Limitations on above license, G.S. § 105-37.~~

~~Sec. 13-77. Same—Outdoor theaters.~~

~~Every person engaged in the business of operating an outdoor or drive-in moving picture show or places where vaudeville exhibitions or performances are given for compensation shall pay an annual license tax of one hundred dollars (\$100.00).~~

~~(Code 1961, § 11-24; Ord. No. 90-55, § 6, 4-12-90)~~

State law reference— ~~Limitations on above license, G.S. § 105-36.1.~~

~~Sec. 13-77.1. Same—Selling, leasing or furnishing videos.~~

~~Every person engaged in the business of selling, leasing, furnishing or distributing movies, including videos, for use in places where no admission fee is charged or in schools, public or private, shall pay an annual license tax of twenty-five dollars (\$25.00) for each location.~~

~~(Ord. No. 90-55, § 7, 4-12-90)~~

~~Sec. 13-78. Automobiles and service stations.~~

~~(a) Every person engaged in the business of servicing, storing, painting, repairing, welding, or upholstering of motor vehicles, trailers, semitrailers, or engaged in the business of retail selling or delivering of any tires, tools, batteries, electrical equipment, automotive accessories, including radios designed for exclusive use in automobiles, or supplies, motor fuels or lubricants, or any such commodities, shall pay a license tax of twelve dollars and fifty cents (\$12.50) per annum for each location where such business is carried on.~~

~~(b) Every person engaged in the business of buying, selling, distributing, exchanging, or delivering automotive accessories, including radios designed for exclusive use in automobiles, parts, tires, tools, batteries, or other automotive equipment or supplies or any of such commodities at wholesale~~

shall pay an annual license tax for each location where such business is carried on of thirty-seven dollars and fifty cents (\$37.50). Any person engaged in the business enumerated in this section and having no located place of business, but selling to retail dealers by use of some form of vehicle, shall pay an annual license tax for each vehicle used in carrying on such business of twenty-five dollars (\$25.00). For the purpose of this subsection, "wholesale" shall apply to manufacturers, jobbers and such others who sell to retail dealers, except manufacturers of batteries. No additional license tax under this subsection shall be levied upon or collected from any employee, agent, or salesman whose employer or principal has paid the tax for each location levied in this subsection.

- ~~(c) No person, firm, or corporation paying the wholesaler's tax as levied in subsection (b) hereof shall be required to pay any additional tax under subsection (a).~~
- ~~(d) Every person engaged in the business of buying, selling, distributing, servicing, storing, or exchanging motor vehicles, trailers, semitrailers, tires, tools, batteries, electrical equipment, lubricants, or automotive equipment, including radios designed for exclusive use in automobiles, and supplies shall pay an annual license tax for each location where such business is carried on of twenty-five dollars (\$25.00). Persons dealing in secondhand or used motor vehicles exclusively shall be liable for the tax unless such business is of a seasonal, temporary, transient, or itinerant nature, in which event the tax shall be three hundred dollars (\$300.00) for each location where such business is carried on. Any person who deals exclusively in motor fuels and lubricants and has paid the license tax levied under subsection (a) of this section, shall not be subject to any license tax under subsections (b) and (c) of this section. A person, firm or corporation licensed under this subsection is not required to be licensed under subsection (a) or (b). No additional license tax under this subsection shall be levied upon or collected from any employee or salesman whose employer has paid the tax levied in this subsection; nor shall the tax apply to dealers in semitrailers weighing not more than five hundred (500) pounds and carrying not more than a one-thousand-pound load, and to be towed by passenger cars, nor to dealers in four-wheel, farm-type wagons equipped with rubber tires and designed to be pulled or towed by passenger cars or farm tractors. Premises on which cars are stored or sold when owned or operated by a licensed car dealer under the same name shall not be deemed as a separate place of business.~~

~~(Code 1961, § 11-70; Ord. No. 90-55, §§ 8-10, 4-12-90)~~

State law reference— Limitations on above license, G.S. § 105-89.

Sec. 13-79.— Barbershops, beauty shops, etc.

Every person engaged in the business of conducting a barbershop, beauty shop or parlor, or other shop of like kind shall pay an annual license tax for each barber, manicurist, cosmetologist, beautician, or operator in a beauty parlor, or other shop of like kind in any office, hotel, or other place of two dollars and fifty cents (\$2.50).

~~(Code 1961, § 11-60)~~

State law reference— Limitations on above license, G.S. § 105-75.1.

Sec. 13-80.— Bicycle dealers.

Any person engaged in the business of buying or selling bicycles, supplies, and accessories shall pay an annual license tax of twenty-five dollars (\$25.00).

~~(Code 1961, § 11-38)~~

State law reference— Limitations on above license, G.S. § 105-102.5.

~~Sec. 13-81. — Branch or chain stores.~~

- ~~(a) Every person engaged in the business of operating or maintaining, under the same general management, supervision, or ownership, two (2) or more stores, or mercantile establishments where goods, wares or merchandise are sold or offered for sale, or from which such goods, wares or merchandise are sold or distributed at wholesale or retail, or controls by lease, either as lessor or lessee, or by contract, the manner in which any such store or stores are operated, or the kinds, character, or brands of merchandise which are sold therein, shall be deemed a branch or chain store operator, and shall pay an annual license tax on each and every store of fifty dollars (\$50.00), except that the store in which the principal office is located shall not be taxed under this section.~~
- ~~(b) The term "chain store," as used in this section, shall include stores operated under separate charters of incorporation, if there is common ownership of a majority of stock in such separately incorporated companies, or if there is similarity of name of such separately incorporated companies, or if such separately incorporated companies have the benefit in whole or in part of group purchase of merchandise, or of common management. In like manner the term "chain store" shall apply to any group of stores where a majority of interest is owned by an individual or partnership.~~
- ~~(c) This section shall not apply to:~~
- ~~(1) Retail stores of nonprofit organizations engaged exclusively in the sale of merchandise processed by handicapped persons employed.~~
 - ~~(2) Manufacturers, retail or wholesale dealers solely by reason of sale of fertilizers, farm chemicals, soil preparents or seeds.~~
 - ~~(3) Retail outlets owned and operated by wholesale bakeries at a location separate and apart from the wholesale bakery under the same ownership, management and control of the wholesale bakery and used solely as outlets for the disposition at retail surplus or broken products of the wholesale bakery operating same and which do not deal in any other products and where the operation of such stores is only incidental to the operation of the wholesale bakery, such stores being commonly known as bakery thrift stores.~~
 - ~~(4) Retail or wholesale dealers in motor vehicles and automotive equipment and supply dealers at wholesale who are not liable for tax hereunder on account of the sale of other merchandise.~~

~~(Code 1961, § 11-77)~~

State law reference — Limitations on above license, G.S. § 105-98.

~~Sec. 13-81.1. — Campgrounds, Trailer Courts, Tent Camping, etc.~~

~~Every person engaged in the business of operating a campground, trailer park, tent camping area, or similar place for profit, advertising in any manner for transient patronage, or soliciting such business, regardless of whether the rental to patrons is on a daily, weekly, biweekly, or monthly basis, shall pay an annual license tax of twelve dollars and fifty cents (\$12.50) for each location.~~

~~(Ord. No. 90-55, § 11, 4-12-90)~~

State law reference — Limitations on above license, G.S. 105-102.5.

~~Sec. 13-82. — Collection agencies.~~

- ~~(a) Every person engaged in the business of collecting, for a profit, claims, accounts, bills, notes, or other money obligations for others, and of rendering an account for same, shall be deemed a collection agency, and shall pay an annual license tax of fifty dollars (\$50.00).~~
- ~~(b) Subsection (a) does not apply to a regularly licensed practicing attorney at law.~~

~~{Code 1961, § 11-34}~~

State law reference— Limitations on above license, G.S. § 105-45.

~~Sec. 13-83.— Contractors and construction companies—Generally.~~

- ~~(a) Every person who has a current contractor's license issued by the State of North Carolina and who for a fixed price, commission, fee, or wage, offers or bids to construct or demolish within the city any building, highway, street, sidewalk, bridge, culvert, sewer or water system, reservoir or dam, hydraulic or power plant, transmission line, tower, dock, wharf, excavation, grading, or other improvement or structure, or any part thereof, shall pay an annual license tax of ten dollars (\$10.00).~~
- ~~(b) No employee or subcontractor of any person, who has paid the tax provided for in subsection (a), shall be required to pay the license tax provided for in subsection (a) while so employed by such person.~~
- ~~(c) This section shall not apply to plumbers, heating contractors or electricians.~~

~~{Code 1961, § 11-41; Ord. No. 05-191, § 2, 9-20-05}~~

Cross reference— Contractor's bond, § 13-4.

State law reference— Limitations on above license, G.S. § 160A-211.

~~Sec. 13-84.— Same—Plumbers, heating contractors, and electricians.~~

- ~~(a) Every person engaged in the business of a plumber, installing plumbing fixtures, piping or equipment, steam or gas fitter, or installing hot air heating system, or installing electrical equipment, or offering to perform such services, shall pay an annual license tax of fifty dollars (\$50.00). Any person engaged exclusively in the businesses enumerated in and licensed under this section shall not be liable for the tax on contractors, construction companies, installers of elevators and automatic sprinkler systems, and persons repairing elevators and automatic sprinkler systems.~~
- ~~(b) With respect to electricians and electrical contractors, a license procured under this section shall cover the installation of electrical equipment, fixtures and wiring in or upon the consumer's premises, or on the "customer's side" of the point of delivery of electric service, but shall not cover the installation of or service to transmission or distribution lines or work in the "distributor's side" of the point of delivery of electric service. With respect to plumbers and plumbing contractors, a license procured under this section shall cover plumbing work and plumbing installation in buildings and upon the premises upon which the buildings are situated and up to the connection with the sewer or water mains, but shall not cover the construction of or work upon water or sewer systems or mains.~~

~~{Code 1961, § 11-73; Ord. No. 90-55, § 12, 4-12-90}~~

Cross reference— Contractor's bond, § 13-4.

State law reference— Limitations on above license, G.S. § 105-91.

~~Sec. 13-85.— Same—Installing elevators and automatic sprinkler systems.~~

~~Every person engaged in the business of selling or installing elevators or automatic sprinkler systems shall pay an annual license tax of one hundred dollars (\$100.00). No person who does not maintain an established place of business in the city shall be liable for the tax levied under this section, nor shall the tax apply to plumbers, heating contractors, and electricians.~~

~~(Code 1961, § 11-42)~~

State law reference—~~Limitations on above license, G.S. § 105-55.~~

~~Sec. 13-86.— Same—Miscellaneous.~~

~~Every person engaged in the business of construction or engaged in the business as a building contractor, (who is not licensed by the state as a building contractor) tree service contractor, sign contractor, painting and wallpaper contractor, awning installer, sheet metal contractor, tinning contractor, roofing contractor, ventilation contractor, wrecking, demolition or house moving contractor, or insulation contractor shall pay an annual license tax of fifty dollars (\$50.00).~~

~~(Code 1961, § 11-84; Ord. No. 90-55, § 13, 4-12-90; Ord. No. 05-191, § 3, 9-20-05)~~

Cross reference—~~Contractor's bond, § 13-4.~~

~~Sec. 13-87.— Emigrant and employment agents.~~

- ~~(a) Every person, either as agent or principal, engaged in the business of soliciting, hiring, or contracting with laborers, male or female, for employment out of the state shall pay an annual license tax of one hundred dollars (\$100.00).~~
- ~~(b) Every person who engages in the business of securing employment for a person or persons and charging therefor a fee, commission, or other compensation, shall pay an annual license tax of one hundred dollars (\$100.00).~~
- ~~(c) This section shall not apply to any employment agency operated by the federal government, the state, any county or municipality, or whose sole business is procuring employees for work in the production and harvesting of farm crops within the state. Under this section the tax on any employment agency whose sole business is the placement of teachers or other school employees and which has been approved by the state superintendent of public instruction shall be fifty dollars (\$50.00). The tax on employment agencies where the sole business is the placement of domestic servants or unregistered nurses for employment within the state shall be fifty dollars (\$50.00).~~

~~(Code 1961, § 11-72; Ord. No. 90-55, § 14, 4-12-90)~~

State law reference—~~Limitations on above license, G.S. § 105-90.~~

~~Sec. 13-88.— Exhibition shows.~~

- ~~(a) Every person using a location for the purposes of promoting the display or sale of merchandise, wares or other tangible items in connection with an exhibition show shall pay for each such exhibition show a license fee per week or fraction thereof of two hundred dollars (\$200.00). However, when an exhibition of arts, crafts or other items of merchandise is totally sponsored by a nonprofit organization conducting the exhibition show for charitable, cultural, religious or civic purposes, and no person or corporation outside of the organization is hired or engaged to promote such exhibition for a fee or percentage, and there is no buying, selling, trading or taking of orders for future delivery, the organization shall pay a license fee of ten dollars (\$10.00) per week or fraction thereof. However, when an exhibition of arts, crafts or other items of merchandise is totally sponsored by a nonprofit organization conducting the exhibition show for charitable, cultural, religious or civic purposes, and no person or corporation outside of the organization is hired or engaged to promote such exhibition for a fee or percentage, and there is any buying, selling, trading or taking of orders for future delivery, the organization shall pay a license fee of fifty dollars (\$50.00) per week or fraction thereof.~~

