



City of Greensboro

Melvin Municipal Building
300 W. Washington Street
Greensboro, NC 27401

Meeting Minutes - Draft City Council

Tuesday, June 16, 2015

5:30 PM

Council Chamber

Call to Order

This City Council meeting of the City of Greensboro was called to order at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

Present: 9 - Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne J. Johnson, Councilmember Marikay Abuzuaiter, Councilmember Mike Barber, Councilmember Jamal T. Fox, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Tony Wilkins and Justin Outling

Councilmember Zack Matheny was present for a brief portion of the meeting.

Also present were City Manager Jim Westmoreland, City Attorney Tom Carruthers, and Deputy City Clerk Angela R. Lord.

Moment of Silence

The meeting opened with a moment of silence.

Pledge of Allegiance to the Flag

Mayor Vaughan recognized Junior Courier, Naomi Onadein to lead the Pledge of Allegiance to the Flag.

Recognition of Courier

City Manager Jim Westmoreland recognized Rachel Yesner of the Coliseum who served as Courier for the meeting. City Manager Westmoreland also recognized Naomi Onadein as the Junior Courier who is a rising Senior at Page High School; and provided an overview of Ms. Onadein's community involvement and accomplishments.

Council Procedure for Conduct of the Meeting

Mayor Vaughan explained the Council procedure for conduct of the meeting.

14. [ID 15-0459](#) Resolution to Approve the Settlement and Release Agreement Between the City of Greensboro and Level 3 Communications in the Amount of \$255,674.50 for Level 3's Installations in the City's Rights-Of-Way and Approve Level 3's Franchise and Franchise Fees

Mayor Vaughan asked for a motion to move Item #14/ID 15-0459 from the agenda.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Barber to remove Item #14/ID15-0459 from the agenda. The motion carried by voice vote.

Councilmember Wilkins inquired as to why the item was being removed.

City Attorney Carruthers stated the Legal Department had requested the item to be pulled.

I. CEREMONIAL AND/OR PRESENTATION ITEMS

1. [ID 15-0460](#) Resolution Honoring the Memory of the Late Mary Louise Oliver

Councilmember Hightower spoke to the community losing a great leader; recognized Mrs. Oliver's family in attendance; read the resolution into the record; and presented the resolution to the family.

Mayor Pro-Tem Johnson spoke to Mrs. Oliver's energy; and contributions to the community.

Representatives from the family thanked Council for the resolution; stated Mrs. Oliver had nine children; spoke to the values she taught; referenced her support in District 2; and her involvement in her church.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Fox to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

0171-15 RESOLUTION HONORING THE MEMORY OF THE LATE MARY LOUISE OLIVER

WHEREAS, on May 2, 2015, this community lost one of its community leaders with the death of the late Mary Louise Oliver at the age of 84;

WHEREAS, Ms. Oliver was a native of Greensboro and was in the class of 1950 at Dudley High School;

WHEREAS, Ms. Oliver was employed by Greensboro Urban Ministry from 1987 until her retirement in 2004;

WHEREAS, her involvement with various civic and grass root organizations included member of the Greensboro Association of Poor People 1967 through the late 1970's; honored by the Greensboro Commission on the Status of Women as one of the Women of Achievement in Greensboro, North Carolina; and voluntary host for a variety of other community activities;

WHEREAS, from 1974 through the 1990's Ms. Oliver was the Resident Council President of Claremont Courts Homes and was instrumental in bringing about the free lunch program which served hot lunches to families;

WHEREAS, Ms. Oliver was instrumental in starting the first library which was housed in the Community Office Building and is now known as the McGirt-Horton Library;

WHEREAS, during the 1980's Ms. Oliver was instrumental in bringing about the Police Neighborhood Resource Center in Public Housing in Greensboro Housing Authority properties while working with the Executive Director of Greensboro Housing Authority Mrs. Elaine Ostrowski;

WHEREAS, Ms. Oliver was president of the Hope Valley Community from 2008 – 2014 and organized the Hope Valley Community Watch National Night Out;

WHEREAS, she served on many committees, organizations and boards in Greensboro some of which include the North East Greensboro Concerned Citizens, EDGE (Eastern Development Growth Enterprise, Inc.), Moonlight Basketball Program at the Hayes-Taylor YMCA and Girl Scouts of America – Greensboro Urban Communities;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by Mary Louise Oliver, the contributions she has made to the community, and the legacy she leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Mary Louise Oliver.
2. That a copy of this resolution shall be delivered to the family of the late Mary Louise Oliver as a symbol of the gratitude of the people of Greensboro for her many contributions to this community.

(Signed) Yvonne Johnson

2. [ID 15-0406](#) Presentation of The Greensboro Mayor's Committee for Persons With Disabilities - Stephen L. Knier Scholarship

Benita Williams, Deputy Director of the Joy A. Shabazz Center for Disability Rights and Vice Chair of the Mayor's Committee for Persons with Disabilities recognized Jacob Fields as the recipient of the scholarship; spoke to his achievements; a 4.3 GPA; outlined his qualifications for the scholarship; and recognized family members in attendance.

Mr. Fields stated he was honored to receive the scholarship; and thanked Council.

3. [ID 15-0520](#) Recognition of Councilmember Zack Matheny upon his Resignation from City Council and Selection of His Replacement for the District 3 Council Seat

Mayor Vaughan spoke to Councilmember Matheny's resignation; to the history of working with him; stated there would be a formal recognition at the July 21st meeting; and that it was with sadness that she accepted the letter of resignation. Mayor Vaughan spoke to the candidates that had submitted a letter of interest for the District 3 seat; and called them up to speak in alphabetical order for 3 minutes each.

Anita Hughes Bachman spoke to why she would be a good candidate; to equal representation; outlined her business history; spoke to serving on the Planning Board and the Zoning Commission; her board experience with the Greensboro Partnership; leading a school bond campaign; outlined her history with Senior Executive roles; provided family history; spoke to a positive contribution; understanding with how government works; and requested Council consideration for the District 3 seat.

Curt Collins commended Councilmember Matheny for his service and wished him well; spoke to the willingness of people to serve the community; his history in coming to Council meetings; to being informed; referenced speaking with business owners and citizens daily; provided a history of serving on various committees; spoke to what he would focus on if appointed; growth in Greensboro; and asked for the opportunity to join the Council.

George Hartzman spoke to the Greensboro employee retirement plan; employee health benefits; referenced items on the consent agenda; political and financial advantages; spoke to Downtown Greensboro Inc. (DGI); the Randolph County Megasite; and to acting in the best interest of the community.

Sallie Hayes-Williams congratulated Councilmember Matheny; spoke to her love and passion for the City; provided a history of the positions she had held; spoke to progressive and southern traditional values; referenced Greensboro being highlighted in the Delta Sky magazine; provided an extensive list of organizations she had been involved in; spoke to jobs for the economy, healthcare, and aviation; and expressed appreciation for Council consideration of her interest in the position.

Justin Outling voiced his appreciation for the opportunity to speak; spoke to being an attorney at Brooks Pierce; provided his personal history; outlined his contributions to Greensboro; stated he was the Chair for the Greensboro Housing Commission; and asked for Council's vote and support.

Tom Phillips stated he lived in District 3; he could start immediately with no learning curve; outlined previous Council experience; stated he was not running for an office in November; he was not affiliated with any political group; spoke to conflict of interests; and to being retired.

Michael Picerelli expressed thanks to Councilmember Matheny; spoke to meeting with Councilmember Matheny; his involvement on Boards and Committees; passion and commitment; being open minded; opportunities for economic development; and asked for Council consideration to be the replacement.

Mayor Vaughan thanked everyone that had expressed interest in the District 3 seat; and spoke to the qualifications of the candidates.

Councilmember Hightower stated it was a tough decision; and spoke to the qualified candidates.

Moved by Councilmember Hightower, seconded by Councilmember Fox to nominate Justin Outling for the District 3 Council seat. The motion carried on the following roll call vote:

Ayes, 6 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Jamal T. Fox, Sharon M. Hightower and Nancy Hoffmann

Nays, 2 - Mike Barber and Tony Wilkins

Abstain, 1 - Zack Matheny

Moved by Councilmember Barber, seconded by Councilmember Fox to accept the resignation of Councilmember Matheny. The motion carried on the following roll call vote:

Ayes, 7 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Tony Wilkins

Nays, 1 - Mike Barber

Abstain, 1 - Zack Matheny

Councilmember Matheny spoke to his length of time as a Councilperson; making tough decisions; the history of the City during his tenure; referenced his family's support; spoke to people watching him grow up on television; to text messages he had received; his legacy; expressed hope that everyone felt he had been fair; his love for the City; and stated he would continue giving in different ways.

Mayor Vaughan stated Councilmember Matheny would be back on July 21st.

Councilmember Matheny left the meeting at 6:25 p.m.

Mayor Vaughan invited incoming Councilmember Justin Outling and his family to come forward.

City Clerk, Betsey Richardson administered the Oath of Office.

Councilmember Outling entered the meeting at 6:30 p.m.

II. PUBLIC COMMENT PERIOD

Ben Holder, 1306 Oak Street spoke to the late Dusty Rhodes; and shared a video highlighting the life of Dusty Rhodes.

Reverend Randall Keeney, 4402 Graham Road asked that the handout provided for Council be entered into the record; spoke to the Citizens Police Review Committee; events on February 12, 2014; referenced the investigation; a May 2nd hearing; stated the Police Department and the City Manager's office had been invited; and spoke to dishonest people.

George Hartzman, 2506 Baytree Drive spoke to Greensboro employee's retirement plan; referenced a conversation with Finance Director Rick Lusk; a retirement plan he had presented at a work session; spoke to saving the City employees money; and employees fear of retaliation.

John Jones, 2901 Dove Street stated he had expressed his feelings at the groundbreaking for the Renaissance Community Center (RCC); spoke to the 582 members of RCC's gratitude; a future ribbon cutting; transparency; having a grocery store in northeast Greensboro; and voiced appreciation to the City and City Attorney Carruthers for all the hard work.

Ron Tuck, 1500 West Vandalia Road stated this was African American Music Month; highlighted names of great musicians lost during the past year in Greensboro; spoke to the City Arts Department; the effect on the African American society; and stated the month should be celebrated.

Ray Ralph, 6104 Dawn Ridge Trail stated he had been a resident for 25 years; provided a personal history; spoke to ending gerrymandering; encouraged Council to pass a resolution to support the initiative; and stated Greensboro would be the first major City to pass such a resolution.

Sallie Hayes-Williams, 1101 North Elm Street congratulated Councilmember Outling; recognized fathers for Father's Day; and spoke to men that qualified as a real Father.

Mayor Vaughan voiced appreciation to Ms. Hayes-Williams for the previous reminder for Mothers Day; stated women did not need to be reminded of Father's Day.

A copy of the handout provided by Rev. Keeney is filed in Exhibit Drawer X, Exhibit No.15, which is hereby referred to and made a part of these minutes.

CONSENT AGENDA (One Vote)

Mayor Vaughan asked if anyone wished to remove items from the Consent Agenda.

Councilmember Hightower asked to remove items #8/ID15-0428, #9/ID15-0469, #11/ID15-0491, and #22/ID15-0487 for discussion.