- ~~(b) Where a group of exhibitors place merchandise in the same location under one (1) general management or promoter, the total fee prescribed by this section shall be due from the manager or promoter and each such exhibitor shall be exempt from this or any other privilege license fee. Any other exemptions provided for by this article shall not apply to the license required by this section.~~
- ~~(c) In this section "exhibition show" means an exhibition or show where merchandise, wares or other tangible items are displayed for show and/or sale either out-of-doors or in a building occupied in whole or part for a period not to exceed one (1) week.~~
- ~~(d) The license issued hereunder shall not be transferable for the purpose of a special event as defined in Chapter 26 of the Greensboro Code of Ordinances.~~

~~(Code 1961, § 11-85; Ord. No. 05-109, § 1, 5-17-05)~~

~~Sec. 13-89. Express companies.~~

~~Every express company doing business in the city shall pay an annual license tax of seventy-five dollars (\$75.00).~~

~~(Code 1961, § 11-23)~~

~~**State law reference**— Limitations on above license, G.S. § 105-118.~~

~~Sec. 13-90. Hazardous waste facility.~~

~~Every person engaged in the business of operating a hazardous waste facility as defined by section 10.5-2 of the Greensboro Code of Ordinances shall pay an annual license tax of five hundred dollars (\$500.00) for each location.~~

~~(Code 1961, § 11-40.1; Ord. No. 90-55, § 15, 4-12-90)~~

~~**State law reference**— Limitations on above license, G.S. 130A-290.~~

~~Sec. 13-91. Hotels, motels, boardinghouses, roominghouses, tourist homes and tourist courts.~~

- ~~(a) Every person engaged in the business of operating any hotel, motel, boardinghouse, roominghouse, tourist home, tourist court or similar place advertising in any manner for transient patronage shall pay an annual license tax thereon of one dollar (\$1.00) per room; provided, however, the license tax shall not be less than twenty-five dollars (\$25.00).~~
- ~~(b) The lobby, club room, office, dining room, kitchen and rooms occupied by the owner or lessee of the premises, or members of his family, for his or their personal or private use, shall not be counted when calculating the number of rooms for the basis of the license tax.~~
- ~~(c) The tax provided for in this section shall apply whether the charges are made at daily, weekly, biweekly or monthly rate; such tax shall also apply as to any particular room whether or not such room is occupied by a permanent guest.~~
- ~~(d) The tax herein levied shall be in addition to any tax levied for the sale of prepared food.~~
- ~~(e) Numbering of rooms. Each sleeping room or living room unit in the businesses subject to this section shall be numbered or designated in a plain, conspicuous manner. Such number or designation shall be placed on the outside of the outer door of each sleeping room or living room unit, and no two (2) units shall bear the same number.~~
- ~~(f) Guest register. Every person engaged in the business subject to this section, shall at all times keep and maintain therein a guest register in which shall be inscribed the true name and home address of each person renting said room or unit, as well as such person's vehicle description and license plate~~

~~information. Such register shall be signed by the person renting said room or unit or someone signing by his authority.~~

~~The proprietor of such business shall write opposite such name so registered, the number of each room or unit assigned to and occupied by such guest, together with the date when such room or unit is rented. No person shall be allowed to occupy any room or unit in said establishment until all of the aforementioned entries have been made in such register.~~

~~The register required by this section shall be maintained by the proprietor of said business for one year of the date of rental, and subject to inspection at any reasonable time by any law enforcement officer with territorial jurisdiction while in the performance of his duties or by an official of the fire prevention bureau of the city.~~

~~(g) The guest vehicle parking area of any business licensed under this section shall be accessible at all times to any public safety officer in the performance of his duties.~~

~~(h) Penalty. Any violation of subsections (e) through (g) of this section shall be a misdemeanor, punishable by imprisonment up to thirty (30) days, or a fine of up to one hundred dollars (\$100.00), in the discretion of the court.~~

~~(Code 1961, § 11-45; Ord. No. 90-55, § 16, 4-12-90; Ord. No. 97-117, § 1, 7-1-97)~~

State law reference — ~~Limitations on above license, G.S. § 105-61.~~

~~Sec. 13-92. Ice cream manufacturers, dealers, etc.~~

~~(a) Every person engaged in the business of manufacturing or distributing ice cream at wholesale shall pay for each factory or place where manufactured or stored for distribution the following base tax:~~

~~(1) Where the machine or the equipment unit used is of the continuous freezer type the rate of tax shall be \$0.375 per gallon capacity based on the rated capacity in gallons per hour according to the manufacturer's rating of such freezer or freezers, but in no case shall the tax be less than twelve dollars and fifty cents (\$12.50) per annum for any freezer or freezers used.~~

~~(2) Where the machine or equipment unit used is not of the continuous freezer type the rate of tax shall be one dollar and twenty five cents (\$1.25) per gallon capacity for the freezer or freezers used, but in no case shall the tax be less than twelve dollars and fifty cents (\$12.50) per annum for any freezer or freezers used.~~

~~The tax collector shall have the right to check the correctness or accuracy of any such manufacturer's rating herein referred to and to levy the tax herein authorized on the basis of such determined capacity. Where no standard freezer equipment with manufacturer's capacity rating is used, a tax of twelve dollars and fifty cents (\$12.50) shall apply. The license tax herein shall not apply to any farmer who manufactures and sells only the products of his own cows.~~

~~(b) Every person selling or delivering ice cream on which the tax has not been paid under the provisions of this section shall pay an annual license tax of twenty five dollars (\$25.00) per truck, automobile or vehicle. The license shall be posted in the cab of the truck, automobile or other vehicle.~~

~~(c) For the purpose of this section the words "ice cream" shall apply to ice cream, frozen custards, sherbets, water ices, or similar frozen products.~~

~~(d) Every retail dealer selling at retail ice cream purchased from a manufacturer or other than a manufacturer who has paid the tax imposed in subsection (a) or (b) of this section or a manufacturer using counter freezer equipment and selling ice cream at retail only shall pay an annual license tax of two dollars and fifty cents (\$2.50).~~

~~(Code 1961, § 11-76; Ord. No. 90-55, § 17, 4-12-90)~~

State law reference — ~~Limitations on above license, G.S. §§ 105-97, 105-102.5.~~

~~Sec. 13-93. — Laundries.~~

- ~~(a) Every person engaged in the business of operating a laundry, including wet or damp wash laundries and businesses known as "laundrettes," "laundralls" and similar type businesses, where steam, electricity, or other power is used, or who engages in the business of supplying or renting clean linen or towels or wearing apparel, shall pay an annual license tax of fifty dollars (\$50.00).~~

~~If a place of business solicits outside the county where the place of business is located, the license tax is one hundred dollars (\$100.00).~~

- ~~(b) Every person engaged in the business of soliciting laundry work to be done by a laundry or plant that has not paid a state license tax shall pay an annual tax of one hundred dollars (\$100.00) and shall carry the license in the cab of any vehicle used in soliciting in this city.~~

~~(Code 1961, § 11-67; Ord. No. 90-55, § 18, 4-21-90; Ord. No. 92-47, § 5, 4-20-92)~~

State law reference — ~~Limitations on above license, G.S. § 105-85.~~

~~Sec. 13-94. — Loan agencies or brokers.~~

- ~~(a) Every person engaged in the regular business of making loans or lending money, accepting liens on, or contracts of assignment of, salaries or wages, or any part thereof, or other security or evidence of debt for repayment of such loans in installment payments or otherwise, and maintaining in connection with same any office or other location or established place for the conduct, negotiation, or transaction of such business or advertising or soliciting such business in any manner whatsoever, shall be deemed a loan agency, and shall pay an annual license tax of one hundred dollars (\$100.00).~~

- ~~(b) Subsection (a) does not apply to:~~

- ~~(1) Banks, industrial banks, trust companies, building and loan associations, cooperative credit unions.~~
- ~~(2) Installment paper dealers.~~
- ~~(3) The business of negotiating loans on real estate, nor to pawnbrokers lending or advancing money on specific articles of personal property.~~

- ~~(c) Subsection (a) does apply to:~~

- ~~(1) Those persons operating what are commonly known as loan companies or finance companies and whose business is as hereinbefore described.~~
- ~~(2) Those persons pursuing the business of lending money and taking as security for the payment of such loan and interest an assignment of wages or an assignment of wages with power of attorney to collect same, or other order or chattel mortgage or bill of sale upon households or kitchen furniture.~~

~~(Code 1961, § 11-69)~~

State law reference — ~~Limitations on above license, G.S. § 105-88.~~

~~Sec. 13-95. — Lumberbrokers.~~

~~Every broker of lumber or wholesale dealer's for lumber shall pay an annual license tax of fifty dollars (\$50.00).~~

~~(Code 1961, § 11-90)~~

~~Sec. 13-96. — Manufacturers.~~

~~(a) Every person engaged in the business of manufacturing or conducting a business as a manufacturer shall pay for each plant or manufacturing place of business operated by him the following graduated tax based on the amount of gross sales:~~

~~(1) Annual gross sales not exceeding fifteen thousand dollars (\$15,000.00) per annum, fifty dollars (\$50.00).~~

~~(2) For each one thousand dollars (\$1,000.00) or fraction thereof in excess of fifteen thousand dollars (\$15,000.00), fifty cents (\$0.50).~~

~~The maximum tax under this subsection shall not exceed twelve hundred dollars (\$1,200.00) for each separate location regardless of the amount of gross sales.~~

~~(b) In this section "manufacturing" means the producing by the person to be taxed of a new article for use or ornament by the application of skill and labor to the raw material of which it is composed, or the making of a new product by the person to be taxed from raw or partially wrought materials.~~

~~(c) Any person who engages in the business of manufacturing in the city and pays a tax under this chapter or section for the same and that maintains a support office in the city to support the licensee's manufacturing operation within the city (e.g., for personnel, accounting, payroll, or maintenance) located separately from the manufacturing operation within the city, shall pay an additional tax for each separate support office of fifty dollars (\$50.00).~~

~~(d) Any manufacturer that sells at retail, in addition to the license tax imposed for manufacturing, shall pay an additional license tax for each retail operation or location operated by him or for him the following graduated tax based on the amount of annual gross sales:~~

~~(1) Annual gross sales not exceeding fifteen thousand dollars (\$15,000.00), fifty dollars (\$50.00).~~

~~(2) For each one thousand dollars (\$1,000.00) or fraction thereof in excess of fifteen thousand dollars (\$15,000.00), fifty cents (\$0.50).~~

~~The maximum tax under this subsection shall not exceed twelve hundred dollars (\$1,200.00) for each separate location regardless of the amount of sales.~~

~~(Code 1961, § 11-87; Ord. No. 92-47, § 6, 4-20-92)~~

~~Sec. 13-97. Manufacturers' agents and offices.~~

~~(a) Every person acting as agent for a manufacturer, and in such capacity handling, selling, or dealing in the manufactured products of the manufacturer represented shall pay an annual license tax of fifty dollars (\$50.00).~~

~~(b) Every person engaged in the business of manufacturing outside the city that maintains a local office inside the city for any purpose other than conducting retail or wholesale business shall pay an annual license tax of fifty dollars (\$50.00).~~

~~(Code 1961, § 11-89)~~

~~Sec. 13-98. Motorcycle dealers.~~

~~(a) Every person engaged in the business of buying, selling, distributing, or exchanging motorcycles or motorcycle supplies, or any of such commodities shall pay an annual license tax for each location where such business is carried on of twelve dollars and fifty cents (\$12.50).~~

~~(b) A motorcycle dealer paying the license tax under this section may buy, sell, or deal in bicycles and bicycle supplies without the payment of an additional license tax. No additional license tax shall be levied upon or collected from any employee or salesman whose employer has paid the tax levied in this section.~~

~~(Code 1961, § 11-71; Ord. No. 90-55, § 19, 4-12-90)~~

State law reference— ~~Limitations on above license, G.S. § 105-89.1.~~

~~Sec. 13-99. Motor vehicles.~~

~~(a) Each self-propelled motor vehicle that is subject to the property tax of the city under Subchapter II of Chapter 105 of the North Carolina General Statutes shall be subject to an annual privilege tax of ten dollars (\$10.00). This tax shall be levied at the same time and accounted for in the same manner as the property tax.~~

~~(b) The city shall have all duties and exercise all power for the tax imposed herein as for the property tax except as delegated, in part or in whole, to Guilford County.~~

~~(Code 1961, § 11-82; Ord. No. 91-70, § 1, 6-13-91; Ord. No. 95-61, § 1, 6-1-95)~~

State law reference— ~~Limitations on above license, G.S. §§ 20-97, 160A-213; place for listing tangible personal property, G.S. § 105-304.~~

~~Sec. 13-100. Music machines.~~

~~(a) Every person engaged in the business of operating, maintaining, or placing on location any machine or machines which plays records, or produces music, shall pay an annual license tax for each machine of five dollars (\$5.00).~~