Moved by Mayor Pro-Tem Yvonne J. Johnson, seconded by Councilmember Jamal T. Fox to adopt the consent agenda as amended. The motion carried by the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

4. [ID 15-0485](#) Ordinance in the Amount of \$496,863 Amending State, Federal, and Other Grants Fund Budget for FY 2015-2016 Greensboro Urban Area Metropolitan Planning Organization (MPO) Activities

15-068 ORDINANCE AMENDING STATE FEDERAL AND OTHER GRANTS FUND BUDGET FOR FY 2015-2016 GREENSBORO URBAN AREA METROPOLITAN PLANNING ORGANIZATION (MPO) ACTIVITIES

Section 1:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

ACCOUNT	DESCRIPTION	AMOUNT
220-4597-01.4110	Salaries and Wages	132,939
220-4597-01.4140	Roster Wages	35,000
220-4597-01.4510	FICA Contribution	12,129
220-4597-01.4520	Retirement Contribution	12,985
220-4597-01.4610	Health Coverage-Active	12,859
220-4597-01.4650	Dental Coverage- Active	1,417
220-4597-01.4710	Life Insurance-Active	988
220-4597-01.5211	Postage	1,000
220-4597-01.5212	Computer Software	10,000
220-4597-01.5213	Office Supplies	500
220-4597-01.5221	Advertising	5,000
220-4597-01.5222	Professional Organizational Dues	2,000
220-4597-01.5223	Subscriptions	500
220-4597-01.5224	Outside Printing	2,000
220-4597-01.5235	Small Tools & Equipment	500

220-4597-01.5239	Miscellaneous Supplies	1,000
220-4597-01.5254	Rental Equipment	500
220-4597-01.5261	Books	500
220-4597-01.5413	Consultant Services	155,647
220-4597-01.5431	In-House Printing	3,500
220-4597-01.5510	Business & Meeting Expense	3,500
220-4597-01.5520	Seminar/Training Expense	5,000
220-4597-01.5928	In-Kind Services	97,399
Total		\$496,863

And that this increase be financed by increasing the following accounts:

ACCOUNT	DESCRIPTION	AMOUNT
220-4597-01.7110	State Grant	389,464
220-4597-01.7170	Local Government Grant	10,000
220-4597-01.8695	Local In-Kind Services	97,399
Total		\$496,863

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

5. [ID 15-0488](#) Resolution Authorizing Submittal of Lead-Based Paint Hazard Control Grant Program Application

0172-15 RESOLUTION AUTHORIZING SUBMITTAL OF A LEAD-BASED HAZARD CONTROL GRANT PROGRAM APPLICATION

WHEREAS, in 2002, the City of Greensboro was awarded a \$3 million HUD Lead Based Paint Hazard Control Grant;

WHEREAS, the City was awarded an additional \$3 million renewal grant in 2004, 2007 and 2010;

WHEREAS, the grant finances lead-based paint education and outreach and provides assistance for lead testing and remediation of lead-based hazards in low to moderate-income owner and tenant-occupied housing;

WHEREAS, over the past thirteen years, approximately \$12 million of HUD funds have been spent in Greensboro to decrease the risk of child lead poisoning in the homes of low to moderate-income families;

WHEREAS, the current application will serve approximately 200 housing units over three years with \$3 million targeted to lead remediation and outreach activities and \$325,000 targeted to healthy home repairs;

WHEREAS, HUD requires a minimum match of ten percent (\$300,000) on the lead portion only which will come from a combination of the City's annual federal Community Development Block Grant allocations, the value of owner repairs, and sub grantee matching funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the submittal of a Lead-Based Hazard Control Grant Program application is hereby authorized with the \$300,000 match to be allocated from the annual Community Development Block funds for housing rehabilitation activities, and owner repairs or partner agency contributions.

(Signed) Yvonne Johnson

6. [ID 15-0441](#) Resolution Approving Bid in the Amount of \$333,106 and Authorizing Execution of Contract with Wayne Brothers, Inc. for the Transfer

Station Tipping Floor Repairs project

0173-15 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT WITH WAYNE BROTHERS, INC. FOR THE TRANSFER STATION TIPPING REPAIRS PROJECT

WHEREAS, after due notice, bids have been received for the Transfer Station Tipping Floor Repairs project;

WHEREAS, Wayne Brothers, Inc. a responsible bidder, has submitted the low base and alternate bid in the total amount of \$333,106 as general contractor for the contract, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Wayne Brothers, Inc. is hereby accepted, and the City is authorized to enter into a contract with Wayne Brothers, Inc. for the Transfer Station Tipping Floor Repairs project subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$333,106 from Account No. 554-4302-01.5613.

(Signed) Yvonne Johnson

7. [ID 15-0443](#) Ordinance in the Amount of \$350,000 Transferring Funds From the Solid Waste Management Fund To The Solid Waste Capital Improvement Fund For The Repair Of The Solid Waste Transfer Station Tipping Floor

15-069 ORDINANCE TRANSFERRING FUNDS FROM THE SOLID WASTE MANAGEMENT FUND TO THE SOLID WASTE CAPITAL IMPROVEMENT FUND FOR THE REPAIR OF THE TRANSFER STATION TIPPING FLOOR

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1

That the Solid Waste Capital Improvement Fund of the City of Greensboro is hereby amended as follows:

That the appropriation to the Solid Waste Capital Improvement Fund be increased as follows:

Account	Description	Amount
554-4302-01.5613	Maintenance & Improvement- Buildings	\$350,000
TOTAL:		\$350,000

And, that this increase be financed by increasing the following Solid Waste Capital Improvement Fund accounts:

Account	Description	Amount
554-4302-01.9551	Transfer from Solid Waste Management Fund	\$350,000
TOTAL:		\$350,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

10. [ID 15-0473](#) Resolution Authorizing Inter-Governmental Memorandum of Agreement Between Guilford County and the City of Greensboro for Guilford County Emergency Services to Receive An Exclusive License to Use A Portion of the Greensboro Reedy Fork Fire Station #59

0174-15 RESOLUTION AUTHORIZING INTER-GOVERNMENTAL MEMORANDUM OF AGREEMENT BETWEEN GUILFORD COUNTY AND THE CITY OF GREENSBORO FOR GUILFORD COUNTY EMERGENCY SERVICES TO RECEIVE AN EXCLUSIVE LICENSE TO USE A PORTION OF THE GREENSBORO REEDY FORK FIRE STATION #59

WHEREAS, the City desires to enter into a memorandum of agreement with Guilford County for an exclusive forty-year license for space at the new Greensboro Reed Fork Fire Station #59; and

WHEREAS, in accordance with North Carolina State Statutes, inter-governmental agreements require authorization by their governing body boards; and

WHEREAS, the Greensboro Fire Department and Guilford County Emergency Services (GCES) collaboratively developed a shared use plan for the new fire station; and

WHEREAS, the Reedy Fork Fire Station is designed to include space for GCES operation of a paramedic ambulance; and

WHEREAS, approximately 1,320 square feet (or 10.88%) of the building will allow paramedic operations to be provided from this joint facility; and

WHEREAS, Guilford County's capital cost for the Reedy Fork Station as a result of this city-county partnership is approximately \$357,258 based on an anticipated forty-year lifespan for the facility; and

WHEREAS, Guilford County will make to the City of Greensboro a one-time payment of \$357,258, which shall be designated by the City to fund additional firefighting capital projects; and

WHEREAS, GCES will also pay ongoing utility and insurance costs, currently in the amount of \$2,532, to be adjusted annually based on actual costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO

That the Greensboro City Council hereby authorizes the City of Greensboro to enter into a memorandum of agreement with Guilford County Emergency Services for a forty-year license to use a portion of Reedy Fork Fire Station #59 to provide emergency services.

(Signed) Yvonne Johnson

12. [ID 15-0464](#) Ordinance to Change Name of Portions of High Point Road between Groometown Road and Vickery Chapel Road

15-070 AN ORDINANCE CHANGING NAME OF STREET

WHEREAS, on November 11, 2013, the City of Greensboro's City Council adopted an ordinance changing the name of East Lee Street, West Lee Street and High Point Road to East Gate City Boulevard and West Gate City Boulevard from I-40 / I-85 to Groometown Road with an effective date of July 1, 2015; and

WHEREAS, North Carolina Department of Transportation is currently constructing the High Point Road By-pass under NCDOT Project # U-2412 between Groometown Road and Vickery Chapel Road; and

WHEREAS, on September 10, 2014, the Guilford County Planning Board officially renamed portions of High Point Road between Groometown Road and Vickery Chapel Road within unincorporated Guilford County to Gate

City Boulevard, to become effective as NCDOT Project #U-2412 is constructed; and

WHEREAS, on March 11, 2015, the Guilford County Planning Board officially renamed Gate City Boulevard between Guilford College Road and Vickery Chapel Road to Jamestown Parkway; and

WHEREAS, there are several short segments of High Point Road within the City of Greensboro's jurisdiction between Groometown Road and Vickery Chapel Road; and

WHEREAS, in accordance with the City Council adopted Street Naming and Addressing

Manual and the Land Development Ordinance, streets in continuous alignment must bear the same name, except for street segments separated by a major thoroughfare; and

WHEREAS, Section 2-24 of the Greensboro Code of Ordinances delegated the authority for changing street names by ordinance to City Council; and

WHEREAS, changing the name of the street segments in the City of Greensboro's jurisdiction which form a continuous alignment with Gate City Boulevard and Jamestown Parkway, as previously established by the Guilford County Planning Board, will serve the public interest by enhancing or maintaining public safety, and will not adversely affect property values or cause excessive impact to property owners or to the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA:

Section 1 - That the segments of High Point Road within the City of Greensboro's jurisdiction between Groometown Road and Guilford College Road shall have their name changed to Gate City Boulevard;

Section 2 - That the segments of High Point Road within the City of Greensboro's jurisdiction between Guilford College Road and Vickery Chapel Road shall have their name changed to Jamestown Parkway; and

Section 3 - That this Ordinance shall become effective as the High Point Road By-pass under NCDOT Project # U-2412 is constructed.

(Signed) Yvonne Johnson

**13. [ID 15-0463](#) Resolution Authorizing the Sale of Surplus Foreclosure Property
Located at 1207 Willard Street**

0175-15 RESOLUTION AUTHORIZING CONVEYANCE OF FORECLOSURE PROPERTY LOCATED AT 1207 WILLARD STREET

WHEREAS, the City of Greensboro owns residual property located at 1207 Willard Street at Parcel 0020548, said property being shown on the attached map;

WHEREAS, there is no municipal need for this property;

WHEREAS, the property has been appraised by Lynn B. Ritchy at a value of \$4,800 and the offer made based on the appraised value of \$4,800 was accepted in accordance with Section 4:122 of the City Code of Ordinances which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be credited in General Fund Account No. 101-0000-00.0400.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the sale of the above mentioned property in the amount of \$4,800 is hereby approved and the sale of land is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Yvonne Johnson

15. [ID 15-0472](#) Resolution Authorizing Encroachment Agreement in the City Right-of-Way for the Installation of Two Awnings at Freeman's Grub and Pub Located at 1820 Spring Garden Street.

0176-15 RESOLUTION TO GRANT AN ENCROACHMENT AGREEMENT IN THE CITY RIGHT- OF-WAY FOR THE INSTALLATION OF TWO AWNINGS AT FREEMAN'S GRUB AND PUB LOCATED AT 1820 SPRING GARDEN STREET

WHEREAS, Joshua Kirkman and Jessica Dewey, own J&J Spring Garden LLC, which operates Freeman's Pub and Grub. They are in the process of adding awnings to their property at 1820 Spring Garden Street. Plans have been submitted to the City regarding the installation of four (4) awnings to be added to the exterior of the building; and

WHEREAS, two of the awnings will reside above exterior doors along South Chapman Street and will encroach upon the City's right-of-way; and

WHEREAS, Greensboro City Charter 4.128 (c) provides: "With respect to real property adjoining a street right-of-way, the City Council may permit or grant an encroachment easement beyond the existing building line into a street right-of-way for the purpose of permitting the erection of a building or other structure either over, under, or through said right- of-way if, in the opinion of the Council, such encroachment will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public;" and

WHEREAS, the City Council finds that the two awnings will reside above the doorways and not cause a public nuisance and will not unreasonably interfere with the use of the streets and sidewalks by the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:

City Council shall grant the property located at 1820 Spring Garden Street an encroachment beyond the existing building line for the purpose of erecting two awnings over the City right-of- way. Because the two awnings will be located above the doorways, they will not cause a public nuisance and they will not unreasonably interfere with the use of streets or sidewalks by the public.