~~(b) The applicant for a license under this section shall, in making application for license, specify the serial number of the machine or machines proposed to be operated, together with a description of the service offered for sale thereby, and the amounts of deposit required by or in connection with the operation of such machine or machines. The license shall carry the serial number to correspond with that on the application, and no such license shall under any condition be transferable to any other machines. It shall be the duty of the person in whose place of business the machine is operated or located to see that the proper license is attached in a conspicuous place on the machine before its operation shall commence.~~

~~(Code 1961, § 11-50)~~

State law reference— ~~Limitations on above license, G.S. § 105-65.~~

~~Sec. 13-101. Persons selling certain oils.~~

~~Every person engaged in the business of operating an agency, station or warehouse for the distribution or sale of illuminating oil or greases, or benzine, naphtha, gasoline, or other products of like kind shall pay an annual license tax of fifty dollars (\$50.00).~~

~~(Code 1961, § 11-58)~~

State law reference— ~~Limitations on above license, G.S. § 105-72.~~

~~Sec. 13-102. Outdoor advertising.~~

~~(a) Every person who is engaged in the business of outdoor advertising by placing, erecting, or maintaining one (1) or more outdoor advertising signs or structures of any nature by means of signboards, poster boards, or printed bulletins, or other painted matter, or any outdoor advertising devices, erected upon the grounds, walls or roofs of buildings shall pay an annual license tax of thirty-five dollars (\$35.00).~~

- ~~(b) The tax levied in this section shall not apply to regularly licensed motion picture theaters upon any advertising signs, structures, boards, bulletins, or other devices erected by or placed by the theater upon property which the theater has secured by permission of the owner.~~
- ~~(c) Every person who places, erects or maintains one (1) or more outdoor advertising signs, structures, boards, bulletins or devices as specified in this section shall be deemed to be engaged in the business of outdoor advertising.~~
- ~~(d) Every person maintaining signboards, poster boards, printed bulletins, or other outdoor advertisements of any nature shall have imprinted on the same the name of such person, firm, or corporation in sufficient size to be plainly visible and permanently affixed thereto.~~
- ~~(e) The following signs and announcements are exempted from the provisions of this section:

 - ~~(1) Signs upon property advertising the business conducted thereon.~~
 - ~~(2) Notices or advertisements erected by public authority or required by law in any legal proceedings.~~
 - ~~(3) Any sign containing sixty (60) square feet or less bearing an announcement of the city advertising itself; provided, the same is maintained at public expense.~~~~
- ~~(f) No tax shall be levied under this section against any person painting, posting or otherwise displaying signs or panels advertising his or its own business containing twelve (12) square feet or less of advertising surface; provided, that this exemption shall not apply if the signs or panels are displayed in more than five (5) counties.~~

~~{Code 1961, § 11-68; Ord. No. 90-55, § 20, 4-12-90}~~

State law reference—~~Limitations on above license, G.S. § 105-86.~~

~~Sec. 13-102.1. Panhandlers.~~

~~Every person engaged in the business of asking or soliciting for personal gain, for money or objects of value, with the intention that the money or objects be transferred at that time, and at that place by using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value shall apply for and obtain a panhandler's privilege license. A privilege license issued in accordance with this section shall be non-transferable and shall be issued at no cost.~~

~~{Ord. No. 04-84, § 2, 6-15-04}~~

Editor's note—

~~Ord. No. 04-84, § 2, adopted June 15, 2004, added new provisions as § 13-116. As other provisions already existed in the Code as § 13-116 and sections within Art. II, Div. 2 of this chapter are arranged alphabetically, such provisions of Ord. No. 04-84 have been redesignated as § 13-102.1~~

~~Sec. 13-103. Pawnbrokers.~~

~~Every person engaged in and conducting the business of lending or advancing money or other things of value for a profit, and taking as a pledge for such loan specific articles of personal property, to be forfeited if payment is not made within a definite time shall be deemed a pawnbroker, and shall pay an annual license tax of two hundred seventy-five dollars (\$275.00).~~

~~{Code 1961, § 11-39; Ord. No. 90-55, § 21, 4-12-90; Ord. No. 99-188, § 1, 11-16-99; Ord. No. 01-130, § 1, 6-5-01}~~

Cross reference—~~Records required of pawnbrokers, § 13-8.~~

~~State law reference— Limitations on above license, G.S. § 105-50.~~

Sec. 13-103.1. - Reserved.

~~Editor's note—~~

~~Ord. No. 92-47, adopted April 20, 1992, repealed § 13-103.1, which pertained to peddlers and itinerant merchants and flea market vendors, in its entirety.~~

~~Sec. 13-104. Peddlers, itinerant merchants, and mobile food vendor, motorized or mobile food vendor, pushcart.~~

- ~~(a) *Peddler.* Every person engaged in business or employed as a peddler shall obtain a license for the privilege of peddling goods and shall pay a tax for the license in the amount specified in this section. A peddler is a person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods he carries with him. A peddler who travels from place to place on foot shall pay a tax of ten dollars (\$10.00). A peddler who travels from place to place by vehicle shall pay a tax of twenty-five dollars (\$25.00).~~
- ~~(b) *Itinerant merchant.* Every person who is not a mobile food vendor and is engaged in business as an itinerant merchant shall obtain a license for the privilege of engaging in business and shall pay a tax for the license of one hundred dollars (\$100.00). An itinerant merchant is a merchant, other than a merchant with an established retail store in the city, who transports an inventory of goods to a building, vacant lot, or other location in the city and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail. A merchant who sells goods, other than farm products, for less than six (6) consecutive months is considered an itinerant merchant unless he stops selling goods in the city because of his death or disablement, the insolvency of his business, or the destruction of his inventory by fire or other catastrophe. An itinerant merchant is subject to an open-air sales permit as defined in section 13-176~~
- ~~(c) *Mobile food vendor, motorized or mobile food vendor, pushcart.* Every person engaged in business or employed as a mobile food vendor shall obtain a license for the privilege of preparing and selling food and/or beverages to the general public and shall pay a tax for the license in the amount of one hundred dollars (\$100.00). Mobile food vendors shall also obtain a permit as required in the Greensboro Code of Ordinances sections 26-230 through 26-243~~

~~*Mobile food vendor, motorized,* is a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a vehicle mounted or vehicle towed food service establishment designed to be readily moved. This shall include "mobile food unit" as defined in 15A NCAC 18A.2601.~~

~~*Mobile food vendor, pushcart,* is a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a mobile piece of equipment or vehicle which serves hot dogs or foods which have been prepared, preportioned, and individually prewrapped at a restaurant or commissary, or which serve food and/or beverages exempt from Health Department Regulations. This shall include "pushcart" as defined in 15A NCAC 18A.2601.~~

~~(d) *Exemptions.* This section does not apply to the following:~~

- ~~(1) Peddler, itinerant merchant, or mobile food vendor, who exclusively:~~
- ~~a. Sells farm or nursery products produced by him.~~
 - ~~b. Sells crafts or goods made by him or his own household personal property.~~
 - ~~c. Sells printed material, wood for fuel, ice, seafood, meat, poultry, livestock, eggs, dairy products, bread, cakes, or pies.~~

- d. ~~Is an authorized automobile dealer licensed pursuant to G.S. ch. 20~~
- (2) ~~A peddler who maintains a fixed, permanent location from which he makes at least ninety (90) percent of his sales, but who sells some goods in the city of his fixed location by peddling.~~
- (3) ~~Itinerant merchant who:~~
- a. ~~Locates at a farmer's market.~~
 - b. ~~Is a part of an agricultural fair which is licensed by the commissioner of agriculture pursuant to G.S. § 106-520.3.~~
 - c. ~~Sells goods at an auction conducted by an auctioneer licensed pursuant to G.S. ch. 85B.~~
- (4) ~~A peddler who complies with the requirements of G.S. § 25A-38 through 25A-42 or who complies with the requirements of G.S. § 14-401.13.~~
- (e) ~~Person defined.~~ As used in this section, "person" has the same meaning as in G.S. § 105-164.3(11).
- (f) ~~Special exemption from tax.~~ The board of county commissioners of any county in this state, upon proper application, may exempt from the annual license tax levied upon peddlers and itinerant merchants in this section, disabled veterans of World War I, World War II, the Korean Conflict and Vietnam War who have been bona fide residents of this state for twelve (12) or more months continuously and widows with dependent children; and who so exempt, the board of county commissioners shall furnish such person or persons with a certificate of exemption and such certificate shall entitle the holder thereof to sell within the limits of the city without payment of any license tax to the city.
- (g) ~~Display and possession of license and identification.~~ An itinerant merchant or mobile food vendor shall keep the license required by this section conspicuously and prominently displayed so as to be visible for inspection by patrons of the itinerant merchant at the place or locations at which the goods are to be sold or offered for sale. A peddler shall have a license required by this section with him at all times he offers goods for sale and must produce them upon the request of any customer, state or local revenue or law enforcement agent.
- Upon the request of any customer, state or local revenue or law enforcement agent, a peddler or itinerant merchant shall provide its name and permanent address. If the peddler, itinerant merchant or mobile food vendor is not a corporation, he shall, upon the request of any customer, state or local revenue or law enforcement agent, provide a valid drivers license, a special identification card issued under G.S. § 20-37.7, military identification, or a passport bearing a physical description of the person named, reasonably describing the peddler, itinerant merchant or mobile food vendor. If the peddler, itinerant merchant or mobile food vendor is a corporation, it shall, upon the request of any customer, state or local revenue or law enforcement agent, give the name and registered agent of the corporation and the address of the registered office of the corporation, as filed with the North Carolina Secretary of State.
- (h) ~~Permission of property owner.~~ An itinerant merchant or a peddler who travels from place to place by vehicle, in addition to other requirements of this section, shall obtain a written statement, signed by the owner or lessee of any property upon which the itinerant merchant or peddler offers goods for sale giving the owners or lessees permission to offer goods for sale upon the property of the owner or lessee, the location of the premises for which the permission is granted, and the dates during which the permission is valid. Further, such statements shall be conspicuously and prominently displayed, so as to be visible for inspection by patrons of the itinerant merchant or peddler, at the places or locations at which the goods are to be sold or offered for sale.
- (i) ~~Penalty.~~ It shall be a misdemeanor, punishable by imprisonment up to thirty (30) days, a fine of up to two hundred dollars (\$200.00) by the police department, or both for a person to:
- (1) ~~Fail to obtain a license as required by this section.~~
 - (2) ~~Knowingly give false information in the application process for a license or when registering pursuant to subsection 13-111.1(e).~~

- ~~(3) If a person, as an itinerant merchant or mobile food vendor, fails to display the license as required by this section, or if the person, as a peddler, fails to produce the license required by this section, or if the person required to do so fails to comply with subsection (h). Whenever satisfactory evidence shall be presented in any court of the fact that a license was required by this section and such license was not displayed or produced as required by this section or that permission was required by this section and was not displayed, the peddler or itinerant merchant shall be found not guilty of that violation, provided he produces in court a valid license or valid permission which had been issued prior to the time he was charged with such violation.~~
- ~~(4) Fail to provide name, address, or identification upon request as required by this section, or provide false information in response to such a request.~~
- ~~(j) *Special events.* The license issued hereunder shall not be transferable for the purpose of a special event as defined in chapter 26 of the Greensboro Code of Ordinances.~~
- ~~(k) *Violations.* If a person applies for or is issued a privilege license under this chapter or who asserts that he is exempt from the provisions of this chapter and the tax collector receives information that the person has violated any provision of this chapter, the tax collector shall decline to issue or shall revoke, respectively, that person's privilege license or exemption for a period of one (1) year.~~
- ~~(Ord. No. 11-77, § 2, 5-3-11)~~

Editor's note—

Ord. No. 11-77, § 2, adopted May 3, 2011, amended § 13-104 in its entirety as set out herein. Formerly, said section pertained to peddlers and itinerant merchants. See the Code Comparative Table.