(Signed) Yvonne Johnson

16. [ID 15-0483](#) Ordinance in the Amount of \$774,145 Establishing Street and Sidewalk Revolving Fund Budget to Close the Fund and to Transfer Remaining Balances to the Street and Sidewalk Capital Project Fund

15-071 ORDINANCE ESTABLISHING STREET AND SIDEWALK REVOLVING FUND BUDGET AND TRANSFERRING ITS FUND BALANCE INTO THE STREET AND SIDEWALK CAPITAL PROJECT FUND BUDGET

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That an appropriation to the Street and Sidewalk Revolving Fund be established as follows:

Account	Description	Amount
201-6001-01.6401	Transfer to Street and Sidewalk Capital Project Fund Budget	\$774,145

And, that this appropriation is financed with the following revenue:

Account	Description	Amount
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201-0000-00.8900	Appropriated Fund Balance	\$774,145
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Section 2

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation to the Street and Sidewalk Capital Project Fund Budget be increased as follows:

Account	Description	Amount
401-4598-01.6015	Sidewalk Construction	\$774,145

And, that this increase is financed with the following revenue:

Account	Description	Amount
401-0000-00.9201	Transfer from Street and Sidewalk Revolving Fund Budget	\$774,145

Section 3

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

**17. [ID 15-0430](#) Resolution Calling a Public Hearing for July 21, 2015 on the
Annexation of Territory into the Corporate Limits of Property Located
at 5605 Sapp Road - 1.01-Acres**

0177-15 RESOLUTION CALLING A PUBLIC HEARING FOR JULY 21, 2015 ON THE ANNEXATION OF
TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 5604 SAPP ROAD – 1.01 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of June, 2015 the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 5604 SAPP ROAD – 1.01 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the existing Greensboro corporate limits (as of March 31, 2015), said point being in the south right-of-way line of Sapp Road (NCSR #1560) and also being the northeast corner of the Nickie V. Tsintzos property, as recorded in Deed Book 2259, Page 658; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 03° 01' 49" W 310.51 feet to an existing ½ inch iron pipe in the north line of James O. and Jane M. Durham, as recorded in Deed Book 5965, Page 148; thence with said north line N 88° 44' 57" W approximately 100 feet to Durham's northwest corner; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and continuing N 88° 44' 57" W with the north line of Shining Light Baptist Church, Inc. approximately 40.57 feet to an existing 1 ¼ inch iron pipe at the southeast corner of Time Warner Cable Southeast, LLC, as recorded in Deed Book 7403, Page 2638; thence with the east line of Time Warner Cable Southeast, LLC N 03° 03' 58" E 316.57 feet to a computed point marking the northeast corner of said Time Warner Cable Southeast, LLC; thence with the south right-of-way line of Sapp Road S 86° 16' 40" E 140.31 feet to the point and place of BEGINNING, containing approximately 1.01 acres.

All deeds referred to herein are recorded in the Guilford County Register of Deeds Office.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of five hundred eighty dollars (\$580.00) per acre for water service and five hundred eighty dollars (\$580.00) per acre for sewer service immediately prior to the time of annexation, provided that each of these utilities are available at the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 21, 2015, the liability for municipal taxes for the 2015-2016 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective upon adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, July 21, 2015 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than July 11, 2015.

(Signed) Yvonne Johnson

18. [ID 15-0432](#) Resolution Calling a Public Hearing for July 21, 2015 on the Annexation of Territory into the Corporate Limits for Property Located at 400-404 and 407 East Vandalia Road - 11.85 Acres

0178-15 RESOLUTION CALLING A PUBLIC HEARING FOR JULY 21, 2015 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 400-404 AND 407 EAST VALDALIA ROAD – 11.85 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of June, 2015, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 400-404 AND 407 EAST VALDALIA ROAD – 11.85 ACRES—11,85 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limits (as of April 30, 2015), said point being the northeast corner of Lot 1 on plat of Vandalia Elementary School, as recorded in Plat Book 131, Page 140, said point also being a southeast corner of that property shown on City of Greensboro Annexation Drawing D-2511; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS with the northern line of Lot 1 N 87°32'54" W 639.89 feet to the northwest corner of Lot 1; thence with the western line of Lot 1 the following three courses and distances: (1) S 02°24'59" W 498.64 feet to an existing iron pipe, (2) DEPARTING FROM THE EXISTING CITY LIMITS S

89°04'00" E 174.74 feet to an existing iron pipe, and (3) S 02°42'26" W 172.94 feet to an existing iron pipe on the northern right-of-way line of E. Vandalia Road; thence in a westerly direction with said right-of-way line approximately 175 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS across E. Vandalia Road S 02°10'18" W approximately 60 feet to a point in the southern right-of-way line of said road; thence in a westerly direction with said right-of-way line approximately 10 feet to its intersection with the western line of Antonio Rodrigues Segundo, as recorded in Deed Book 7661, Page 478; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with said western line S 00°56' W approximately 250 feet to his southwest corner; thence S 89°04' E 175 feet with his southern line to his southeast corner; thence S 00°15' W approximately 210 feet with the western line of Robert A. Guzman Larios, as recorded in Deed Book 7661, Page 483, to his southwest corner; thence N 79°49' E 102 feet with his southern line to his southeast corner; thence N 00°15' E approximately 440 feet with his eastern line to its intersection with the southern right-of-way line of E. Vandalia Road; thence in an easterly direction with said right-of-way line approximately 380 feet to its intersection with the southwardly projection of the eastern line of Lot 1; thence with said projection and said eastern line N 02°30'31" E approximately 341 feet to an existing iron pipe; thence with said line N 03°04'30" E 124.84 feet to an existing iron pipe; thence with said line N 03°09'14" E 238.89 feet to the point and place of BEGINNING, and containing approximately 11.85 acres. All plats and deeds referred to hereinabove are recorded in the Office of the Guilford County Register of Deeds.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of five hundred eighty dollars (\$580.00) per acre for water service and five hundred eighty dollars (\$580.00) per acre for sewer service immediately prior to the time of annexation, provided that each of these utilities are available at the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 21, 2015, the liability for municipal taxes for the 2015-16 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective upon adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, June 16, 2015 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than July 11, 2015.

(Signed) Yvonne Johnson

19. [ID 15-0461](#) Ordinance Amending the Workforce Investment Act Fund Budget

15-072 ORDINANCE AMENDING THE FY 2013-14 and FY 2014-15 WORKFORCE INVESTMENT ACT FUND BUDGETS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1

That the Workforce Investment Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act Fund Budget for PY 2014 ESRA WIA Incumbent Worker grant be increased as follows:

Account	Description	Amount
216-0247-70.4110	Salaries	\$ 60
216-0247-70.5561	WIA Incumbent Training	\$ 2,395
Total		\$ 2,455

and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

Account	Description	Amount
216-0247-70.7100	Federal Grant	\$ 2,455
Total		\$ 2,455

Section 2

That the Workforce Investment Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act Fund Budget for PY 2014 Mickey Truck Bodies WIA Incumbent Worker grant be increased as follows:

Account	Description	Amount
216-0247-71.4110	Salaries	\$ 236
216-0247-71.5561	WIA Incumbent Training	\$ 9,450
Total		\$ 9,686

and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

Account	Description	Amount
216-0247-71.7100	Federal Grant	\$ 9,686
Total		\$ 9,686

Section 3

That the Workforce Investment Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act Fund Budget for PY 2014 Cascade Die WIA Incumbent Worker grant be increased as follows:

Account	Description	Amount
216-0247-72.4110	Salaries	\$ 236
216-0247-72.5561	WIA Incumbent Training	\$ 9,450
Total		\$ 9,686

and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

Account	Description	Amount
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216-0247-72.7100	Federal Grant	\$ 9,686
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Total	\$ 9,686
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Section 4

That the Workforce Investment Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act Fund Budget for PY 2014 Piedmont Pharmaceuticals WIA Incumbent Worker grant be increased as follows:

Account	Description	Amount
216-0247-73.4110	Salaries	\$ 240
216-0247-73.5561	WIA Incumbent Training	\$ 9,612

Total	\$ 9,852
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and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

Account	Description	Amount
216-0247-73.7100	Federal Grant	\$ 9,852

Total	\$ 9,852
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Section 5

That the Workforce Investment Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act (WIA) Fund Budget for PY 2013 2020 Adult grant be increased as follows:

Account	Description	Amount
216-0232-21.5567	Assessment Expenses	\$ 308

Total	\$ 308
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and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

Account	Description	Amount
216-0232-21.7427	WDB Business Svcs Income	\$ 308

Total	\$ 308
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Section 6

That the Workforce Investment Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act (WIA) Fund Budget for PY 2013 2030 Dislocated Worker Grant be increased as follows:

Account	Description	Amount
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216-0233-31.5567	Assessment Expenses	\$	125
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Total	\$	125
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and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

Account	Description	Amount
216-0233-31.7427	WDB Business Svcs Income	\$ 125

Total	\$	125
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Section 7

That the Workforce Investment Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act (WIA) Fund Budget for PY 2013 2040 Youth Grant be increased as follows:

Account	Description	Amount
216-0234-41.5567	Assessment Expenses	\$ 188

Total	\$	188
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and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

Account	Description	Amount
216-0234-41.7427	WDB Business Svcs Income	\$ 188

Total	\$	188
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Section 8

That the Workforce Investment Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act (WIA) Fund Budget for PY 2014 2020 Adult grant be increased as follows:

Account	Description	Amount
216-0242-21.5567	Assessment Expenses	\$ 165

Total	\$	165
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and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

Account	Description	Amount
216-0242-21.7427	WDB Business Svcs Income	\$ 165

Total	\$	165
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Section 9

That the Workforce Investment Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act (WIA) Fund Budget for PY 2014 2030 Dislocated Worker Grant be increased as follows:

Account	Description	Amount
216-0243-31.5567	Assessment Expenses	\$ 207
Total		\$ 207

and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

Account	Description	Amount
216-0243-31.7427	WDB Business Svcs Income	\$ 207
Total		\$ 207

Section 10

That the Workforce Investment Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act (WIA) Fund Budget for PY 2014 2040 Youth Grant be increased as follows:

Account	Description	Amount
216-0244-41.5567	Assessment Expenses	\$ 128
Total		\$ 128

and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

Account	Description	Amount
216-0244-41.7427	WDB Business Svcs Income	\$ 128
Total		\$ 128

Section 11

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

20. [ID 15-0455](#) Resolution Approving Capital Fund Expenditures from a Portion of the Seventy Percent (70%) Net Proceeds of the Occupancy Tax Received by the Greensboro/Guilford County Tourism Development Authority from the Original Guilford County Three Percent (3%) Room Occupancy Tax for the Expansion of the Bryan Park Soccer Field Complex

0179-15 RESOLUTION APPROVING CAPITAL FUND EXPENDITURES FROM A PORTION OF THE SEVENTY PERCENT (70%) NET PROCEEDS OF THE OCCUPANCY TAX RECEIVED BY THE GREENSBORO/GUILFORD COUNTY TOURISM DEVELOPMENT AUTHORITY FROM THE ORIGINAL GUILFORD COUNTY THREE PERCENT (3%) ROOM OCCUPANCY TAX FOR THE EXPANSION OF THE BRYAN PARK SOCCER FIELD COMPLEX

WHEREAS, in 1989 the General Assembly amended an act permitting Guilford County to levy a three percent (3%) room occupancy and tourism development tax;

WHEREAS, after allocating \$170,000 for specific tourist-related events or activities, the remaining portion of twenty percent (20%) of the seventy percent (70%) net proceeds of the occupancy tax be received by the Authority shall go to the City of Greensboro for convention and tourism capital improvements;

WHEREAS, in the opinion of the Greensboro/Guilford County Tourism Development Authority, existing and future revenues, not to exceed \$250,000 in this capital fund should be expended for field expansion at Bryan Park Soccer complex. That a \$250,000 expenditure for field expansion at Bryan Park will be made from this fund in the fiscal year 2014-2015;

WHEREAS, by law, the approval of such expenditures shall be a joint decision by the Greensboro City council, the County Commissioners and the Greensboro/Guilford County Tourism Development Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE BY THE CITY COUNCIL FOR THE CITY OF GREENSBORO;

That the City Council of the City of Greensboro hereby approves the expenditures of existing and future revenues, not to exceed \$250,000 from the above mentioned capital fund for the purpose of field expansion at the Bryan Park Soccer complex for the fiscal year 2014-2015.

That the Authority is authorized to enter into a Memorandum of Understanding with the Greensboro City Manager to implement the above mentioned improvements. All transactions pursuant to this resolution shall be undertaken in strict compliance with applicable laws and this approval subject to applicable laws.

(Signed) Yvonne Johnson

21. [ID 15-0462](#) Resolution Granting an Easement to Duke Energy for Electric Service to the Westridge Booster Station at the Battleground Water Storage Tank

180-15 RESOLUTION GRANTING AN EASEMENT TO DUKE ENERGY CORPORATION FOR ELECTRIC SERVICE TO THE WESTRIDGE BOOSTER STATION AT THE BATTLEGROUND WATER STORAGE TANK

WHEREAS, the Westridge booster station at the Battleground water storage tank location has been under construction;

WHEREAS, the installation of a new transformer and an underground line is necessary;

WHEREAS, an easement will need to be granted to Duke Energy Corporation for the installation and maintenance of said electrical equipment;

WHEREAS, in the opinion of the City Council, such easement will not interfere with the proper use by the City of the property in which such easements are granted and that the City has no governmental or other public need which would be in conflict with the easement granted therein or the use made thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That an easement to Duke Energy Corporation for the maintenance and installation of a new transformer and an underground line on the site is hereby approved.

(Signed) Yvonne Johnson

23. [ID 15-0330](#) Ordinance to Amend Chapter 13 of the Greensboro Code of Ordinances to Remove References to the Privilege License Tax, with the Exception of Taxi Cabs and Beer and Wine Sales, and Institute a

Business Permit System for Solicitors, Panhandlers, Peddlers, Itinerant Merchants, Mobile Food Vendors, Street Performers, and Massage Businesses, also to Amend Chapter 14.5, Chapter 20, and Chapter 26 of the Greensboro Code of Ordinances to Remove References to the Privilege License Tax and Replace Them with References to the Business Permit

15-073 ORDINANCE TO AMEND THE GREENSBORO CODE OF ORDINANCES TO INSTITUTE A BUSINESS PERMIT SYSTEM FOR SOLICITORS, PANHANDLERS, PEDDLERS, ITINERANT MERCHANTS, MOBILE FOOD VENDORS, STREET PERFORMERS, AND MASSAGE BUSINESSES AND TO AMEND CHAPTER 13 OF THE GREENSBORO CODE OF ORDINANCES TO REMOVE REFERENCES TO THE PRIVILEGE LICENSE TAX, WITH THE EXCEPTION OF TAXI CABS AND BEER AND WINE SALES, AND INSTITUTE A BUSINESS PERMIT SYSTEM, AND TO AMEND CHAPTER 14.5, CHAPTER 20, AND CHAPTER 26 OF THE GREENSBORO CODE OF ORDINANCES TO REMOVE REFERENCES TO THE PRIVILEGE LICENSE TAX AND REPLACE THEM WITH REFERENCES TO THE BUSINESS PERMIT SYSTEM

WHEREAS, The North Carolina General Assembly eliminated the authority of a city to levy a privilege license tax on businesses, except those specific to beer and wine sales or taxi cabs. This law, GS 160A-211, will become effective for the fiscal year beginning July 1, 2015; and

WHEREAS, Statutory authority under GS 160A-194 allows municipalities to regulate most businesses and professions; and

WHEREAS, Under Greensboro's current privilege license system, key business data is gathered and used in coordination with other City departments and divisions, such as Zoning, Building Inspections, Fire, Police, and also the Guilford County Health Department; and

WHEREAS, Greensboro recognizes the value in maintaining such data and, under the authority granted to it by GS 160A-194, the City of Greensboro will implement a Business Permit system in order to promote public health, safety and welfare, and to monitor solicitors, panhandlers, peddlers, itinerant merchants, mobile food vendors, street performers, and massage businesses after the privilege license tax is repealed; and

WHEREAS, The Business Permit system will be a standardized program enabling solicitors, panhandlers, peddlers, itinerant merchants, mobile food vendors, street performers, and massage businesses to register with the City. Data will be housed in one central location and will be renewed and updated annually. The data will be used to monitor and track businesses in a manner similar to the current privilege license tax system. City staff anticipates the Business Permit system to be a seamless system which allows the City to gather new and updated data online, via mail, or in-person renewal and payment methods; and

WHEREAS, Based on current business activity, the City will oversee approximately 600 Business Permits and 750 Privilege Licenses (Taxicabs and Beer/Wine Sales), annually. There will be no permit fee charged; and

WHEREAS, Instituting the Business Permit system requires an ordinance to amend the Greensboro Code of Ordinances to eliminate references to the privilege license tax and enact a new Article for the Business Permit system; and

WHEREAS, Chapter 13 will be amended to remove all privilege license sections, with the exception of licensing taxi cabs and beer and wine sales, repeal Yard Sales, and combine open-air sales in the new Article V created for Business Permits; and

WHEREAS, Chapter 14.5, Chapter 20, and Chapter 26 will be amended to remove all references to the privilege license and replace them with references to the Business Permit.

NOW THEREFORE BE IT RESOLVED THAT the City of Greensboro, enabled by the State of North Carolina through General Statute 160A-194, does hereby amend the Greensboro Code of Ordinances to institute a business permit system for solicitors, panhandlers, peddlers, itinerant merchants, mobile food vendors, street performers, and massage businesses and amend Chapter 13 to remove references to the Privilege License Tax,

with the exception of taxi cabs and beer and wine sales, repeal Yard Sales, and combine open-air sales in the new Article V created for Business Permits, and institute a Business Permit system in Article V, and does hereby amend Chapter 14.5, Chapter 20, and Chapter 26 of the Greensboro Code of Ordinances to remove references to the Privilege License Tax and replace them with references to the Business Permit system.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Chapter 13 of the Greensboro Code of Ordinances is hereby amended to remove references to the Privilege License Tax, with the exception of taxi cabs and beer and wine sales, repeal Yard Sales, and combine open-air sales in Article V created for Business Permits, and institute a Business Permit system in Article V, and enacted to read as written in Attachment A.

Section 2. Chapter 14.5 of the Greensboro Code of Ordinances is hereby amended to remove references to the Privilege License Tax and replace them with references to the Business Permit system and enacted to read as written in Attachment B.

Section 3. Chapter 20 of the Greensboro Code of Ordinances is hereby amended to remove references to the Privilege License Tax and replace them with references to the Business Permit System and enacted to read as written in Attachment C.

Section 4. Chapter 26 of the Greensboro Code of Ordinances is hereby amended to remove references to the Privilege License Tax and replace them with references to the Business Permit system and enacted to read as written in Attachment D.

Section 5. If any section, phrase, sentence or portion of this ordinance is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 7. This ordinance becomes effective July 1, 2015.

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. 13-115—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.

(db) 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

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) Peddlers. 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 13-111.1(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, leaded 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 C o u n t y 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 u n l e s s 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 c o d e 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 f o r a n 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.

ATTACHMENT B

Chapter 14.5 - MASSAGE AND BODYWORK THERAPY

FOOTNOTE(S):

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Editor's note— Ord. No. 13-141, adopted Nov. 12, 2013, amended Ch. 14.5 in its entirety to read as set out herein. Former Ch. 14.5 pertained to similar subject matter and derived from Ord. No. 01-132, § 1, adopted June 5, 2001; Ord. No. 02-123, §§ 1, 2, adopted June 18, 2002.

ARTICLE I. - IN GENERAL

Sec. 14.5-1. - Declaration of purpose.

The City of Greensboro recognizes that the improper practice of massage and bodywork therapy is potentially harmful to the public. To protect public health, safety, welfare and morals the provisions and regulations of this chapter are ordained for the privilege of carrying on the businesses, trades, or professions wherein massage or other physical manipulation of the human body is carried on or practiced.

(Ord. No. 13-141, § 1, 11-12-13)

Sec. 14.5-2. - Definitions

(a) The following definitions shall apply in this chapter:

(1) Massage and bodywork therapy. Systems of activity applied to the soft tissues of the human body for therapeutic, educational, or relaxation purposes. The application may include:

a. Pressure, friction, stroking, rocking, kneading, percussion, or passive or active stretching within the normal anatomical range of movement.

b. Complementary methods, including the external application of water, heat, cold, lubricants, and other topical preparations.

c. The use of mechanical devices that mimic or enhance actions that may possibly be done by the hands.

This definition shall include by reference the definition of massage and bodywork therapy as defined in G.S. § 90-622 as amended.

(2) Massage and bodywork therapist or massagist. A person engaged in the practice of massage and bodywork therapy as defined above.

(3) Practice of massage and bodywork therapy. The application of massage and bodywork therapy to any person for a fee or other consideration. "Practice of massage and bodywork therapy" does not include the diagnosis of illness or disease, medical procedures, chiropractic adjustive procedures, electrical stimulation, ultrasound, prescription of medicines, or the use of modalities for which a license to practice medicine, chiropractic, nursing, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.

(Ord. No. 13-141, § 1, 11-12-13)

Sec. 14.5-3. - Prohibitions.

A person/licensee permittee shall not:

(1) Employ, contract with, or hire a person to carry on the practice of massage and bodywork therapy unless such employee, person contracted with, or person hired, has a current state massage and bodywork therapy

license issued pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes.

(2) Lease, rent, or otherwise knowingly allow the use of any premises by any person for the purpose of carrying on the profession or business of massage and bodywork therapy unless such lessee, renter, or user is in possession of a current state massage and bodywork therapy license issued pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes.

(3) Employ any person under the age of eighteen (18) years in the operation of a massage business.

(Ord. No. 13-141, § 1, 11-12-13)

ARTICLE II. - PRIVILEGE LICENSE BUSINESS PERMIT REQUIREMENTS

Sec. 14.5-4. - 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 privilege license tax 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 privilege tax business permit in the amount of one hundred dollars (\$100.00).

(c) Any person or entity applying for a business permit for a massage business privilege license prescribed herein shall be upon a form approved by the city manager and shall be filed with the city manager or his designee tax collector. Every such application shall be affirmed by the applicant and shall contain the following information:

(1) If the applicant is an individual, the name and residence address of such person. If the applicant is a business, corporation, LLC, LLP, or partnership, the name, residence address, and Social Security Number of all persons having any legal or beneficial interest in such applicant;

(2) The address of the premises where the massage business shall be located. Nothing in this subsection shall prevent a massagist employed by a licensed permitted massage business from performing massages on behalf of that business at locations removed from the physical premises where the massage business is licensed permitted;

(3) A complete statement of all convictions of any person(s) whose name(s) is (are) required to be given in paragraph (c)(1) above, of any crime involving sexual misconduct, including, but not limited to, G.S. §§ 14-177 through 14-202.1 (Article 26, Offenses Against Public Morality and Decency) and G.S. §§ 14-203 through 14-208 (Article 27, Prostitution), of section 46-172, or of any federal statute relating to prostitution, or of any violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage therapy;

(4) A complete statement of any revocation, by any governmental unit, of any license or permit to operate a massage business or to engage in the business or profession of massage held by any person(s) whose name(s) is (are) required to be given in paragraph (c)(1) above;

(5) A complete statement of any conviction or findings of any person(s) whose name(s) is (are) required to be given in paragraph (c)(1) above, for violation of any statute, law, ordinance, or regulation of any government concerning the operation of a massage business or the business or profession of massage;

(6) The name and address of any massage business or other establishment owned or operated by any person(s) whose name(s) is (are) required to be given in paragraph (c)(1) or profession of massage is carried on within the State of North Carolina;

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

(d) The city manager or his designee tax collector shall transmit a copy of the application to the police department for an investigative report; to planning department or other appropriate department to determine compliance with all zoning and building regulations and ordinances; and to the fire department to determine compliance with any law relating to fire protection. The police and fire departments and the inspections division shall, within a reasonable time, not to exceed thirty (30) days, report the results of their examinations to the city manager or his designee tax collector. An applicant who, consistent with zoning regulations, lawfully operates the massage business out of the applicant's home and who signs a written statement that the applicant will not perform massage within the home or allow the public to enter the home in connection with the massage business is not required to submit to a building or fire prevention inspection.

(e) Any person or entity applying for a business permit for a massage business privilege license shall also be required to submit with the license permit application their North Carolina Employer ID number and a list including the name, address, home telephone numbers and North Carolina driver's license number or picture ID issued by the North Carolina DMV of each and every employee, contract worker or hiree who is to perform massage or

bodywork therapy, and a copy of the current state massage and body work therapy license issued to each such employee, contract worker, or hiree pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes and further that the business licensee permittee shall immediately within fourteen (14) days notify the city manager or his designee tax collector of the City of Greensboro if and when such state license expires and is not immediately renewed, or is revoked, suspended, or otherwise terminated; further and in the case of license permit renewals, the applicant shall provide a list of all employees, contract workers and hirees who provided massage therapy on the business premises in the ninety (90) days immediately preceding the date of the application.

(f) During the course of the privilege license business permit year, and upon the written request of the city manager or his designee tax collector, licensees permittees will provide a complete and accurate update of the list required in, and by, paragraph (c) and (e) above, including all required information. Such update shall be received in the office of the city manager or his designee tax collector within fourteen (14) calendar days after the licensee permittee receives the written request for same.

(g) The application shall be approved if it is determined that:

(1) The application contains no misstatement of fact;

(2) All persons employed as massagists or who will perform massage hold a valid license to practice massage and bodywork therapy issued by the State of North Carolina;

(3) The applicant, or any person having any legal or beneficial ownership interest in the applicant is over the age of eighteen (18) years and has not been convicted of any crime involving sexual misconduct, including, but not limited to, G.S. §§ 14-177 through 14-202.1 (Article 26, Offenses Against Public Morality and Decency) and G.S. §§ 14-203 through G.S. 14-208 (Article 27, Prostitution), of section 46-172, or of any federal statute relating to prostitution, or of any violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage therapy within the previous ten (10) years;

(4) The proposed establishment conforms to all requirements of applicable zoning, building, and fire prevention codes; and

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

(h) Posting of license. Any massagist shall post the North Carolina State Massage and Bodywork Therapy License required by this article in his or her work area in a prominent place.