Sec. 13-105. ~~Pianos, organs, victrolas, records, radios, accessories.~~

- ~~(a) Every person engaged in the business of selling, offering or ordering for sale, repairing or servicing any tape players, tape cartridges designed for use in tape players, pianos, organs, graphophones, victrolas, or other instruments using discs or cylinder records, or the sale of records for either or all of these instruments, television sets, television accessories and repair parts, radios or radio accessories and repair parts, including radios designed for exclusive use in automobiles, shall pay an annual license tax of five dollars (\$5.00); provided, that persons licensed under this section shall not be required to procure a license for automobiles and service stations by reason of being engaged in the business of selling, installing, or servicing automobile radios.~~
- ~~(b) Any person applying for and obtaining a license under this section may employ traveling representatives or agents, but such traveling agents or representatives shall pay a license tax of five dollars (\$5.00).~~

~~(Code 1961, § 11-65)~~

State law reference— ~~Limitations on above license, G.S. § 105-102.5.~~

Sec. 13-106. ~~Pressing clubs, dry cleaning plants, and hat blockers.~~

- ~~(a) Every person engaging in the business of operating a dry cleaning, pressing or hat blocking business shall, for each place of business, pay an annual license tax of fifty dollars (\$50.00).~~
- ~~If a place of business solicits outside the county where the place of business is located, the license tax shall be one hundred dollars (\$100.00).~~
- ~~(b) Every person engaged in the business of soliciting dry cleaning or pressing work to be done by a place of business that is not liable for a state license tax shall pay a tax of one hundred dollars (\$100.00). The holder of a soliciting license shall carry the license in the cab of any vehicle used in soliciting in this city.~~

~~(c) Definitions.~~

- ~~(1) Dry cleaning, pressing or hat blocking business. A place of business where the service of dry cleaning, wet cleaning incidental to dry cleaning, spotting, pressing, finishing, or reblocking hats, garments, or wearing apparel of any kind is performed or accepted to be performed but where the actual dry cleaning or pressing is not performed on the premises.~~
- ~~(2) Place of business. A fixed place at which a business is maintained.~~
- ~~(3) Soliciting. Accepting an article or a garment to be dry cleaned or pressed by taking physical possession of the article or garment.~~

~~(d) This section does not apply to any bona fide student of any college or university in this city operating a pressing or dry cleaning business at the college or university during the school term of the college or university.~~

~~(Code 1961, § 11-59; Ord. No. 90-55, §§ 23, 24, 4-12-90; Ord. No. 92-47, § 7, 4-20-90)~~

~~Sec. 13-107. Restaurants.~~

~~(a) Every person engaged in the business of operating a restaurant, cafe, cafeteria, hotel with dining service on the European plan, drugstore, or other place where prepared food is sold, shall pay an annual license tax of:~~

- ~~(1) Forty two dollars and fifty cents (\$42.50) for a business that has seating capacity for at least five (5) customers; or~~
- ~~(2) Twenty five dollars (\$25.00) for a business that has a seating capacity for four (4) customers or less.~~

~~(b) Subsection (a) shall not apply to industrial plants maintaining a nonprofit restaurant, cafe, or cafeteria solely for the convenience of its employees.~~

~~(c) This section does not apply to the privilege of operating vending machines or the sale of any commodity through such machines licensed under North Carolina General Statutes section 105-65.1 and required by such section to pay a tax.~~

~~(Code 1961, § 11-46; Ord. No. 90-55, § 25, 4-12-90; Ord. No. 91-30, § 1, 3-14-91)~~

~~**Cross reference** — Drive in restaurants to be well lighted, § 13-6.~~

~~**State law reference** — Limitations on above license, G.S. § 105.62.~~

~~Sec. 13-108. Retailers and wholesalers.~~

~~(a) Every person conducting any kind of business at retail, and not specifically taxed elsewhere in this chapter, shall pay for each store or place of business operated by him the following graduated tax based on the amount of gross sales:~~

- ~~(1) Annual gross sales not exceeding fifteen thousand dollars (\$15,000.00) per annum, fifty dollars (\$50.00).~~
- ~~(2) For each one thousand dollars (\$1,000.00) or fraction thereof in excess of fifteen thousand dollars (\$15,000.00), fifty cents (\$0.50).~~

~~The maximum tax under this subsection shall not exceed twelve hundred dollars (\$1,200.00) for each separate location regardless of the amount of gross sales. In this subsection "Business at retail" means any person, partnership, or corporation selling tangible personal or real property to the ultimate consumer.~~

~~(b) Every person conducting any kind of business at wholesale or in the capacity of a jobber shall pay for each store or place of business operated by him the following graduated tax based on the amount of annual gross sales:~~

~~(1) Annual gross sales not exceeding fifteen thousand dollars (\$15,000.00), fifty dollars (\$50.00).~~

~~(2) For each one thousand dollars (\$1,000.00) or fraction thereof in excess of fifteen thousand dollars (\$15,000.00), fifty cents (\$0.50).~~

~~The maximum tax under this subsection shall not exceed twelve hundred dollars (\$1,200.00) for each separate location regardless of the amount of gross sales. "Business at wholesale" means any person, partnership, or corporation selling tangible personal or real property to anyone other than the ultimate consumer.~~

~~(c) In this section "ultimate consumer" means a purchaser who last uses or consumes a product without reselling it or without incorporating or converting it by manufacturing process into another form for resale.~~

~~(d) Any person engaged in the business of retailing or wholesaling that pays a license tax under this article and operates an office or offices in support of its business being carried on in the city, (e.g., one operated for the accounting, personnel, administrative, or warehousing support of its business located inside the city) and located separately from its business operation or operations located inside the city shall pay an additional annual license tax for each such separate office location of fifty dollars (\$50.00).~~

~~(Code 1961, § 11-86; Ord. No. 92-47, § 8, 4-20-92)~~

~~Sec. 13-109. Security dealers.~~

~~Every person engaged in the business of dealing in securities, as defined in North Carolina Securities Act [G.S. Ch. 78A] and who maintains a place for or engages in the business of buying or selling shares of stock in any corporation, bonds, or any other securities on commission or brokerage, shall pay an annual license tax of fifty dollars (\$50.00).~~

~~(Code 1961, § 11-53)~~

~~State law reference—Limitations on above license, G.S. § 105.67.~~

~~Sec. 13-110. Service establishments and businesses.~~

~~(a) Every person engaged in the business of rendering or furnishing personal, financial, industrial, commercial, or home services to others for compensation and not otherwise specifically taxed under this chapter and not exempt from taxation for license tax purposes by the statutes of the state, shall procure a license for the privilege of engaging in such business in this city and shall pay for each store or place of business operated by him an annual tax based upon the annual gross receipts of the services provided by such business according to the following schedule:~~

~~(1) Annual gross receipts not exceeding fifteen thousand dollars (\$15,000.00) per annum, fifty dollars (\$50.00).~~

~~(2) For each one thousand dollars (\$1,000.00) or fraction thereof in excess of fifteen thousand dollars (\$15,000.00), fifty cents (\$0.50).~~

~~The maximum license tax under this section shall not exceed twelve hundred dollars (\$1,200.00) for each separate location regardless of the amount of gross receipts.~~

~~(b) The business taxed by this section shall include (by way of illustration) but shall not be limited to, every business of the following nature or rendering or furnishing the following types of services: Soliciting or contracting for advertising or engaged in the business of advertising in any manner;~~

~~providing ambulance service; repairing tents or awnings; operating a shoeshine business; bookbinding; cleaning or repairing carpets; operating a cold storage plant; operating a business of engraving or lithography; providing or furnishing gas; gunsmithing; locksmithing and blacksmithing; decorating or interior decorating; operating a multigraphing service; operating a kindergarten, day school or nursery; operating a nursing home; operating a parcel delivery service; renting or hiring out motor vehicles or motorcycles; operating the business of photoengraving; operating a printing establishment; operating a rock crusher or quarry; operating a shoe repair service; operating business of repairing or servicing appliances, office machines, home furnishings, refrigerators or other home or office, or business appliances or furnishings; operating a tailor shop; operating a mobile home or recreational vehicle park; operating an upholstery business; operating a storage or warehouse business; operating watch repair service; engaging in well drilling; operating frozen food locker service; recapping or retreading tires; operating storage service; operating a tabulating service; operating appliance rental service; operating janitorial or house-cleaning service; repairing furniture; operating delivery or hauling service; operating claims adjusting service; operating auctioneering service; operating a rental service; finishing or resurfacing floors; operating landscaping service; operating automobile driving school; operating weatherstripping service; operating welding service.~~

- ~~(c) The listing in subsection (b) of various services is not meant to be exhaustive, but instead is meant to be illustrative of the kinds of activities that are taxed as a service. The fact that an activity is not listed in this section does not exempt it from taxation. Any service activity shall be taxed under this section, and some businesses may operate a service business, taxable under this section, and a sales or manufacturing business, taxable as a sales business or as a manufacturing business or, in some instances, both.~~
- ~~(d) Any person who engages in a business or service enterprise for compensation and maintains a separate support office in the city, which support office provides personal, accounting, payroll, maintenance or other support services and which services are not exempt from taxation for license tax purposes by the state law shall pay a tax for each separate support office of fifty dollars (\$50.00) per annum. This tax shall be in addition to any other required by law.~~

~~(Code 1961, § 11-83; Ord. No. 92-47, § 9, 4-20-92)~~

~~Sec. 13-111. Solicitors.~~

- ~~(a) Every person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, and every person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, shall pay a license tax as follows:~~
- ~~(1) Annual gross sales not exceeding fifteen thousand dollars (\$15,000.00), fifty dollars (\$50.00).~~
 - ~~(2) For each one thousand dollars (\$1,000.00) or fraction thereof in excess of fifteen thousand dollars (\$15,000.00), fifty cents (\$0.50).~~

~~The maximum tax under this subsection shall not exceed one thousand two hundred dollars (\$1,200.00) for each separate location regardless of the gross of sales.~~

- ~~(b) The license tax levied in this section shall not apply to any solicitor engaged in interstate commerce, but such solicitor shall secure a license appropriately marked to show such an exemption.~~
- ~~(c) No license shall be issued under this section, regardless of whether a license tax is levied, until the applicant has filed a bond in the amount of five hundred dollars (\$500.00), approved by the city attorney, conditioned upon the final delivery of the goods ordered or the performance of the services ordered in accordance with the terms of the solicitation, or the return of any deposit or payment. If the gross sales of undelivered goods or services ordered through one (1) solicitor exceeds five~~

~~hundred dollars (\$500.00), the solicitor shall increase the amount of his bond to cover such sales, such increase to be in increments of not less than two hundred fifty dollars (\$250.00).~~

- ~~(d) Every person who solicits or sells door to door at private residences shall submit an application for a privilege license and shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant. A person is not eligible for this privilege license or renewal of this privilege license if within the most recent five-year period: (1) The tax collector has received information from the executive officer to the chief of police that the person has two (2) or more violations of this chapter; (2) The tax collector has received information from the executive officer to the chief of police that the person has been convicted of two (2) or more offenses under the law of any jurisdiction which involve either misdemeanor or felony assault, communicating threats, or illegal use of weapons.~~
- ~~(e) Every person who solicits or sells door to door at private residences shall only conduct this activity between sunrise and sunset. He or she shall not: (1) enter into the residence without the express consent of the person at the residence; (2) use profane or abusive language either during the solicitation or following a refusal; (3) make any gesture or other form of communication by which a reasonable person would perceive to be a threat; (4) refuse to leave the premises immediately upon the request of the person at the residence.~~

~~(Code 1961, § 11-88; Ord. No. 93-31, § 1, 4-8-93; Ord. No. 10-136, § 2, 9-7-10)~~

Cross reference — ~~Peddlers, solicitors, etc., Ch. 20.~~

Sec. 13-111.1. ~~Specialty market operator.~~

- ~~(a) Every person using a location for the purpose of promoting the display or sale of merchandise, wares or other tangible items in connection with a specialty market as defined in G.S. § 105-53 shall pay an annual license tax of two hundred dollars (\$200.00).~~
- ~~(b) Where a group of exhibitors places merchandise in the same location under one general manager or promoter, the total fee prescribed by this section shall be due from the manager or promoter and all others shall be exempt from this privilege license tax.~~
- ~~(c) An itinerant merchant's license is not required to engage in, the business of a vendor at a location licensed as a specialty market under this section or a specialty market that is exempt from the license requirements because the specialty market operator is the state or a unit of local government.~~
- ~~(d) Display and possession of licenses and identification. A specialty market operator shall have the license required by this section available for inspection during all times the specialty market is open and must produce it upon request of any customer, state and/or local revenue or law enforcement officer or agent.~~

~~Upon the request of any customer, state and/or local revenue or law enforcement agent, a specialty market operator shall provide its name and permanent address. If the specialty market operator is not a corporation, he shall, upon the request of any customer, state and/or local revenue or law enforcement officer or agent, provide a valid drivers license, a special identification card issued under G.S. § 20-37.7, military identification, or a passport bearing a physical description of the person named reasonably describing the specialty market operator. If the specialty market operator is a corporation, it shall, upon the request of any customer, state and/or local revenue or law enforcement officer or agent, give name and registered agent of the corporation and the address of the registered office of the corporation as filed with the North Carolina Secretary of State.~~

- ~~(e) Specialty market registration list. A specialty market operator shall maintain a daily registration list of all vendors selling or offering goods for sale at the specialty market. This registration list shall clearly and legibly show each vendor's name and permanent address. The specialty market operator shall require each vendor to exhibit a valid city privilege license for visual inspection by the specialty~~

~~market operator at the time of registration, and shall require each vendor to keep the license conspicuously and prominently displayed so as to be visible for inspection by patrons of the vendor at the places or locations at which the goods are sold or offered for sale. Each daily registration list maintained pursuant to this section shall be retained by the specialty market operator for no less than two (2) years and shall, at any time, be made available upon request to any state or local revenue or law enforcement officer or agent.~~

- ~~(f) Penalty. It shall be a misdemeanor, punishable by imprisonment of up to thirty (30) days, a fine of up to two hundred dollars (\$200.00) or both for a person to:~~
- ~~(1) Knowingly give false information in the application process for a license or when registering pursuant to subsection (e);~~
 - ~~(2) Fail to obtain a license as required by city ordinance;~~
 - ~~(3) If the person, as a specialty market operator, fails to produce the license as required by this section, or if the persons required to do so, fail to comply with this section. Whenever satisfactory evidence shall be presented in any court of the fact that a license was required by city ordinance and such license was not displayed or produced as required by this section, the specialty market operator shall be found not guilty of that violation provided he produces, in court, a valid license which had been issued prior to the time he was charged with such violation;~~
 - ~~(4) Fail to provide name, address or identification upon request as required by this section, or provide false information in response to such a request.~~
- ~~(g) Additional penalties. It shall be a misdemeanor, punishable by imprisonment of up to thirty (30) days, a fine of up to one thousand dollars (\$1,000.00) or both for a specialty market operator to fail to comply with subsection (e).~~