(i) Hours of operation. No business, corporation, LLC, LLP, partnership or individual licensed permitted under this article shall admit customers or prospective customers, or remain open for business, or allow, permit, or condone any massage or treatment of any person upon the premises between the hours of 11:30 p.m. and 5:00 a.m.

(j) No business, corporation, LLC, LLP, partnership or individual not licensed permitted or exempted under this chapter shall engage in any of the following:

(1) Practice of massage and bodywork therapy.

(2) Advertise, represent, or hold out himself or herself to others to be a massage and bodywork therapist.

(3) Use any title descriptive of any branch of massage and bodywork therapy to describe his or her practice.

(k) Exemption. Any person exempted from the requirement of a North Carolina Massage and Bodywork Therapy License under G.S. § 90-622 as amended is exempt from article II of this chapter.

(Ord. No. 13-141, § 1, 11-12-13)

ARTICLE III. - ENFORCEMENT

Sec. 14.5-5. - Fines and revocation.

(a) A license business permit issued pursuant to this chapter shall be issued a notice of violation if any of the following is determined:

(1) That the licensee permittee has violated any requirement of this chapter;

(2) That the licensee permittee, or any agent of the licensee permittee, employs or permits to be on the premises of the applicant's massage business any person practicing the business or profession of massage who has not been licensed by the State of North Carolina or who has not been issued the regulatory license permit required by this article, or whose license or permit under this article or under North Carolina General Statutes has been revoked or is currently suspended;

(3) That the licensee permittee violates any zoning, building, or fire prevention ordinance, or if exempted from building or fire prevention inspections, performs massage to a client or for a fee within the home or allows the public to enter the home in connection with the massage business;

(4) That any current employee of the licensee permittee is convicted of any felony in connection with his or her

employment, or is convicted of any crime involving sexual misconduct, including, but not limited to the laws indicated in subsection 14.5-4(g)(3) or is convicted or held responsible for any other governmental units' regulations of massages;

(b) Upon the second notice of violation within a twelve-month rolling period, the license business permit pursuant to this chapter shall be revoked. License Permit revocation shall precipitate and require closure of the business. The rights of the licensee permittee in the event of license permit revocation shall be the same as are spelled out in section 13-48193 of the Greensboro Code of Ordinances.

(c) A license permit issued pursuant to this chapter shall be revoked if any of the following is determined. The rights of the licensee permittee in the event of license permit revocation shall be the same as are spelled out in section 13-48193 of the Greensboro Code of Ordinances.

That the licensee permittee, or the legal or beneficial owner of any interest in the licensee permittee, is convicted of any crime involving sexual misconduct, including, but not limited to, the laws indicated in subsection 14.5-4(g)(3) or is convicted or held responsible for any other governmental units' regulations of massages;

(d) License Permit revocation shall precipitate and require closure of the business. Any licensee permittee licensed permitted under this chapter found in operation after revocation of license permit shall be subject to a fine of five hundred dollars (\$500.00) each day. License Permit revocation or operation without a license permit shall precipitate and require closure of the business and further require that no similar use be made of the property during the period of revocation and for six (6) months thereafter. All fines levied under this chapter are due within thirty (30) days of notice of the violation and fine.

(e) The civil penalties provided in this chapter are remedies enforceable by a civil action in the nature of a debt. No violation of this article shall constitute a misdemeanor as provided in G.S. § 14-4.

(f) Any enforcement actions taken by the City, including but not limited to notices of violation, revocations of privilege license, decision of the Zoning Administrator, decision of the or decision 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.

(Ord. No. 13-141, § 1, 11-12-13)

ATTACHMENT C

Chapter 20 - PEDDLERS, SOLICITORS, ETC.

FOOTNOTE(S):

--- (1) ---

Cross reference— Licenses, taxation, business permits and miscellaneous business regulations, Ch. 13; privilege license business permits on peddlers, § 13-104199; privilege license business permits on solicitors, § 13-111201; noise by peddlers, hawkers, etc., § 18-41; taking photographs on streets or sidewalks prohibited, § 26-21. (Back)

State Law reference— Regulation of solicitation campaigns and itinerant merchants authorized, G.S. § 160A-178. (Back)

ARTICLE I. - IN GENERAL

Sec. 20-1. - Begging or soliciting alms.

(a) Permitted. It shall be lawful to beg or solicit alms except in a manner set forth in subpart (b) of this section.

(b) Prohibited conduct while begging or soliciting alms. It shall be unlawful for any person to ask, beg, or solicit alms or contributions of money, food, or clothes, or exhibit oneself for the purpose of begging or soliciting alms or such contributions, by (i) accosting another, or (ii) forcing one-self upon the company of another.

(c) Definitions.

(1) For purposes of this section, "ask, beg or solicit" shall include, without limitation, the spoken, written or printed word, or such other acts as are conducted in furtherance of the purpose of obtaining alms or contributions of money, food, or clothing.

(2) For purposes of this section, "accosting" or "aggressive manner" shall be defined as:

a. Approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession, or otherwise be intimidated into giving money or other thing of value;

b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;

c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

- d. Using violent or threatening gestures toward a person solicited;
 - e. Following the person being solicited, with the intent of asking that person for money or other things of value;
 - f. Speaking in a volume unreasonably loud under the circumstances;
 - g. Soliciting money from anyone who is waiting in line for entry to a building or for another purpose.
- (3) For purposes of this section, "forcing one-self upon the company of another" shall be defined as (i) continuing to request, beg or solicit alms or contributions of money, food, or clothing in close proximity to the person addressed after the person to whom the request is directed has made a negative response; or (ii) blocking the passage of the person addressed; or (iii) otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.
- (4) For purposes of this section, "panhandling" shall be defined as 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. Asking or soliciting shall include 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.
- (5) For purposes of this section, "public place" shall be defined as a place where a governmental entity has title, and/or to which the public or a substantial group of persons has access, including, but not limited to any street, highway, parking lot, plaza, restaurant, theatre, transportation facility, licensed vendor location, school, place of amusement, park, or playground.
- (6) For purposes of this section, "financial institution" shall be defined as any banking corporation, credit union, foreign exchange office, check cashing business, or other financial business.
- (7) For purposes of this section, "automated teller machine" shall be defined as a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
- (8) For purposes of this section, "automated teller machine facility" shall be defined as the area comprised of one (1) or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.
- (d) Severability. If any portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.
- (Code 1961, §§ 13-1, 13-2; Ord. No. 93-149, § 1, 12-20-93; Ord. No. 04-84, § 2, 6-15-04)
- State law reference— Regulation of begging, G.S. § 160A-179.
- Secs. 20-2—20-15. - Reserved.

ARTICLE II. - PEDDLERS, TRANSIENT VENDORS, ETC.

Sec. 20-16. - 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:

Panhandler means any person 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. Asking or soliciting shall include 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.

Peddler means any person who transports goods from place to place and sells or exposes the goods for sale, or who, without traveling from place to place, sells or offers for sale any goods from any vehicle or device; provided, that any person who separates the acts of sale and delivery for the purpose of evading the provisions of this article shall be deemed a peddler.

Solicitor means any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance.

Transient vendor means any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any premises; provided that no person shall be relieved from complying with the provisions of this article merely by conducting a transient business in association with any permanently established merchant.

(Code 1961, § 11-107(a); Ord. No. 04-84, § 2, 6-15-04)

Sec. 20-17. - Exemptions.

The provisions of this article shall not apply to bona fide members of charitable, religious, civic, or fraternal organizations which are exempt from the payment of privilege licenses business permits, and who receive no compensation of any kind for their services.

(Code 1961, § 11-107(d))

Sec. 20-18. - Registration.

(a) Any person doing business in the city as peddler, solicitor, or transient vendor shall file with the chief of police, on a form to be provided for that purpose, a statement setting forth:

- (1) The name of his company, if applicable, or his name.
- (2) The company's address or his address.
- (3) The goods to be sold or offered for sale, or the type of services to be rendered.
- (4) The period during which the business will be conducted.
- (5) The name of the supervisor, if applicable.
- (6) The address of the supervisor, if applicable.
- (7) The name of each solicitor or agent who will be in the city during the period of operation and his color, sex, height, weight, and distinguishing characteristics, if any.
- (8) The total number of persons in the crew, if applicable.
- (9) A description of each automobile or other vehicle to be used in the business, showing the make, model, body style, color and license number.

(b) Any person begging or soliciting alms for personal gain shall file with the chief of police, on a form to be provided for that purpose, a statement setting forth:

- (1) The person's name;
- (2) The person's address;
- (3) The person's date of birth and state and country of birth;
- (4) A description of the person's automobile, including the VIN number and state of registration, make, model, body style, color and license number; and
- (5) The person's drivers license number or NCDMV identification number.

(Code 1961, § 11-107(b); Ord. No. 04-84, § 2, 6-15-04)

Sec. 20-19. - Orders.

All orders taken by licensed permitted solicitors of whom a bond is required shall be reduced to writing showing the terms of the order and the amount paid in advance, and one (1) copy of such written order shall be given to the purchaser.

(Code 1961, § 11-107(c))

Sec. 20-20. - Prohibited conduct.

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.

Secs. 20-20 21—20-45. - Reserved.

ARTICLE III. - CHARITABLE, ETC., SOLICITATIONS

DIVISION 1. - GENERALLY

Sec. 20-46. - Reports.

The city clerk may require from any permittee under this article any reports or information at any time and at such intervals as in the discretion of the city clerk shall be necessary for the successful administration of the provisions of this article and the protection of the health, life and property of the citizens of the city.

(Code 1961, § 13-2.1(e))

Sec. 20-47. - Revocation.

If, upon receipt of written information or upon investigation, the city clerk shall find that any agent or representative of a permittee under this division is misrepresenting or making untrue statements with regard to solicitation, or has made untrue statements in the application, or that in any other way the solicitation has been conducted or is being conducted in a manner inimical to the protection of the health, life and property of the citizens of the city and not in conformity with the intent and purpose of this section, or representing in any way that any permit granted hereunder is an endorsement of such solicitation, then it shall be the duty of the city clerk to revoke the permit.

Before any permit is revoked, the city clerk shall give the permittee twenty-four (24) hours' notice in writing that a hearing is to be had; and that at the hearing the city clerk shall ascertain the facts and, if any reasons set forth for revoking the permit are found to exist, the permit shall be revoked. Any person denied a permit or whose permit has been revoked by the city clerk may appeal to the city council.

(Code 1961, § 13-2.1(f))

Secs. 20-48—20-60. - Reserved.

DIVISION 2. - PERMIT

Sec. 20-61. - Required.

(a) It shall be unlawful for any person or for any agent, member or representative thereof, directly or indirectly, to solicit property or financial assistance of any kind, to sell or offer to sell any article, tag, service emblem, publication, ticket, advertisement, subscription or anything of value, on the plea or the representation that such sale or solicitation, or the proceeds thereof, is for a charitable, educational, patriotic or philanthropic purpose, on the streets, in any office or business building, by house to house canvass, or in any other public or private place, by telephone, personal solicitation, by mail, or in any other way, in the city unless such person shall have first duly secured a permit pursuant to this division.

(b) The provisions of subsection (a) shall not apply to any established society, association or corporation that is organized and operated exclusively for educational, philanthropic, benevolent, fraternal, charitable or reformatory purposes, not operated for pecuniary profit, where no part of the net earnings of which inure to the benefit of any person, private shareholder or individual, and where the solicitation of such organization shall be conducted solely among the members thereof by other members or officers thereof, voluntarily and without remuneration for such solicitation or where such solicitation may be in the form of collections or contributions at the regular exercises or services of any church, religious society, lodge, benevolent order or fraternity or similar organizations, or of any branch thereof.

(c) Subsection (a) does not apply to:

(1) Any person who solicits charitable contributions for a religious purpose or on behalf of a person established for a religious purpose shall not be required to apply for a permit.

(2) Solicitation of charitable contributions by federal, state or local government, or any agency thereof.

(Code 1961, § 13-2.1(a))

Sec. 20-62. - Application.

A written application for the permit required by this division shall be sworn to and filed with the city clerk. The application shall contain the following information:

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

(2) Names and addresses of its principal officers and management.

(3) The purpose for which any receipts derived from such solicitation are to be used.

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

(5) The name and address of the person or persons who will be in direct charge of conducting the solicitation.