~~(Ord. No. 90-55, § 26, 4-12-90; Ord. No. 95-61, §§ 2, 3, 6-1-95)~~

State law reference — ~~Limitations on above license, G.S. § 105-53.~~

~~Sec. 13-111.2. Specialty market vendor.~~

- ~~(a) A specialty market vendor is a person who transports an inventory of goods to a specialty market licensed under subsection 13.111.1(a) of this Code and who, at that location displays the goods for sale and sells the goods or offers the goods for sale. A specialty market vendor shall pay an annual license tax of twenty-five dollars (\$25.00).~~
- ~~(b) A specialty market vendor shall keep the license required by this section conspicuously and prominently displayed so as to be visible for inspection by patrons of the vendor at the place or locations at which the goods are to be sold or offered for sale. A specialty market vendor shall have a license required by this section with him at all times he offers goods for sale and must produce them upon request of any customer, state or local revenue or law enforcement agent.~~
- ~~(c) Upon the request of any customer, state or local revenue or law enforcement agent, a specialty market vendor shall provide its name and permanent address. If the vendor is not a corporation, he shall, upon the request of any customer, state or local revenue or law enforcement agent, provide a valid drivers license, a special identification card issued under G.S. § 20-37.7, military identification, or a passport bearing a physical description of the person named reasonably describing the specialty market vendor. If the vendor is a corporation, it shall, upon the request of any customer, state or local revenue or law enforcement agent, give the name and registered agent of the corporation and the address of the registered office of the corporation, as filed with the North Carolina Secretary of State.~~
- ~~(d) It shall be a misdemeanor, punishable by imprisonment up to thirty (30) days, a fine of up to two hundred dollars (\$200.00), or both for a person to:~~

- ~~(1) Fail to obtain a license as required by this section.~~
- ~~(2) Knowingly give false information in the application process for a license required by this section or when providing information to a specialty market operator pursuant to subsection 13-411.1(e).~~
- ~~(3) Fail to display the license as required by this section, or fail to produce the license required by this section. Whenever satisfactory evidence shall be presented in any court of the fact that a license was required by this section and such license was not displayed or produced as required by this section, the specialty market vendor shall be found not guilty of that violation, provided, he produces in court a valid license which had been issued prior to the time he was charged with such violation.~~
- ~~(4) Fail to provide name, address, or identification upon request as required by this section, or provide information in response to such request.~~

~~(Ord. No. 93-40, § 1, 5-3-93; Ord. No. 95-61, § 4, 6-1-95)~~

~~Sec. 13-112. – Sundries including sandwiches, soft drinks and tobaccos.~~

- ~~(a) Every person engaged in any or all of the following businesses shall pay a license tax of four dollars (\$4.00) per annum:

 - ~~(1) The sale of sandwiches in drugstores, service stations or any other stands or places not licensed and taxed as a restaurant under section 13-107~~
 - ~~(2) The operation of a soda fountain or soft drink stand.~~
 - ~~(3) The retailing or jobbing of cigarettes, cigars, chewing tobacco, snuff or any other tobacco products.~~~~
- ~~(b) Subsection (a) does not apply where sundries are dispensed through vending machines.~~

~~(Code 1961, § 11-66)~~

State law reference— ~~Limitations on above license, G.S. § 105-102.5.~~

~~Sec. 13-113. - Taxicabs.~~

- ~~(a) Every person engaged in the business of keeping or operating taxicabs for hire shall pay an annual license tax for each taxicab of fifteen dollars (\$15.00).~~
- ~~(b) For each taxicab on which the license tax herein provided is paid the city manager or his designee ~~tax collector~~ shall issue to the owner an appropriate number plate or sticker, which shall not be transferable. Upon satisfactory evidence that the motor vehicle for which a number plate or sticker was issued has been sold, and the number plate or sticker removed therefrom, or that the number plate or sticker has been lost or destroyed, the city manager or his designee ~~tax collector~~ shall issue a duplicate thereof. The number plate or sticker shall be displayed on the taxicab so as to be visible at all times.~~

~~(Code 1961, § 11-31)~~

Cross reference— Taxicabs, § 28-16 et seq.

State law reference— Limitations on above license, G.S. §§ 20-97, 160A-213.

Section 13-114 – Section 13-120 Repealed by G.S. § 160A-211 effective July 1, 2015

~~Sec. 13-114. – Tobacco warehouses.~~

~~Every person engaged in the business of operating a warehouse for the sale of leaf tobacco upon commission shall pay an annual license tax for each warehouse of fifty dollars (\$50.00).~~

~~(Code 1961, § 11-62)~~

~~**State law reference**— Limitations on above license, G.S. § 105-77.~~

~~Sec. 13-115.— Undertakers and retail dealers in coffins.~~

~~Every person engaged in the business of burying the dead, or in the retail sale of coffins shall pay an annual license tax of fifty dollars (\$50.00). This section does not apply to a cabinetmaker (who is not an undertaker) who makes coffins to order.~~

~~(Code 1961, § 11-35; Ord. No. 90-55, § 27, 4-12-90)~~

~~**State law reference**— Limitations on above license, G.S. § 105-46.~~

~~Sec. 13-116.— Utilities—Electricity and gas.~~

~~Every person exercising a public utility franchise granted by the city and by virtue thereof engaged in the business of furnishing electric current, power or gas shall annually, on or before July 1, pay a franchise tax as follows:~~

~~(1) For furnishing electric current or power, per annum, two thousand five hundred dollars (\$2,500.00).~~

~~(2) For furnishing gas, per annum, two thousand five hundred dollars (\$2,500.00).~~

~~(Code 1961, § 11-22)~~

~~**State law reference**— Limitations on above license, G.S. § 105-116.~~

~~Sec. 13-117.— Telegraph companies.~~

~~Every telegraph company engaged in business within the city shall pay an annual license tax of fifty dollars (\$50.00).~~

~~(Code 1961, § 11-32)~~

~~**State law reference**— Limitations on above license, G.S. § 105-119.~~

~~Sec. 13-118.— Weapons dealers.~~

~~Every person who is engaged in the business of keeping in stock, selling, or offering for sale any of the articles or commodities enumerated in this section shall pay a license tax as follows:~~

~~(1) Firearms other than antique firearms, fifty dollars (\$50.00).~~

~~(2) For bowie knives, dirks, daggers, loaded canes, iron or metallic knuckles, or articles of like kind, two hundred dollars (\$200.00).~~

~~(3) For blank cartridge pistols, fifty dollars (\$50.00).~~

~~(4) If such person deals only in metallic cartridges, five dollars (\$5.00).~~

~~(Code 1961, § 11-64)~~

~~State law reference—Limitations on above license, G.S. § 105-80.~~

~~Sec. 13-119. Electronic sweepstakes operations.~~

- ~~(a) As used in this section, "electronic sweepstakes operation" shall mean any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to, computers or other electronic terminals (collectively the "electronic sweepstakes machines"), to reveal the content of a sweepstakes entry, whether by a simulated electronic game or otherwise, and where cash, merchandise or other items of value are redeemed or otherwise distributed at the location where the electronic sweepstakes operation is conducted, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic sweepstakes operations shall not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under state law (for example, church or civic organization fundraisers).~~
- ~~(b) Electronic sweepstakes operations shall pay an annual privilege license tax for each place of business in the amount of two thousand five hundred dollars (\$2,500.00).~~
- ~~(c) In addition to the amount levied in subsection (b) above, each electronic sweepstakes operation shall pay an additional annual privilege license tax for each electronic sweepstakes machine used or stored as part of the electronic sweepstakes operation in the amount of five hundred dollars (\$500.00) per machine.~~

~~(Ord. No. 11-129, § 1, 6-21-11)~~

~~Sec. 13-120. Street performers.~~

- ~~(a) *Definitions.* As used in this section, "perform" or "performance" means audible or visual entertainment such as, but not limited to, reciting or singing, acting, dancing, miming, pantomiming, playing a musical instrument or performing a theatrical or literary work. "Street performer" means an individual who performs on public property within the City of Greensboro.~~
- ~~(b) *Intent and purpose.* The Greensboro City Council finds and determines the following:~~
- ~~(1) Permitting regulated performances by street performers would enhance the character and culture of the city of Greensboro. Street performers are engaged in commerce as professional entertainers whose livelihood comes, wholly or in part, from gratuities received in exchange for the artistic value of the performance.~~
 - ~~(2) Street performers have a right to perform on public property, but unregulated street performances are also likely to cause adverse impacts to the community such as: gathering crowds attracted to the entertainment offered in public locations not appropriate for street performances because of insufficient room for crowds; blocked sidewalks; blocked ingress and egress of buildings; the risk of disrupting nearby motor vehicle traffic; interference with the operation of commercial activities; and disturbance of the quiet enjoyment of residents. Street performances are distinguished from panhandling activities by the commercial nature of the performer's actions which provide the benefit of a live performance of artistic value in exchange for gratuities from citizens in appreciation of the performance. Therefore, the nature and character of a street performance differs from solicitation of a charitable contribution.~~
 - ~~(3) For these reasons, it is the intent of the Greensboro City Council to permit street performances in limited locations within Greensboro subject to careful regulation in order to reduce or eliminate adverse impacts associated with unregulated or poorly regulated street performances. The purpose of this licensing ordinance is to create a means of licensing and regulation which ensures the ability of street performers to perform in public spaces and to promote harmony among street performers, local businesses, permitted event sponsors, residents and visitors of Greensboro by balancing the interests of performing artists with Greensboro citizens through the careful licensing and regulation of street performances.~~

~~(c) Permit required; procedure for issuance.~~

- ~~(1) Every person engaged in conducting an individual street performance shall first submit an application for a privilege license permitting such activity to the tax collector. Upon determination of eligibility by the chief of police and payment of an annual tax of ten dollars (\$10.00), the person shall be issued a privilege license to conduct street performances as permitted herein.~~
- ~~(2) Where a group of people seek to conduct a street performance, one (1) member of the group shall submit an application for a privilege license permitting such activity to the tax collector which names. Upon determination of eligibility by the chief of police and payment of an annual tax of ten dollars (\$10.00), the person shall be issued a privilege license to conduct street performances as permitted herein. The privilege license issued hereunder shall be the property of the person named in the application and shall be revocable for any violation of this section by any person permitted to conduct street performances under said license. The applicant shall be required to be present with his or her license at all times while any person permitted under the license is engaged in a street performance.~~
- ~~(3) Before any privilege license shall be issued under this section, the applicant shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant and other performers. Where a group of people seek to conduct a street performance, each member of the group who may participate in a street performance shall submit to a criminal background history check as required herein. No applicant shall be eligible for issuance or renewal of a privilege license under this section if the applicant or any member of a group applying for a license has been convicted of two (2) or more offenses within a period of five (5) years preceding the application where each offense involved an assault, communicating a threat, illegal use of a weapon or other act of violence or attempted violence.~~
- ~~(4) Every street performer shall keep on their person the privilege license issued hereunder during any street performance, and shall produce same upon request of any city official.~~

~~(d) Locations where street performers are allowed.~~

- ~~(1) Street performers may only perform at specified areas of public property within Greensboro which the city manager or their designee determines to be reasonably suitable to conduct street performances without adverse impacts to the community as described in subsection (b)(2) above.~~
- ~~(2) The clerk shall keep a list of such areas of public property where street performers are permitted to conduct performances.~~
- ~~(3) The city manager or their designee may solicit opinions from any party concerning the suitability of allowing street performances at any area of public property in Greensboro. In the event the city manager refuses to allow street performances of any area, any party may petition the city council for including the area in the list of areas where street performances are permitted.~~

~~(e) Cooperative performances; limit on number of street performers. Any street performance may be performed cooperatively by no more than five (5) total performers, provided that the performer or group of cooperating street performers stay at least seventy-five (75) feet away from all other street performances. Each cooperative street performer within a single group is required to meet the licensing requirements of this ordinance. The provisions of this subsection shall not relieve any performer in a cooperating street performance from complying with subsection (f)(1) herein.~~

~~(f) Regulations. Street performers shall comply with the following regulations:~~

- ~~(1) Street performers shall not block, or cause the blocking of any sidewalk, passageway, street, or any ingress or egress to any building, structure, driveway or other passage.~~
- ~~(2) Street performers may accept contributions of money or property at their performance in exchange for their artistic performance as allowed in this section, and may sell audio or video~~

~~recordings of their own artistic works. Street performers shall not sell any other goods, wares, works of art or conduct any other service on public property.~~