(6) An outline of the method or methods to be used in conducting the solicitation.

(7) The time when such solicitation shall be made, giving the proposed dates for the beginning and ending of such solicitation.

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

(9) A financial statement for the last preceding fiscal year of any funds collected for the purposes for which a permit is required by this division by the organization or persons seeking a permit for such solicitation. The statement shall give the amount of money so raised, together with the cost of raising it and the final determination thereof.

(10) If any permit is required under the Charitable Solicitations Act [G.S. Ch. 131C]; a copy of the permit.

(11) A full statement of the character and extent of the charitable, educational or philanthropic work being done by the applicant organization within the city.

(12) Such other information as may be required by the city clerk in order to fully determine the kind, character and worthiness of the proposed solicitation and as to whether or not such solicitation is in the interest of protecting the health, life and property of the citizens of the city and in the interest of preserving and enforcing good government and for the security of the city and its inhabitants.

(Code 1961, § 13-2.1(b))

Sec. 20-63. - Investigation and issuance.

Upon receipt of a completed application for the permit required by this division, the city clerk shall make or cause

to be made such investigation as he shall deem necessary in regard thereto in order to determine that such proposed solicitation is, in fact, to be conducted for worthy charitable, educational, philanthropic or patriotic purpose, and that the proceeds from such solicitation shall be so used, and if the city clerk shall be satisfied that the cause for which such solicitation is to be made is, in fact, for a worthy charitable, educational, patriotic or philanthropic purpose and that the proceeds derived from such solicitation will be used for such purpose and that such solicitation is not promoted or conducted primarily for the private profit of its promoters, and that such solicitation will not be incompatible with the protection of health, life and property of the citizens of the city, then the city clerk shall approve such application and shall issue a permit to such applicant for the proper period.

(Code 1961, § 13-2.1(c))

Sec. 20-64. - Expiration; renewal and transfer.

(a) The city clerk shall determine from the application for the permit required by this division and from such facts as may be developed in connection with the permit application the period for which such permit shall be approved and granted. Such period shall not exceed three (3) calendar months, however upon further application, information or reports as may be deemed to safeguard the interest of the public and carry out the purposes of this section, the city clerk may renew and extend such permit for additional periods, not to exceed three (3) calendar months.

(b) Any permit issued under this division shall be nontransferable; provided, however, that a permittee may use any number of solicitors and representatives as shall be reported to the city clerk.

(Code 1961, § 13-2.1(d))

ARTICLE IV. - PERSONS BEGGING OR SOLICITING ALMS FOR PERSONAL GAIN

FOOTNOTE(S):

--- (2) ---

Cross reference— Begging or soliciting alms, § 20-1. (Back)

Sec. 20-65. - Intent.

The purpose of this article is to require the registration and permitting of street peddlers, beggars and charitable solicitors who attempt to solicit sales or contributions for their own personal gain from occupants of vehicles and pedestrians on certain streets and sidewalks within the City of Greensboro, and to thereby regulate and ensure the safety of vehicular and pedestrian traffic flow and to promote roadway safety and sidewalk safety. The provisions of this article shall not apply to bona fide members of charitable, religious, civic or fraternal organizations which are exempt from the payment of privilege licenses business permits and who receive no compensation of any kind for their services. Those persons excluded under the provisions of article III, section 20-61(b) and (c) are excluded from the provisions of this article.

(Ord. No. 03-81, § 1, 4-15-03)

Sec. 20-66. - Registration and privilege license business permit required.

No person shall sell, or offer for goods for sale, or solicit contributions for their own personal benefit or engage in any other form of commercial speech in the City of Greensboro unless such persons have previously registered therefore and obtained the panhandler privilege license business permit required under section 13-31181 and section 13-102.1 of the Greensboro Code of Ordinances.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 06-119, § 1, 6-6-06)

Sec. 20-67. - Privilege license Business Permit procedures.

(a) Applications for panhandler privilege licenses business permits from individuals under this article shall be submitted to the office of the city manager or his designee tax collector on forms provided by the office of the city manager or his designee tax collector. The applicant shall submit an application 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. Thereafter, any panhandler privilege license business permit issued shall be valid until the end of the fiscal year in which said license permit was issued or for such other period as may be specified on the license certificate permit or until information is discovered that causes the licensee permittee, in the opinion of the city manager or his designee tax collector, to become disqualified. In such instances of disqualification any panhandler privilege license business permit having been issued shall be revoked by the city manager or his designee tax collector.

(b) Upon receipt of information or reports of violation of this article or other disqualifying events as set forth in section 20-71 or 20-72, the city manager or his designee tax collector may refuse to issue, refuse to renew or may revoke privilege licenses business permits as deemed necessary to safeguard the interest of the public and to carry out the purposes of this article, which are to promote public safety and convenience on the streets and sidewalks of the City of Greensboro.

(c) Any panhandler privilege license business permit issued under this article shall be nontransferable.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 06-119, § 2, 6-6-06; Ord. No. 10-120, § 1, 8-17-2010)

Sec. 20-68. - Time.

Any person who begs or solicits alms for his or her own personal gain after sunset or before sunrise is guilty of a misdemeanor. Any person who begs or solicits alms for his or her own personal gain in a school zone during the time of arrival of students at the beginning of the school day and/or during the time of departure of students at the end of the school day is guilty of a misdemeanor.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04)

Sec. 20-69. - Place.

Any person who begs or solicits alms for his or her personal gain when the person is in any of the places listed below is guilty of a misdemeanor:

- (1) At any bus or train stop;
- (2) In any public transportation vehicle, facility, transit stop or taxi stand;
- (3) In any vehicle on the street; or
- (4) On private property, unless the person has written permission from the owner of the property to beg or solicit alms on the property; or
- (5) Within three hundred (300) feet of or in any public or private school property, which shall include, but not be limited to, primary and secondary educational facilities, job training or continuing educational facilities, or any daycare or childcare facility.
- (6) On any sidewalk adjacent to a motion picture theatre, outdoor theatre or palladium, any valid licensed vendor location, or where a line of patrons has formed.
- (7) Within one hundred (100) feet of the property of any financial institution, or any automated teller machine. Financial institution as used in this section means any bank, trust company, savings and loan association, credit union, check-cashing business, any other entity principally engaged in the business of lending or receiving or soliciting money on deposit; or
- (8) Within twenty (20) feet of the entrance to any commercial establishment or private residence; or
- (9) In any parking, deck, garage or surface parking lot, or within twenty (20) feet of the entrance and exits of these areas, or within twenty (20) feet of any parking meter or parking kiosk; or
- (10) Upon any street or highway which shall include the main traveled portion of such streets or highways, shoulders, curbs, medians, marked or unmarked crosswalks, and right-of-way areas adjacent to and outside of the main traveled portion of streets or highways, not including sidewalks; or
- (11) Within one thousand (1,000) feet of any off-ramp, on-ramp, exit, entrance, merging lanes or interchange for any numbered U.S. highway or interstate, including upon sidewalks, shoulders, curbs, medians, marked or unmarked crosswalks and rights-of-way.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 09-160, § 1, 9-15-09; Ord. No. 10-38, § 1, 4-6-10; Ord. No. 10-47, § 1, 5-4-10; Ord. No. 12-107, § 1, 9-18-12)

Sec. 20-70. - Manner.

Any person who begs or solicits alms for his or her own personal gain in any of the following manners is guilty of a misdemeanor:

- (1) By coming within three (3) feet of the person being solicited, until that person has clearly indicated that he or she wants to make a donation;
- (2) By blocking the path of the person being solicited along a sidewalk or street;
- (3) By following the person being solicited after they have walked away;
- (4) By using profane or abusive language, either during the solicitation, or following a refusal;
- (5) By soliciting in a group of two (2) or more people; or
- (6) By any statement, gesture, or other form of communication by which a reasonable person in the situation of the person solicited would perceive to be a threat.
- (7) While under the impairing influence of any drug, alcohol, chemical or controlled substance; or

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 12-107, § 2, 9-18-12)

Sec. 20-71. - False or misleading solicitation.

(a) Any person who knowingly makes any false or misleading representation in the course of soliciting a donation or begging for alms is guilty of a misdemeanor. False or misleading representations include, but are not limited to, the following:

- (1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
- (2) Stating that the donation is needed to meet a need which does not exist;

- (3) Stating the solicitor is from out of town and stranded when that is not true;
 - (4) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
 - (5) Wearing or displaying an indication of physical or mental disability, when the solicitor does not suffer the disability indicated;
 - (6) Use of any makeup or device to simulate any deformity; or
 - (7) Stating that the solicitor is homeless, when he or she is not.
- (b) Any person who solicits a donation stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is guilty of a misdemeanor.
- (c) This section establishes a single offense. Evidence, which establishes that the defendant violated the section, is sufficient for conviction and need not establish which subdivision was violated.

(Ord. No. 03-81, 4-15-03)

Sec. 20-72. - Privilege license Business Permit required.

- (a) No person shall beg or solicit alms for personal gain without first registering and obtaining a panhandler privilege license business permit issued by the tax department. A person who has registered and who has been issued a panhandler privilege license business permit shall keep it displayed on his or her chest, hanging from a lanyard or clipped to their garment, so that the name, type of license permit and date of expiration is visible at all times while begging or soliciting alms for personal gain and shall show it to any law enforcement officer or the city manager or his designee tax collector immediately upon request. No person whose panhandler's privilege license business permit has been revoked shall beg or solicit alms for a period of two (2) years following the date of the revocation. Any person who violates this subsection is guilty of a misdemeanor.
- (b) The city manager or his designee's tax collector's office shall issue a panhandler privilege license business permit, without fee, to any eligible person (a person shall be deemed eligible once they demonstrate, to the satisfaction of the city manager or his designee tax collector, their ability to satisfy the requirements for licensure as are spelled out in this chapter) who comes to the city manager or his designee's tax collector's office and presents a picture identification issued by NCDMV and one (1) other form of identification.
- (c) A person is not eligible for a panhandler privilege license business permit or renewal of a panhandler privilege license business permit if:
- (1) The city manager or his designee 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 within a period of five (5) years preceding the application for permit;
 - (2) The city manager or his designee 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 within a period of five (5) years preceding the application for permit where each offense involved an assault, communicating a threat, illegal use of a weapon or other act of violence or attempted violence which in North Carolina is classified for sentencing purposes as a class E felony or below, including a misdemeanor, or constitutes an offense in another jurisdiction which is a substantially equivalent offense to a class E felony or below, including a misdemeanor, in North Carolina; or
 - (3) The city manager or his designee tax collector has received information from the executive officer to the chief of police that the person has been convicted of one (1) or more offenses within a period of ten (10) years preceding the application for permit where the offense(s) involved an assault, communicating a threat, illegal use of a weapon or other act of violence or attempted violence which are classified for sentencing purposes as a class D felony or above in North Carolina or, for offenses occurring in other jurisdictions, constitutes offense(s) substantially equivalent to a class D felony or above in North Carolina; or
 - (4) The city manager or his designee tax collector has received information from the executive officer to the chief of police that the person has been convicted of one (1) or more offenses of homicide under G.S. § 14-17 or, for offenses occurring in other jurisdictions, constitutes offense(s) substantially equivalent to homicide under G.S. § 14-17, within a period of twenty (20) years preceding the application for permit; or
 - (5) The person otherwise does not qualify for a privilege license business permit in accordance with this chapter.
- (d) The panhandler privilege license business permit shall display the essential rules and regulations of this chapter. Such rules shall serve as a compliance guide for the licensee permittee.
- (e) Any person who makes any false or misleading statement while applying for a panhandler's privilege license business permit under this chapter is guilty of a misdemeanor. Upon receipt of information of such a violation, the city manager or his designee tax collector shall decline to issue a privilege license business permit to the offending applicant or shall revoke the license permit of the offending licensee permittee.
- (f) If a person applies for or is issued a privilege license business permit under this chapter and the city manager or his designee tax collector receives information that the person has violated any provision of this chapter, the

city manager or his designee tax collector shall decline to issue or shall revoke, respectively, that person's privilege license business permit for a period of two (2) years.

(g) If the city manager or his designee tax collector refuses to issue a privilege license business permit under this article, or revokes a privilege license business permit issued under this article, the person to whom the license permit is refused or revoked may appeal the decision of the city manager or his designee tax collector following the procedures described in subsections 13-48193(c) and (d).

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 06-119, § 3, 6-6-06; Ord. No. 10-120, § 2, 8-17-2010; Ord. No. 10-137, § 1, 9-7-10; Ord. No. 12-107, § 3, 9-18-12)

Sec. 20-73. - Violations.

Any violation of this article shall be a misdemeanor and may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. § 14-4 or G.S. § 160A-175. A police officer observing a violation of this article shall confiscate the panhandler privilege license business permit and return it to the tax department. The licensee permittee may appear before the city manager or his designee tax collector and show cause, to the satisfaction of the city manager or his designee tax collector, why the license permit should not be revoked.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 06-119, § 4, 6-6-06)

Sec. 20-74. - 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, decision of the or decision 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.

ATTACHMENT D

Chapter 26 - STREETS AND SIDEWALKS

ARTICLE III. - SIDEWALK OR DRIVEWAY CONSTRUCTION OR REPAIRS

DIVISION 2. - PERMIT

Sec. 26-86. - Required.

No sidewalk or driveway shall be laid, except under contract with the city, without a permit therefor.

(Code 1961, § 18-31)

Sec. 26-87. - Application.

Before any sidewalk or driveway on any street is laid by any property owner, the contractor therefor shall file with the permit clerk a written application for the construction of such sidewalk or driveway. Such application shall show the name of the owner of the property abutting such proposed sidewalk or driveway, the location and extent thereof, and the name of the contractor who proposes to construct it.

(Code 1961, § 18-33)

Sec. 26-88. - Persons eligible.

No permit for the construction of any sidewalk or driveway shall be issued except to a person licensed under the provisions of chapter 13 and bonded as required by ordinance.

(Code 1961, § 18-32)

Sec. 26-89. - Fee.

Before the permit required by this division is issued, there shall be paid by the contractor a fee therefore as follows:

(1) For each driveway, seventy-five dollars (\$75.00).

(2) For a sidewalk:

a. The minimum charge is three dollars (\$3.00).

b. If the sidewalk has an area of over forty (40) but not over one hundred (100) square yards, the fee is ten cents (\$0.10) per square yard.

c. If the sidewalk has an area of over one hundred (100) square yards, the fee is five cents (\$0.05) per square yard.

(Code 1961, § 18-34; Ord. No. 94-18, § 1, 4-18-94; Ord. No. 13-91, § 1, 6-18-13; Ord. No. 14-084, § 1, 6-17-14)

Secs. 26-90—26-105. - Reserved.

ARTICLE VII. - STREET SHOWS, EXHIBITIONS, ETC.

FOOTNOTE(S):

--- (4) ---

Charter reference— Exhibition show privilege license, § 13-88. (Back)

DIVISION 1. - GENERALLY

Sec. 26-196. - Definition.

In this article "exhibition show" has the meaning assigned to it in section 13-88. 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.

(Code 1961, § 12-90.1(A))

Sec. 26-197. - Sponsor of the show to be nonprofit organization.

No permit shall be issued under this article unless the exhibition show is totally sponsored by a nonprofit organization conducting the exhibition show for charitable, cultural, religious or civic purposes. No sale of arts, crafts or other tangible items shall be permitted within the street or sidewalk area except under the auspices and control of the organization receiving the permit. Such organization shall be fully responsible for compliance with rules, regulations and ordinances of the city with respect to the exhibition show being conducted pursuant to a permit issued.

(Code 1961, § 12-90.1(B))

Sec. 26-198. - Times allowed.

No person may conduct or otherwise participate in an exhibition show except between 7:00 a.m. and 11:00 p.m.:

(1) Provided however, that set-up and/or break-down activities may occur outside these hours subject to the restrictions concerning unnecessary loud, and disturbing noises as set forth in section 18-41

(2) Provided further that the city manager may extend the times allowed by this section pursuant to the following criteria:

- a. The proximity of the show to residential structures;
- b. The nature of the use and zoning of the area;
- c. Nature of any noise or traffic to be produced;
- d. The need of city streets or property for other uses;
- e. Availability of fire and police protection;
- f. Availability of sanitation and clean-up for the extended hours;
- g. Other activities or events in the vicinity.

(3) The extension of hours may be upon such reasonable terms and conditions as determined by the manager.

(Code 1961, § 12-90.1(A); Ord. No. 04-25, § 1, 2-17-04; Ord. No. 05-178, § 1, 8-16-05)

Sec. 26-199. - Duration.

Where the exhibition show is to be conducted pursuant to a permit issued under this division, such exhibition show may not extend for more than seven (7) successive days without an intervening period of at least one (1) week.

(Code 1961, § 12-90.1(F))

Sec. 26-200. - Traffic regulations.

It shall be unlawful to operate or leave parked any motorized vehicle of any type, including motorcycles and minicycles, upon any street or public vehicular area wherein an exhibition show is conducted pursuant to permit issued under this article without the express permission of the person in direct charge of the exhibition show.

(Code 1961, § 12-90.1(G))

Secs. 26-201—26-210. - Reserved.

ARTICLE VIII. - SELLING ON STREETS AND SIDEWALKS

DIVISION 2. - MOBILE FOOD VENDORS

FOOTNOTE(S):

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Editor's note— Ord. No. 12-131, § 1, adopted Nov. 7, 2012, changed the title of Div. 2 from "Pushcart sales" to "Mobile food vendors".

Sec. 26-231. - Mobile food vendor sales.

It shall be lawful for mobile food vendors to sell or offer for sale food or beverages only under the conditions set forth herein.

(Ord. No. 11-78, § 1, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Editor's note—

Ord. No. 11-78, § 1, adopted May 3, 2011, amended § 26-231 in its entirety to read as set out herein. Formerly, said section pertained to pushcart sales in the downtown business district. See the Code Comparative Table.

Sec. 26-232. - Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the content clearly indicates another meaning:

Beverages shall mean drinkable, nonalcoholic liquids prepared for immediate human consumption and may be served only in cans, Styrofoam or plastic cups.

Canopy shall mean an umbrella that is attached to the pushcart.

Food shall mean food prepared for immediate human consumption, including condiments and prepackaged foods, all as allowed by the North Carolina Department of Human Resources, Division of Health Services.

Mobile food unit shall mean a vehicle-mounted, vehicle-towed, or vehicle-carried, food service establishment designed to be readily moved and which is defined in 15A NCAC 18A.2601.

Mobile food vendor shall mean 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, vehicle-towed or vehicle-carried food service establishment designed to be readily moved and shall be either a motorized mobile food vendor, pushcart mobile food vendor, nonprofit on-premises mobile food vendor, or a nonprofit off-premises mobile food vendor.

Motorized mobile food vendor shall mean 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 food unit" as defined in 15A NCAC 18A.2601.

Nonprofit on-premises mobile food vendor shall mean a nonprofit organization, as defined in the Greensboro Code of Ordinances section 13-49194, which conducts or permits mobile food vendor sales within the real estate owned by their not-for-profit organization or conducts or permits sales within the principal place of business of their nonprofit organization.

Nonprofit off-premises mobile food vendor shall mean a nonprofit organization, as defined in the Greensboro Code of Ordinances section 13-49194, which conducts or permits mobile food vendor sales outside the real estate owned by their not-for-profit organization or conducts or permits sales outside the principal place of business of their nonprofit organization.

Pushcart shall mean any mobile piece of equipment or vehicle from which a pushcart mobile food vendor conducts sales and is defined in 15A NCAC 18A.2601.

Pushcart mobile food vendor shall mean 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 foods and/or beverages exempt from health department regulations.

Vendor shall mean a person who hawks, peddles, sells or offers for sale food.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 1, 6-17-08; Ord. No. 11-78, § 2, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-233. – Mobile Food Vendor Permit required.

It shall be unlawful for any mobile food vendor to sell, or offer for sale, any food or beverage without first obtaining a mobile food vendor permit pursuant to this section from the city manager, or his/her designee.

All mobile food vendors shall maintain permits required by the Guilford County Health Department or the applicable health department of the resident county of the mobile food vendor, and comply with all North Carolina Department of Human Resources, Division of Health Services regulations.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 2, 6-17-08; Ord. No. 11-78, § 3, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-234. – Mobile Food Vendor Permit application.

The mobile food vendor permit required shall be issued only after the issuance of an appropriate license business permit in accordance with chapter 13 of this Code. Application shall be accompanied by payment of a fifty-dollar (\$50.00) permit fee annually for each mobile food vendor, motorized or mobile food vendor, pushcart for which the permit is sought.

The application for a mobile food vendor permit shall include:

- (1) The name, home and business address of the applicant, the name and address of the owner of the vending business, or of the pushcart to be used in the operation of the vending business if other than the applicant;
- (2) A description of the types of food and beverages to be sold;
- (3) A description (including the size) and a photograph of any pushcart, trailer, or vehicle to be used in the operation of the business, including, if applicable, the license and registration number of any vehicle used in the operation of the business to restock or transport a pushcart;
- (4) Two (2) prints of a full-face photograph, taken not more than thirty (30) days prior to the date of the application of any person who will sell or offer for sale any food or beverage within the city;
- (5) A copy of any approval required by the Guilford County Health Department pursuant to the rules governing the sanitation of restaurants and other food handling establishments, 10 NCAC ch. 10, subch. 10A, and any other approval required by a governmental unit for the preparation and service of food;

(6) Proof of an insurance policy, issued by an insurance company licensed to do business in the State of North Carolina, protecting the permittee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city. Such insurance shall afford minimum limits of one hundred thousand dollars (\$100,000.00) per person bodily injury, three hundred thousand dollars (\$300,000.00) per occurrence bodily injury, and twenty-five thousand dollars (\$25,000.00) per occurrence property damage.

All items listed in the mobile food vendor permit application are required annually for renewal of permit.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 3, 6-17-08; Ord. No. 11-78, § 4, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-235. - Issuance of mobile food vendor permit.

Not later than thirty (30) days after the filing of a completed application for a mobile food vendor permit, the applicant shall be notified by the city manager, or his designee, of the decision on the issuance or denial of the permit. The manager, or his designee, shall consider the standards set forth in this chapter in determining whether to grant a permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application, and the mobile food vendor permit fee, in excess of twenty-five dollars (\$25.00) shall be refunded. Mobile food vendor Permits issued pursuant to this section shall be for a twelve-month period and shall expire on June 30, except if the mobile food vendor permit is issued after the expiration of seven (7) eight (8) months of the current fiscal year, the permittee shall be required to pay one-half the fee prescribed. No permit fee shall be abated, nor shall a refund of any part thereof be made, in any case where the permittee discontinues his business before the end of the period for which the permit was issued. The original license business permit and decal shall be displayed at all times during the operation of the vending business where it can be inspected at any time by any proper city official. Licenses Business permits and decals are non-transferable.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 90-110, § 1, 8-16-90; Ord. No. 08-179, § 4, 6-17-08)

Sec. 26-236. - Prohibited conduct.

No mobile food vendor shall:

- (1) Vend within three hundred (300) feet of any church, while such church is holding a religious service.
- (2) Vend on any paved or traveled portion of a street or on any sidewalk where vending is otherwise prohibited or located in any city-owned parking space, or any handicapped space, fire lane, or loading area; or any grass or landscaped area, except that pushcart mobile food vendors shall be permitted on sidewalks adjacent to and upon property zoned central business, "CB".
- (3) Vend between the hours of 3:00 a.m. and 7:00 a.m. of the following day.
- (4) Leave any pushcart or mobile food unit unattended on a city right-of-way or street.
- (5) Store, park or leave any pushcart or mobile food unit overnight on any right-of-way or sidewalk.
- (6) Sell food or beverages for immediate consumption unless the vendor has available for public use their own, or a public, litter receptacle which is adequate and available for the vendor's patron's use and being no more than ten (10) feet distant from the pushcart or mobile food unit.
- (7) Leave any location without first picking up, removing and disposing of all trash or refuse including products spilled on the sidewalk within twenty (20) feet of the push cart location.
- (8) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the pushcart except that pushcart mobile food vendors may place hand-squeezed lemonade/orangeade manufacture and sales on the top surface of a single cooler.
- (9) Set up, maintain or permit the use of any table, crate, carton, rack, or any other device to increase the selling or display capacity of the pushcart.
- (10) Solicit or conduct business with persons other than pedestrians.
- (11) Sell anything other than that which the vendor is licensed permitted to vend.
- (12) Sound or permit the sounding of any device which produces noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public. All mobile food vendors shall be subject to and comply with the standards of the City of Greensboro Noise Ordinance, "Offenses of Unreasonable or Disturbing Sound", the City of Greensboro Outdoor Lighting Ordinance and other applicable City of Greensboro rules and regulations.
- (13) Vend without the insurance coverage specified in this article.
- (14) Violate any federal, state, county or city law or regulation that pertains to food, beverages or the preparation or selling thereof.
- (15) No vendor selling from a pushcart shall:
 - a. Vend within ten (10) feet of an entranceway to any building or fifty (50) feet from an open business.