- ~~(3) Street performers shall not perform on private property without written permission of the property owner. Street performers are required to keep the writing granting such permission on their person during any performance on private property.~~
- ~~(4) Street performers shall not infringe or detract from the purpose of special events, temporary gatherings or vendor activities for which a city permit has been issued to another party. Street performers shall not perform at such permitted events, gatherings or activities shall without the written permission of the permit holder. Street performers are required to keep the writing granting such permission on their person during any performance at permitted events, gatherings or activities.~~
- ~~(5) No street performer shall make any use in any way of fire, sharp instruments or objects, spray paint, aerosols, firearms (real or simulated), dangerous weapons or any form of harmful chemicals during a street performance.~~
- ~~(6) Street performers shall stay at least seventy-five (75) feet away from other street performers and one hundred (100) feet from outdoor seating or dining areas.~~
- ~~(7) Street performers shall not commit any violation of chapter 18, article IV, offenses of unreasonable or disturbing sound.~~
- ~~(8) While conducting a street performance, street performers shall not use language or gesture, or display any matter which:
 - ~~a. Is obscene as prohibited by G.S. § 14-190.1;~~
 - ~~b. Incites or urges riot as prohibited by G.S. § 14-288.2; or~~
 - ~~c. Is defamatory, insulting or constitutes a communication which tends to inflict injury or incite an immediate breach of the peace.~~~~
- ~~(9) When directed by any city official, street performers shall promptly comply with the directions to cease or relocate street performances when the city official determines that such action is necessary in response to a complaint by a patron or business operator that the street performance interferes with any private business. Upon request, the city official directing a street performer to cease or relocate the street performance is required to immediately inform the person requesting the information the name(s) of the person(s) making the complaint, the nature of the interference described by the complaining party and the location(s) of the business(es) where the interference is alleged to occur.~~
- ~~(10) Street performers shall not remain at one location for a total duration of more than four (4) hours during any one-day period. When a street performer leaves a location, the street performer shall not return to that location for at least one (1) hour.~~
- ~~(11) No street performer shall claim a greater right to perform at any location over a street performer who arrives first at the same location.~~
- ~~(12) Street performances are not permitted at any location not presently identified on the list kept by the city clerk.~~
- ~~(13) Street performances are not permitted before 11:00 a.m. nor after 11:00 p.m.~~
- ~~(14) Street performers may display one (1) sign no larger than eighteen (18) inches by eighteen (18) inches advertising the sale of their own artistic work and asking for compensation in exchange for their live performance. Said sign may be placed on a prop or sandwich board type stand in a location no closer than three (3) feet from any curb and not in any location which impedes any foot traffic, parking or persons entering or exiting any motor vehicle. Street performers shall remove such signs from any location at the conclusion of their performance. No sign, handbill, flyer or other advertisement shall be left at any location after the conclusion of a performance.~~

~~(15) Street performers shall not conduct any street performances on property used for any residential purpose.~~

~~(16) Notwithstanding the provisions of section 18-50, a street performer or group may use small, portable and self-powered amplification devices for the purpose of conducting a street performance. All street performers will comply with all remaining provisions of chapter 18, article IV of the Greensboro Code of Ordinances.~~

~~(17) No street performer on public property shall connect to, or cause to be connected to, any source of electrical power or water on public or nearby private property as part of preparation to perform or actual performance. This provision shall not be construed to forbid use of instruments or items with self-contained and secure electrical power supply such as batteries, or the use of a container of potable water for drinking.~~

~~(g) Enforcement.~~

~~(1) Any person who fails or refuses to comply with the regulations contained in this section, or to produce a license issued herein upon request of a city official, shall be guilty of a class 3 misdemeanor. Except as otherwise provided herein, a police officer shall issue a citation for a violation of this section.~~

~~(2) A police officer may arrest a street performer or performers for a violation of subsections (f)(1), (3), (4), (5), (7), (8), (9), (13) or (15) herein, interference with the enforcement activities of the officer, or any other act which causes an imminent danger to the public health or safety.~~

~~(h) Non-transferability. A license issued hereunder shall not be transferable to any other person or group for the purpose of conducting a street performance as defined herein.~~

~~(i) Applicability. The provisions of this section do not apply to any person engaged in a special event as that term is defined in Greensboro Code of Ordinances section 26-247~~

~~(Ord. No. 13-10, § 1, 1-15-13)~~

~~Secs. 13-121—13-135. - Reserved.~~

~~ARTICLE III. - YARD SALES Reserved.~~

~~Sections 13-136 – Sections 13-140 Reserved.~~

~~Sec. 13-136. Definition.~~

~~In this article "yard sale" means the sale of residential household items which have been owned or used previously primarily by a person residing on the premises where the sale is conducted, including homecrafted items made for sale or contract for sale, but not including items purchased for resale.~~

~~(Code 1961, § 23-6(x))~~

~~Sec. 13-137. Exemptions.~~

~~This article does not apply to:~~

~~(1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.~~

~~(2) Persons acting in accordance with their powers and duties as public officials.~~

~~(3) Any person conducting an incidental sale of one (1) or two (2) separate items when such sale is not part of a general sale of a number of items of personal property.~~

~~(Code 1961, § 23-33.1)~~

~~Sec. 13-138. Notice to city.~~

~~The person conducting a yard sale shall notify the code enforcement division of the date and time of the sale at least three (3) days prior to the commencement of sale.~~

~~(Code 1961, § 23-33.1)~~

~~Sec. 13-139. Limitations on number at same location and number of participants.~~

~~A yard sale shall be limited to the daylight hours of no more than two (2) consecutive days twice during a calendar year. When members of more than one (1) residence join in holding a sale, the sale is considered as having been held at the residence of each participating member; provided further that no more than six (6) households may conduct a sale at any one (1) residence.~~

~~(Code 1961, § 23-33.1)~~

~~Sec. 13-140. Signs.~~

~~No more than two (2) signs of not more than six (6) square feet each may be displayed on the property of the residence where a yard sale is held. Permits are not required for such signs. Signs may not be exhibited for more than two (2) days prior to the day the sale is to commence and must be removed at the completion of the sale. No advertising sign shall be erected off the premises where the sale is conducted.~~

~~(Code 1961, § 23-33.1)~~

~~**Cross reference**—Advertising and signs, Ch. 3.~~

~~Secs. 13-141—13-155. - Reserved.~~

~~ARTICLE IV. - OPEN-AIR SALES Reserved.~~

~~Sections 13-156 – Sections 13-180 Reserved.~~

~~DIVISION 1. – GENERALLY~~

~~Sec. 13-156. Definitions.~~

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

~~*Principal building* means a principal building, as defined in section 30-1, that is not a temporary building or structure;~~

~~*Temporary building or structure* means any building or structure of an impermanent nature or which is designed for use for a limited time, and includes any tent or canopy.~~

~~(Code 1961, § 23-33.7(i))~~

~~Sec. 13-157. Exemption.~~

~~The provisions of this article shall not apply to the following:~~

- ~~(1) Any business exempt under section 13-49 from payment of the city privilege license taxes.~~
- ~~(2) The sale or display of fruits, vegetables and other farm products intended for human consumption.~~
- ~~(3) Yard sales regulated by article III of this chapter.~~

~~(4) The sale or display of goods or merchandise by a person, partnership, corporation or other entity at a particular location if such sale or display is conducted in association with such party's sale or display of goods or merchandise at the same location from or in a principal building that is regularly entered by the general public for the transaction of business.~~

~~(5) Special events as defined in section 26-246 and following.~~

~~{Code 1961, § 23-33.7(i); Ord. No. 11-77, § 3, 5-3-11}~~

~~Sec. 13-158. Cleanup, etc., upon termination.~~

~~Upon termination of a use for which a permit has been granted pursuant to this article, all temporary buildings or structures erected for the purposes of such use, and all trash and debris generated in connection with the use, shall be removed by the licensee or owner of the premises from the premises where the use was conducted.~~

~~{Code 1961, § 23-33.7(g)}~~

~~Sec. 13-159. Food and beverage sales.~~

~~All food and beverage sales shall be first permitted by the Guilford County Health Department.~~

~~{Ord. No. 11-77, § 4, 5-3-11}~~

~~Secs. 13-160—13-175. Reserved.~~

~~DIVISION 2. PERMIT~~

~~Sec. 13-176. Required.~~

~~No person shall engage at a fixed location in any of the following activities unless such person, partnership, corporation or other entity shall have first applied for and received the permit provided for in this division:~~

~~(1) The open air sale of goods or merchandise, or the open air display of goods or merchandise for sale.~~

~~(2) The sale of goods or merchandise from a temporary building or structure, or the display in a temporary building or structure of goods or merchandise for sale.~~

~~{Code 1961, § 23-33.7(a)}~~

~~Sec. 13-177. Application.~~

~~Each application for the permit required by this division shall be filed with the code enforcement officer not less than fifteen (15) calendar days prior to the desired commencement date of the proposed use and shall be upon such form as the building inspector shall approve. Each such application shall include information sufficient to enable the code enforcement officer to determine if the proposed use of a building, structure or land will comply with the following requirements:~~

~~(1) The period of duration for the use shall not be in excess of thirty (30) calendar days.~~

~~(2) There shall be adequate restroom facilities available at all times to the employees or other persons engaged on behalf of the applicant in such use.~~

~~(3) The use shall comply with all requirements of applicable zoning, building, plumbing and fire prevention codes.~~

~~(4) The use shall be conducted with the permission of the owner of the premises that will be occupied for purposes of the use, and written evidence of such permission shall be filed with the application.~~

~~(Code 1961, § 23-33.7(b))~~

~~Sec. 13-178. Issuance and form.~~

~~(a) Subject to subsection (b) an application in proper form filed pursuant to this section shall be approved by the code enforcement officer if he shall find that the requirements set forth in section 13-177 are met. Each permit issued pursuant to this section shall specify therein the commencement date for the use and the date of expiration of the permit, which date shall be within the thirty-day maximum period of duration permitted under section 13-177. If the requirements of section 13-177 are not met, or if issuance of a permit to the applicant is not permitted under subsection (b), an application for a permit under this section shall be denied by the code enforcement officer.~~

~~(b) No more than two (2) permits may be issued to the same applicant during any calendar year for a use subject to the provisions of this section, and at least ninety (90) calendar days shall elapse between the issuance of permits to the same applicant, whether or not issued in the same calendar year. For purposes of this subsection, an applicant shall be deemed to include any predecessor business to such applicant, and any person, partnership, corporation or other entity that controls, is controlled by or is under common control with such applicant.~~

~~(Code 1961, § 23-33.7(d), (e))~~

~~Sec. 13-179. Prerequisite to privilege license; display, etc.~~

~~The tax department shall not issue a city privilege license for an activity for which a permit is required by this article until the applicant furnishes a copy of the approved permit. The licensee shall have at the location, a copy of the permit and any required city privilege license. He shall furnish any official of the city the permit and license upon request.~~

~~(Code 1961, § 23-33.7(c))~~

~~Sec. 13-180. Revocation.~~

~~A permit issued pursuant to this division shall be revoked by the code enforcement officer if he shall at any time determine either that the use for which such permit was granted is not in compliance with each of the requirements set forth in section 13-177, or that a permit for such use is not authorized under section 13-178, subsection (b).~~

~~(Code 1961, § 23-33.7)~~

ARTICLE V. – BUSINESS PERMIT

FOOTNOTE(S):

Cross reference Business Permit for open-air sales § 13-204(b)1

DIVISION 1. – GENERALLY

Sec. 13-181. – Application of article

The business permit issued under this article shall apply to persons operating or carrying on the businesses of massage, soliciting, panhandling, street performing, peddling, itinerant merchants, and mobile food vending which are physically located within the Greensboro city limits.

Sec. 13-182. – Obtaining business permit.

No person shall engage in any business upon which a business permit is imposed by this article without having first obtained a permit.

Sec. 13-183. – Due dates.

The business permit required by this article is issued as of July 1 for each fiscal year. On any business which immediately prior to July 1 has been operating under a duly issued business permit, the permit shall be renewed on or before July 1.

The business permit shall be obtained immediately before such business has begun any business activity.

Sec. 13-184. – Separate businesses.

The business permit imposed by this article shall not relieve the person for obtaining any other business permit imposed by this article for any other business he may carry on. Every person doing business in more than one (1) location shall secure a separate permit for each such place of business, unless such places of business are contiguous to each other, communicate directly with and open into each other, and are operated as a unit.

Sec. 13-185. - Applications.

- (a) Every application for a business permit under this article shall be made in writing to the city manager or his designee upon a form to be provided by the city manager or his designee. Such application shall be signed either by the applicant or by his agent, and shall contain the following information:
- (1) Complete and exact name under which the business is proposed to be operated.
 - (2) If the business is proposed to be operated by an individual under any assumed name, the name of such individual and his address.
 - (3) If the business is a partnership, the name and address of each partner.
 - (4) If the business is a corporation, the name and address of the president and of the secretary of the corporation, and the location of the principal office.
 - (5) Nature of the business for which permit is desired.
 - (6) Proposed location.
- (b) In addition, the applicant shall furnish to the city manager or his designee any other information required by the city manager or his designee in order to enable him to determine the proper classification of the applicant
- (c) Every solicitor applying for a business permit shall furnish to the city manager or his designee the name and address of the person whom he represents, together with a description of the goods or services offered for sale

(d) Every business or person that prepares or serves food and/or beverages for sale to the general public must provide proof of their Guilford County Health Permit.

Sec. 13-186. - Notice of quitting business.

All businesses that sell out their business or stock of goods or fixtures or shall quit business for any reason whatsoever, shall notify the city manager or his designee of that fact within forty-eight (48) hours immediately prior to the date the business sells out their business or stock of goods or fixtures, or quits business.

Sec. 13-187. - Term of business permits.

Term of business permit. A permit issued to a new business shall be effective on the day it begins operating and shall expire on June 30 of the city's fiscal year. A business permit issued for each subsequent fiscal year shall be effective July 1 and shall expire on June 30 of the city's fiscal year.

Sec. 13-188. - Procedure if other approval or permit required.

In any case where other approval or permit is required of any permittee, the city manager or his designee shall not issue a permit until such approval or permit has been presented to the city manager or his designee.

Sec. 13-189. - Contents of permit; official copies of same.

Every business permit shall show the name of the permittee, the nature of the business, the location thereof (if it is to be operated at a fixed place), and the time for which issued. The city manager or his designee shall keep a record of every permit issued.

Sec. 13-190. - Display of business permit.

Every business permit must be kept prominently displayed at the place of business of the permittee named in the permit, or, if the permit has not a fixed place of business, such permit must keep the same displayed on his or her chest, hanging from a lanyard or clipped to their garment, so that the name, type of permit and date of expiration is visible wherever such business is being operated and where it can be inspected at any time by any proper city official.

Sec. 13-191. - Assignments and transfers.

Every business permit issued under the provisions of this article shall be a personal privilege and shall not be assignable or transferred.

Sec. 13-192. - Change in location of business.

No business permit for a fixed location shall be changed so as to cover the conduct of such business at any other place. When a permittee proposes move a business to another location in the city, the permittee, must obtain a new business permit to conduct business at such proposed new location.

Sec. 13-193. - Refusal or revocation of business permit generally.

(a) If it shall be made to appear to the city manager or his designee and the city manager or his designee shall determine that any permittee or applicant for a business permit is conducting or desires to conduct a business activity that is prohibited or unlawful under the state law or would be in violation of any provision of chapter 30 with respect to permitted and prohibited uses or any significant provisions of the building regulations affecting public safety, he/she shall:

- (1) Refuse to issue a business permit to such applicant and so notify him in writing; or
- (2) In the case of a permittee, notify such permittee in writing that the business permit is revoked with a statement of the facts which provide a basis therefore.
- (c) In the event of a violation or revocation, the person shall have seven (7) days in which to file an appeal with the planning department and the city manager or his designee to request a hearing before the board of adjustment. Upon appeal, the board of adjustment shall hold a hearing on the appeal and make a final determination thereof with respect to the zoning use, application for a business permit or the revocation thereof.
- (d) In the case of a permittee, the filing of a timely appeal shall stay the revocation pending hearing and final determination by the board of adjustment.

Sec. 13-194. - Exemptions.

- (a) The following businesses are exempt from the requirements of this article as indicated below:
 - (1) Any not-for-profit business operated for a religious, educational, civic, patriotic, charitable, or fraternal purpose, if the entire gross income of the business is used for religious, educational, civic, patriotic, charitable, or fraternal purpose, is exempt from the requirements of this article unless they conduct sales to the general public, or unless this business includes group homes, day cares or other type of care facilities.
 - (2) All not-for-profit religious, educational, civic, patriotic, charitable, or fraternal organizations who conduct sales to the general public and the proceeds from this organization's sales are used exclusively for nonprofit purposes. No income shall be provided to any individual conducting these sales and no reimbursement shall be provided other than the cost of the merchandise sold and the actual cost to prepare and market these goods. Persons vending under this article shall file with the city manager or his designee a letter from the religious, educational, civic, patriotic, charitable, or fraternal organization stating:
 - a. The name and address of the organization.
 - b. A list of its principal officers.
 - c. A brief statement of the religious, educational, civic, patriotic, charitable, or fraternal purpose for which the proceeds shall be used.
 - d. The names, addresses, locations of the vendors and the dates during which they will vend.
 - e. A statement of the estimated percentage of proceeds that shall be applied to those purposes after deducting the cost of the merchandise sold and the actual cost to prepare these goods. A statement that no income shall be provided to any individual conducting these sales.

Such vendors shall comply with all provisions of this article.
 - (3) Any not-for-profit business that operates group homes, day cares or other types of care facilities for a nonprofit religious, educational, civic, patriotic, charitable, or fraternal purpose shall comply with all business permit provisions of this article.

Sec. 13-195. – Enforcement.

Any enforcement actions taken by the City, including but not limited to notices of violation, revocations of privilege license, decision of the Zoning Administrator, or decisions of the city manager or his designee, while the City was acting under the authority granted to it by the ordinances pertaining to privilege licenses, shall remain in effect and shall be enforced under the provisions of this chapter.

Sec. 13-196 – 13-200. – Reserved.

DIVISION 2. – BUSINESS PERMIT FOR SPECIFIC BUSINESSES

Sec. 13-201. - Panhandlers.

Every person engaged in the business of asking or soliciting for personal gain, for money or objects of value, with the intention that the money or objects be transferred at that time, and at that place by using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value shall apply for and obtain a business permit. A business permit issued in accordance with this section shall be non-transferable and shall be issued at no cost.

(Ord. No. 04-84, § 2, 6-15-04)

Cross reference— Peddlers, solicitors, etc., Ch. 20.

Sec. 13-202. – Solicitors.

- (a) Every person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, and every person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, shall obtain a business permit.
- (b) The business permit shall not apply to any solicitor engaged in interstate commerce, but such solicitor shall secure a business permit appropriately marked to show such an exemption.
- (c) No license shall be issued under this section until the applicant has filed a bond in the amount of five hundred dollars (\$500.00), approved by the city attorney, conditioned upon the final delivery of the goods ordered or the performance of the services ordered in accordance with the terms of the solicitation, or the return of any deposit or payment. If the gross sales of undelivered goods or services ordered through one (1) solicitor exceeds five hundred dollars (\$500.00), the solicitor shall increase the amount of his bond to cover such sales, such increase to be in increments of not less than two hundred fifty dollars (\$250.00).
- (d) Every person who solicits or sells door to door at private residences shall submit an application for a business permit and shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant. A person is not eligible for this business permit or renewal of this business permit if within the most recent five-year period: (1) The city manager or his designee has received information from the executive officer to the chief of police that the person has two (2) or more violations of this chapter; (2) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of two (2) or more offenses under the law of any jurisdiction which involve either misdemeanor or felony assault, communicating threats, or illegal use of weapons.
- (e) Every person who solicits or sells door to door at private residences shall only conduct this activity between sunrise and sunset. He or she shall not: (1) enter into the residence without the express consent of the person at the residence; (2) use profane or abusive language either during the solicitation or following a refusal; (3) make any gesture or other form of communication by which a reasonable person would perceive to be a threat; (4) refuse to leave the premises immediately upon the request of the person at the residence.

(Code 1961, § 11-88; Ord. No. 93-31, § 1, 4-8-93; Ord. No. 10-136, § 2, 9-7-10)

Cross reference— Peddlers, solicitors, etc., Ch. 20.

Sec. 13-203. - Street performers.

- (a) Definitions. As used in this section, "perform" or "performance" means audible or visual entertainment such as, but not limited to, reciting or singing, acting, dancing, miming, pantomiming, playing a musical instrument or performing a theatrical or literary work. "Street performer" means an individual who performs on public property within the City of Greensboro.
- (b) Intent and purpose. The Greensboro City Council finds and determines the following:
- (1) Permitting regulated performances by street performers would enhance the character and culture of the city of Greensboro. Street performers are engaged in commerce as professional entertainers whose livelihood comes, wholly or in part, from gratuities received in exchange for the artistic value of the performance.
 - (2) Street performers have a right to perform on public property, but unregulated street performances are also likely to cause adverse impacts to the community such as: gathering crowds attracted to the entertainment offered in public locations not appropriate for street performances because of insufficient room for crowds; blocked sidewalks; blocked ingress and egress of buildings; the risk of disrupting nearby motor vehicle traffic; interference with the operation of commercial activities; and disturbance of the quiet enjoyment of residents. Street performances are distinguished from panhandling activities by the commercial nature of the performer's actions which provide the benefit of a live performance of artistic value in exchange for gratuities from citizens in appreciation of the performance. Therefore, the nature and character of a street performance differs from solicitation of a charitable contribution.
 - (3) For these reasons, it is the intent of the Greensboro City Council to permit street performances in limited locations within Greensboro subject to careful regulation in order to reduce or eliminate adverse impacts associated with unregulated or poorly regulated street performances. The purpose of this permitting ordinance is to create a means of permitting and regulation which ensures the ability of street performers to perform in public spaces and to promote harmony among street performers, local businesses, permitted event sponsors, residents and visitors of Greensboro by balancing the interests of performing artists with Greensboro citizens through the careful licensing and regulation of street performances.
- (c) Permit required; procedure for issuance.
- (1) Every person engaged in conducting an individual street performance shall first submit an application for a business permit permitting such activity to the city manager or his designee. Upon determination of eligibility by the chief of police, the person shall be issued a business permit to conduct street performances as permitted herein.
 - (2) Where a group of people seek to conduct a street performance, one (1) member of the group shall submit an application for a business permit permitting such activity to the city manager or his designee which names. Upon determination of eligibility by the chief of police, the person shall be issued a business permit to conduct street performances as permitted herein. The business permit issued hereunder shall be the property of the person named in the application and shall be revocable for any violation of this section by any person permitted to conduct street performances under said permit. The applicant shall be required to be present with his or her permit at all times while any person permitted under the permit is engaged in a street performance.
 - (3) Before any business permit shall be issued under this section, the applicant shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant and other performers. Where a group of people seek to

conduct a street performance, each member of the group who may participate in a street performance shall submit to a criminal background history check as required herein. No applicant shall be eligible for issuance or renewal of a business permit under this section if the applicant or any member of a group applying for a permit has been convicted of two (2) or more offenses within a period of five (5) years preceding the application where each offense involved an assault, communicating a threat, illegal use of a weapon or other act of violence or attempted violence.

(4) Every street performer shall keep on their person the business permit issued hereunder during any street performance, and shall produce same upon request of any city official.

(d) *Locations where street performers are allowed.*

(1) Street performers may only perform at specified areas of public property within Greensboro which the city manager or their designee determines to be reasonably suitable to conduct street performances without adverse impacts to the community as described in subsection (b)(2) above.

(2) The clerk shall keep a list of such areas of public property where street performers are permitted to conduct performances.

(3) The city manager or their designee may solicit opinions from any party concerning the suitability of allowing street performances at any area of public property in Greensboro. In the event the city manager refuses to allow street performances of any area, any party may petition the city council for including the area in the list of areas where street performances are permitted.

(e) *Cooperative performances; limit on number of street performers.* Any street performance may be performed cooperatively by no more than five (5) total performers, provided that the performer or group of cooperating street performers stay at least seventy-five (75) feet away from all other street performances. Each cooperative street performer within a single group is required to meet the permitting requirements of this ordinance. The provisions of this subsection shall not relieve any performer in a cooperating street performance from complying with subsection (f)(1) herein.

(f) *Regulations.* Street performers shall comply with the following regulations:

(1) Street performers shall not block, or cause the blocking of any sidewalk, passageway, street, or any ingress or egress to any building, structure, driveway or other passage.

(2) Street performers may accept contributions of money or property at their performance in exchange for their artistic performance as allowed in this section, and may sell audio or video recordings of their own artistic works. Street performers shall not sell any other goods, wares, works of art or conduct any other service on public property.

(3) Street performers shall not perform on private property without written permission of the property owner. Street performers are required to keep the writing granting such permission on their person during any performance on private property.

(4) Street performers shall not infringe or detract from the purpose of special events, temporary gatherings or vendor activities for which a city permit has been issued to another party. Street performers shall not perform at such permitted events, gatherings or activities shall without the written permission of the permit holder. Street performers are required to keep the writing granting such permission on their person during any performance at permitted events, gatherings or activities.

(5) No street performer shall make any use in any way of fire, sharp instruments or objects, spray paint, aerosols, firearms (real or simulated), dangerous weapons or any form of harmful chemicals during a street performance.

(6) Street performers shall stay at least seventy-five (75) feet away from other street performers and one hundred (100) feet from outdoor seating or dining areas.

- (7) Street performers shall not commit any violation of chapter 18, article IV, offenses of unreasonable or disturbing sound.
- (8) While conducting a street performance, street performers shall not use language or gesture, or display any matter which:
 - a. Is obscene as prohibited by G.S. § 14-190.1;
 - b. Incites or urges riot as prohibited by G.S. § 14-288.2; or
 - c. Is defamatory, insulting or constitutes a communication which tends to inflict injury or incite an immediate breach of the peace.
- (9) When directed by any city official, street performers shall promptly comply with the directions to cease or relocate street performances when the city official determines that such action is necessary in response to a complaint by a patron or business operator that the street performance interferes with any private business. Upon request, the city official directing a street performer to cease or relocate the street performance is required to immediately inform the person requesting the information the name(s) of the person(s) making the complaint, the nature of the interference described by the complaining party and the location(s) of the business(es) where the interference is alleged to occur.
- (10) Street performers shall not remain at one location for a total duration of more than four (4) hours during any one-day period. When a street performer leaves a location, the street performer shall not return to that location for at least one (1) hour.
- (11) No street performer shall claim a greater right to perform at any location over a street performer who arrives first at the same location.
- (12) Street performances are not permitted at any location not presently identified on the list kept by the city clerk.
- (13) Street performances are not permitted before 11:00 a.m. nor after 11:00 p.m.
- (14) Street performers may display one (1) sign no larger than eighteen (18) inches by eighteen (18) inches advertising the sale of their own artistic work and asking for compensation in exchange for their live performance. Said sign may be placed on a prop or sandwich board-type stand in a location no closer than three (3) feet from any curb and not in any location which impedes any foot traffic, parking or persons entering or exiting any motor vehicle. Street performers shall remove such signs from any location at the conclusion of their performance. No sign, handbill, flyer or other advertisement shall be left at any location after the conclusion of a performance.
- (15) Street performers shall not conduct any street performances on property used for any residential purpose.
- (16) Notwithstanding the provisions of section 18-50, a street performer or group may use small, portable and self-powered amplification devices for the purpose of conducting a street performance. All street performers will comply with all remaining provisions of chapter 18, article IV of the Greensboro Code of Ordinances.
- (17) No street performer on public property shall connect to, or cause to be connected to, any source of electrical power or water on public or nearby private property as part of preparation to perform or actual performance. This provision shall not be construed to forbid use of instruments or items with self-contained and secure electrical power supply such as batteries, or the use of a container of potable water for drinking.

(g) Enforcement.

- (1) Any person who fails or refuses to comply with the regulations contained in this section, or to produce a business permit issued herein upon request of a city official, shall be guilty of a class 3 misdemeanor. Except as otherwise provided herein, a police officer shall issue a citation for a violation of this section.

- (2) A police officer may arrest a street performer or performers for a violation of subsections (f)(1), (3), (4), (5), (7), (8), (9), (13) or (15) herein, interference with the enforcement activities of the officer, or any other act which causes an imminent danger to the public health or safety.
- (h) Non-transferability. A permit issued hereunder shall not be transferable to any other person or group for the purpose of conducting a street performance as defined herein.
- (i) Applicability. The provisions of this section do not apply to any person engaged in a special event as that term is defined in Greensboro Code of Ordinances section 26-247

Sec. 13-204. - Peddlers, itinerant merchants, and mobile food vendor, motorized or mobile food vendor, pushcart.

- (a) Peddlers. Every person engaged in business or employed as a peddler shall obtain a business permit for the privilege of peddling goods. A peddler is a person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods he carries with him.
- (b) Itinerant merchant. Every person who is not a mobile food vendor and is engaged in business as an itinerant merchant shall obtain a business permit for the privilege of engaging in business. An itinerant merchant is a merchant, other than a merchant with an established retail store in the city, who transports an inventory of goods to a building, vacant lot, or other location in the city and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail. A merchant who sells goods, other than farm products, for less than six (6) consecutive months is considered an itinerant merchant unless he stops selling goods in the city because of his death or disablement, the insolvency of his business, or the destruction of his inventory by fire or other catastrophe. An itinerant merchant is subject to an open-air sales permit as defined in section 13-204(b)5.

(1) OPEN-AIR SALES - The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Principal building means a principal building, as defined in section 30-1, that is not a temporary building or structure;

Temporary building or structure means any building or structure of an impermanent nature or which is designed for use for a limited time, and includes any tent or canopy.

(Code 1961, § 23-33.7(i))

(2) Exemption.

The provisions of this article shall not apply to the following:

- a. Any business exempt under section 13-194 from a city business permit.
- b. The sale or display of fruits, vegetables and other farm products intended for human consumption.
- c. The sale or display of goods or merchandise by a person, partnership, corporation or other entity at a particular location if such sale or display is conducted in association with such party's sale or display of goods or merchandise at the same location from or in a principal building that is regularly entered by the general public for the transaction of business.
- d. Special events as defined in section 26-246 and following.

(Code 1961, § 23-33.7(i); Ord. No. 11-77, § 3, 5-3-11)

(3) Cleanup, etc., upon termination - Upon termination of a use for which a permit has been granted pursuant to this article, all temporary buildings or structures erected for the purposes of such use, and all trash and debris generated in connection with the use, shall be removed by the licensee or owner of the premises from the premises where the use was conducted.

(Code 1961, § 23-33.7(g))

(4) Food and beverage sales. All food and beverage sales shall be first permitted by the Guilford County Health Department.

(Ord. No. 11-77, § 4, 5-3-11)

(5) Permit Required. No person shall engage at a fixed location in any of the following activities unless such person, partnership, corporation or other entity shall have first applied for and received the permit provided for in this division:

a. The open air sale of goods or merchandise, or the open air display of goods or merchandise for sale.

b. The sale of goods or merchandise from a temporary building or structure, or the display in a temporary building or structure of goods or merchandise for sale.

(Code 1961, § 23-33.7(a))

(6) Application. Each application for the permit required by this division shall be filed with the code enforcement officer not less than fifteen (15) calendar days prior to the desired commencement date of the proposed use and shall be upon such form as the building inspector shall approve. Each such application shall include information sufficient to enable the code enforcement officer to determine if the proposed use of a building, structure or land will comply with the following requirements:

a. The period of duration for the use shall not be in excess of thirty (30) calendar days.

b. There shall be adequate restroom facilities available at all times to the employees or other persons engaged on behalf of the applicant in such use.

c. The use shall comply with all requirements of applicable zoning, building, plumbing and fire prevention codes.

d. The use shall be conducted with the permission of the owner of the premises that will be occupied for purposes of the use, and written evidence of such permission shall be filed with the application.

(Code 1961, § 23-33.7(b))

(7) Issuance and form.

a. Subject to subsection (b) an application in proper form filed pursuant to this section shall be approved by the code enforcement officer if he shall find that the requirements set forth in section 13-204(b)6 are met. Each permit issued pursuant to this section shall specify therein the commencement date for the use and the date of expiration of the permit, which date shall be within the thirty-day maximum period of duration permitted under section 13-204(b)6. If the requirements of section 13-204(b)6 are not met, or if issuance of a permit to the applicant is not permitted under subsection b, an application for a permit under this section shall be denied by the code enforcement officer.

b. No more than two (2) permits may be issued to the same applicant during any calendar year for a use subject to the provisions of this section, and at least ninety (90)

calendar days shall elapse between the issuance of permits to the same applicant, whether or not issued in the same calendar year. For purposes of this subsection, an applicant shall be deemed to include any predecessor business to such applicant, and any person, partnership, corporation or other entity that controls, is controlled by or is under common control with such applicant.

(Code 1961, § 23-33.7(d), (e))

(8) Prerequisite to business permits; display, etc. The city shall not issue a city business permit for an activity for which a permit is required by this article until the applicant furnishes a copy of the approved open-air sales permit. The licensee shall have at the location, a copy of the open-air sales permit and any required city business permit. He shall furnish any official of the city the permits upon request.

(Code 1961, § 23-33.7(c))

(9) Revocation. An open-air permit issued pursuant to this section shall be revoked by the code enforcement officer if he shall at any time determine either that the use for which such permit was granted is not in compliance with each of the requirements set forth in section 13-204(b)6, or that a permit for such use is not authorized under section 13-204(b)7.

(Code 1961, § 23-33.7)

(c) *Mobile food vendor, motorized or mobile food vendor, pushcart.* Every person engaged in business or employed as a mobile food vendor shall obtain a business permit for the privilege of preparing and selling food and/or beverages to the general. Mobile food vendors shall also obtain a mobile food permit as required in the Greensboro Code of Ordinances sections 26-230 through 26-243

Mobile food vendor, motorized, is a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a vehicle mounted or vehicle towed food service establishment designed to be readily moved. This shall include "mobile food unit" as defined in 15A NCAC 18A.2601.

Mobile food vendor, pushcart, is a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a mobile piece of equipment or vehicle which serves hot dogs or foods which have been prepared, preportioned, and individually prewrapped at a restaurant or commissary, or which serve food and/or beverages exempt from Health Department Regulations. This shall include "pushcart" as defined in 15A NCAC 18A.2601.

(d) *Exemptions.* This section does not apply to the following:

(1) Peddler, itinerant merchant, or mobile food vendor, who exclusively:

- a. Sells farm or nursery products produced by him.
- b. Sells crafts or goods made by him or his own household personal property.
- c. Sells printed material, wood for fuel, ice, seafood, meat, poultry, livestock, eggs, dairy products, bread, cakes, or pies.
- d. Is an authorized automobile dealer licensed pursuant to G.S. ch. 20

(2) A peddler who maintains a fixed, permanent location from which he makes at least ninety (90) percent of his sales, but who sells some goods in the city of his fixed location by peddling.

(3) Itinerant merchant who:

- a. Locates at a farmer's market.

b. Is a part of an agricultural fair which is licensed by the commissioner of agriculture pursuant to G.S. § 106-520.3.

c. Sells goods at an auction conducted by an auctioneer licensed pursuant to G.S. ch. 85B.

(4) A peddler who complies with the requirements of G.S. § 25A-38 through 25A-42 or who complies with the requirements of G.S. § 14-401.13.

(e) *Person defined.* As used in this section, "person" has the same meaning as in G.S. § 105-164.3(11).

(f) *Display and possession of permit and identification.* An itinerant merchant or mobile food vendor shall keep the permit required by this section conspicuously and prominently displayed so as to be visible for inspection by patrons of the itinerant merchant at the place or locations at which the goods are to be sold or offered for sale. A peddler shall have a permit required by this section with him at all times he offers goods for sale and must produce them upon the request of any customer, state or local revenue or law enforcement agent.

Upon the request of any customer, state or local revenue or law enforcement agent, a peddler or itinerant merchant shall provide its name and permanent address. If the peddler, itinerant merchant or mobile food vendor is not a corporation, he shall, upon the request of any customer, state or local revenue or law enforcement agent, provide a valid drivers license, a special identification card issued under G.S. § 20-37.7, military identification, or a passport bearing a physical description of the person named, reasonably describing the peddler, itinerant merchant or mobile food vendor. If the peddler, itinerant merchant or mobile food vendor is a corporation, it shall, upon the request of any customer, state or local revenue or law enforcement agent, give the name and registered agent of the corporation and the address of the registered office of the corporation, as filed with the North Carolina Secretary of State.

(h) *Permission of property owner.* An itinerant merchant or a peddler who travels from place to place by vehicle, in addition to other requirements of this section, shall obtain a written statement, signed by the owner or lessee of any property upon which the itinerant merchant or peddler offers goods for sale giving the owners or lessees permission to offer goods for sale upon the property of the owner or lessee, the location of the premises for which the permission is granted, and the dates during which the permission is valid. Further, such statements shall be conspicuously and prominently displayed, so as to be visible for inspection by patrons of the itinerant merchant or peddler, at the places or locations at which the goods are to be sold or offered for sale.

(i) *Penalty.* It shall be a misdemeanor, punishable by imprisonment up to thirty (30) days, a fine of up to two hundred dollars (\$200.00) by the police department, or both for a person to:

(1) Fail to obtain a permit as required by this section.

(2) Knowingly give false information in the application process for a permit.

(3) If a person, as an itinerant merchant or mobile food vendor, fails to display the permit as required by this section, or if the person, as a peddler, fails to produce the permit required by this section, or if the person required to do so fails to comply with subsection (h). Whenever satisfactory evidence shall be presented in any court of the fact that a permit was required by this section and such permit was not displayed or produced as required by this section or that permission was required by this section and was not displayed, the peddler or itinerant merchant shall be found not guilty of that violation, provided he produces in court a valid permit or valid permission which had been issued prior to the time he was charged with such violation.

(4) Fail to provide name, address, or identification upon request as required by this section, or provide false information in response to such a request.

(j) *Special events.* The permit issued hereunder shall not be transferable for the purpose of a special event as defined in chapter 26 of the Greensboro Code of Ordinances.

(k) *Violations.* If a person applies for or is issued a business permit under this chapter or who asserts that he is exempt from the provisions of this chapter and the city manager or his designee receives information that the person has violated any provision of this chapter, the city manager or his

designee shall decline to issue or shall revoke, respectively, that person's business permit or exemption for a period of one (1) year.

Cross reference—*Peddlers, solicitors, etc., Ch. 20; Selling on Streets and Sidewalks, Ch.26 Sections 26-230 through 26-243*

Sec. 13.205. - Individuals practicing and carrying on the business of massage and body work therapy.

- (a) Any person practicing the profession of massage and bodywork therapy who has a current state massage and bodywork therapy license issued pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes is exempt from a city business permit.
- (b) Any business, corporation, LLC, LLP, partnership or individual who hires employees and is not otherwise exempt from licensure that employs, contracts with, or hires others to perform massage and bodywork therapy, shall be subject to a city business permit.

Cross reference- *Massage and Bodywork Therapy, Ch. 14.5*

Secs. 13-206—13-300. - Reserved.