- b. Vend within fifty (50) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway or of any alley.
- c. Vend within ten (10) feet of the crosswalk at any intersection.
- d. Vend within twenty (20) feet of any bus stop sign.
- e. Vend within ten (10) feet of any fire hydrant or fire escape.
- f. Allow the pushcart or any other item to rest upon, against or hang from any building or structure lawfully placed on public property, without the owner's permission.
- g. Vend within one hundred (100) feet of any other pushcart.
- h. Vend within fifty (50) feet of a sidewalk café that is open.
- i. Pour waste products, (including hot water and drainage from coolers) down a storm drain.

(16) Provided further, it shall be unlawful for any person to maintain any pushcart upon any right-of-way or sidewalk which impedes, endangers, or interferes with the travel upon or use of the right-of-way or sidewalk. In the event it becomes necessary for the regulation of traffic or the safety or convenience of pedestrians, any law enforcement officer of the city may direct vendors to move to another location. No person may refuse to comply with a lawful order of a law enforcement officer when the order is given under the authority of this section.

(17) No vendor selling from a mobile food unit shall:

- a. Vend within fifty (50) feet of the main entrance of a restaurant during the restaurant's business hours, unless the restaurant gives written permission to the vendor.
- b. Vend within five (5) feet from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit or emergency call box.
- c. Vend within ten (10) feet of any fire hydrant or fire escape.
- d. Pour waste products, (including hot water and drainage from coolers) down a storm drain.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 93-30, 4-1-93; Ord. No. 97-189, § 2, 11-18-97; Ord. No. 04-230, § 1, 11-22-04; Ord. No. 08-179, § 5, 6-17-08; Ord. No. 11-78, § 5, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-237. - Size requirements.

Pushcarts that operate on sidewalks or pedestrian walkways shall not exceed forty two (42) inches in width and seventy-seven (77) inches in length (hitch is included in length). No pushcart, exclusive of the canopy, shall exceed sixty (60) inches in height, nor shall any canopy be less than seventy-eight (78) inches in height at its lowest point nor ninety (90) inches in height at its highest point.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 6, 6-17-08; Ord. No. 13-35, § 1, 2-5-13)

Sec. 26-238. - Safety requirements.

All mobile food vendors shall comply with the following requirements:

- (1) All equipment installed shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
- (2) All utensils shall be stored in a manner to prevent their being hurled about in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided by the vendor to avoid loose storage of knives and other sharp or bladed instruments.
- (3) Compressors, engines, generators, batteries, battery chargers, gas-fueled water heaters, and similar equipment installed on a pushcart and used in the storage, preparation or vending of food shall be installed so as to be accessible from outside the pushcart.
- (4) All health rules and regulations in 10 NCAC ch. 10, subch. 10A as amended, or as otherwise required by law.
- (5) Leave five (5) feet of unobstructed sidewalk for pedestrian passage. All applicable regulations pursuant to the Americans with Disabilities Act must be met.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 7, 6-17-08; Ord. No. 11-78, § 7, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-239. - Not-for-profit exemption.

Nonprofit on-premises mobile food vendors shall be exempt from sections 26-233, 26-234 and 26-235 of Greensboro Code of Ordinances and those vendors permitted by these nonprofits shall be exempt as well at the premises of the nonprofit.

Nonprofit off-premises mobile food vendors shall be exempt only from the fee in section 26-234 sections 26-233, 26-234 and 26-235 of Greensboro Code of Ordinances.

(Ord. No. 11-78, § 9, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-240. - Vendor's permit not required.

Mobile food vendors who sell within a special event venue as defined in the Greensboro Code of Ordinances section 26-247 are exempt from the requirements of this division.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-241. - Wholesale delivery.

The provisions of this division shall not be construed to prohibit the wholesale or delivery of products to stores or markets.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 11-78, § 10, 5-3-11)

Sec. 26-242. – Mobile Food Vendor Permit denial, suspension and revocation.

Any mobile food vendor's mobile food vendor permit may be denied, suspended or revoked for fraud or misrepresentation in the application for the permit or in the conduct of the business, for conduct of the business in such a manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare, or morals, or for conduct which is contrary to the provisions of this division. Any mobile food vendor whose permit is denied, suspended or revoked pursuant to this section shall not be granted a new permit for a period of thirty (30) days for the first offense and twelve (12) months for the second offense.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 11-78, § 11, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-243. - Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed two hundred dollars (\$200.00), or by imprisonment for a period not to exceed thirty (30) days, or a combination of any of the penalties listed.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 8, 6-17-08)

DIVISION 3. - SIDEWALK CAFES

Sec. 26-244. - Downtown sidewalk cafes.

(a) Permit generally. Notwithstanding any other provision of this Code, the city manager or his designee may issue permits to restaurants as defined herein for the serving of food and beverages on city sidewalks and pedestrian ways in the area of the city known as the Downtown Sidewalk Cafe District as herein described.

(b) Definitions. The following definitions shall apply in this division:

(1) Restaurant. An establishment engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as restaurants, cafeterias, cafes, lunch stands, grills, snack bars, fast food businesses, and other establishments, such as drug stores, which have a lunch counter or other section where food is sold to be eaten on the premises. This definition does not include pushcart sales covered under Division 2, Pushcart Sales, of this chapter.

(2) Sidewalk. That improved portion of a public street between the curb line, or the lateral lines of a roadway if there is no curb, and the adjacent property line that is intended for the use of pedestrians.

(3) Pedestrian way. An improved walk or passageway intended for use by pedestrians, but not adjacent to any city street.

(4) Restaurant operator. The person, partnership, limited liability company, firm, or corporation operating a restaurant and associated sidewalk cafe. As used in this section, this definition includes the owner, and manager if different from the owner, of the restaurant and associated sidewalk cafe.

(5) Downtown sidewalk cafe district. The downtown sidewalk cafe district shall mean that part of the City of Greensboro, which is included within and bounded as follows: Fisher Avenue on the north; Lee Street on the south; Murrow Boulevard on the east; and Spring Street on the west.

The Downtown Sidewalk Cafe District shall include the sidewalks on both sides of the boundary streets and an area extending therefrom for a distance of one hundred fifty (150) feet to form the exterior boundary of the district.

(c) Application. Any restaurant desiring to operate a sidewalk cafe shall prepare and file an application with the city manager or his designee which shall contain the following information.

(1) The name, address, and telephone number of the restaurant desiring to operate a sidewalk cafe.

(2) The name, address, and telephone number of the restaurant operator.

(3) The type of food, beverage, or food product to be sold and served at the sidewalk cafe.

(4) The hours of operation of the restaurant and the proposed hours of operation of the sidewalk cafe.

(5) A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk cafe, and the section to be kept clear for pedestrian and fire lane use, and depicting the proposed placement of tables, chairs, barricades, umbrellas, trash receptacles, and other furnishings on the sidewalk or pedestrian way.

(6) Proof of an insurance policy, issued by an insurance company licensed to do business in the State of North Carolina, protecting the permittee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advance written notice to the city. Such insurance shall afford minimum limits of one hundred thousand dollars (\$100,000.00) combined for property and bodily injury and three hundred thousand dollars (\$300,000.00) aggregate annually.

(7) A copy of all permits and licenses issued by the county, state or the city, including health and ABC permits and business licenses and permits, necessary for the operation of the restaurant business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the city, or other governmental authority, for exterior alterations or improvements to the restaurant.

(8) A sworn statement describing any violation by the restaurant operator of any laws, regulations, or ordinances relating to the possession, sale, consumption, or transportation of intoxicating beverages or controlled substances during the five (5) years immediately preceding the date of the permit application.

(9) Such additional information as may be requested by the city manager or his designee to determine the compliance with this section.

(d) Issuance of permit. No permit for the operation of a sidewalk cafe may be issued unless the application is complete and unless the following requirements are met:

(1) The sidewalk cafe must be associated with an operating restaurant such that it is under the same management and shares the same food preparation facilities, rest room facilities and other customer convenience facilities as the restaurant. The sidewalk cafe must be operated under the same name as the restaurant and may not be open or operated at any time when the restaurant is not open for business. Sidewalk cafes may operate at any time between the hours of 7:00 a.m. and 1:00 a.m. All sidewalk cafe improvements (including, but not limited to, tables, chairs and other furnishings) shall be set up no sooner than fifteen (15) minutes prior to opening a restaurant for business. All sidewalk cafe improvements shall be removed no later than thirty (30) minutes after a restaurant's close of business. In no case shall sidewalk cafe improvements be located on city sidewalks or pedestrian ways between the hours of 1:30 a.m. and 6:45 a.m.

(2) The operation of the sidewalk cafe must be clearly incidental to the associated restaurant business. The seating capacity of the sidewalk cafe may not be more than fifty (50) percent of the interior seating capacity of the associated restaurant.

(3) The placement of tables, chairs, and other furnishings as shown in the drawing submitted with the site plan must be done in such manner that at least five (5) feet of unobstructed space (as measured from the street-side edge of the sidewalk) remains on the sidewalk or pedestrian way for the passage of pedestrians. No fire exits or lanes may be blocked and such must remain clear at all times. All applicable regulations pursuant to the Americans with Disabilities Act must be met.

(4) The restaurant seeking to operate the sidewalk cafe must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk cafe. The placement of tables, chairs, and other furnishings may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant. With the written permission of the adjoining property owners and tenants the sidewalk cafe may extend onto the abutting property but may not extend beyond alleyways or vehicular entrances.

(5) The area designated for the sidewalk cafe shall be physically separated from the remaining sidewalk by visible barricades with a height of at least thirty six (36) inches and no more than forty-two (42) inches. The barricades must be constructed of materials of a finished quality, including but not limited to wrought iron, planters, picket fences or velvet ropes.

(6) The barricades, tables, chairs and other furnishings used in the sidewalk cafe shall not be anchored and shall be of a type of street furniture that is easily movable.

(7) Except as elsewhere permitted by the Code, the operation or furnishing of the sidewalk cafe shall involve no permanent alteration to or encroachment upon any street, sidewalk or pedestrian way or to the exterior of the associated restaurant.

(8) The operation of the sidewalk cafe shall at all times be in accordance with the requirements of this subsection

(d). At the direction of the city manager or his designee, any improperly placed or improperly sized furniture or barricade shall be removed.

(9) Each sidewalk cafe shall provide adequate trash receptacles for its patrons within the perimeters of the barricades. At the end of each business day and during operating hours the operator shall remove all trash and debris of any sort from the area within the barricade and between it and the curb, and in addition shall remove from the sidewalk alongside and abutting properties any trash or debris originating as a result of the operation of the sidewalk cafe.

(e) Alcoholic beverages. Notwithstanding any other provisions of the city code, alcoholic beverages may be served at sidewalk cafes provided the following requirements are met:

(1) The sidewalk cafe shall be part of a restaurant and shall otherwise be authorized, permitted, or licensed under the state law and City Code to serve and sell alcoholic beverages for on-premises consumption.

(2) The portion of the sidewalk cafe where alcohol is or may be served shall be enclosed by clearly visible barricades and shall have not more than two (2) points of ingress and egress.

(3) The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to

G.S. 18B-1001, or other state law, for the purpose of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages.

(4) Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages from the premises.

(5) The restaurant operator shall not have violated any law, regulation, or ordinance relating to the possession, sale, transportation, or consumption of intoxicating beverages or controlled substances for the three (3) years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.

(6) No outdoor bars or alcoholic beverage preparation is allowed within the sidewalk cafe except that unfortified wine may be decanted at a table as part of a meal.

(f) Denial. A permit may not be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk cafe shall receive a written statement, outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the city council within fifteen (15) working days after the date of the written denial and the city council may take such action as it shall find necessary. The findings and determination of the city council shall be final.

(g) Permit revocation. The city manager may revoke a permit issued pursuant to this section, if he finds that the restaurant operator has:

(1) Deliberately misrepresented or provided false information in the permit application.

(2) Violated any law, regulation, or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.

(3) Operated the sidewalk cafe in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare; including failure to keep the sidewalk cafe area clean and free of refuse and trash.

(4) Failed to maintain any health, business, ABC, or other permit or license required by law.

(5) Operated the restaurant or sidewalk cafe in violation of this ordinance or of any city, county, state, or federal law, ordinance, or regulation.

Before the revocation of a permit, the city manager or his designee shall notify the permit holder of the intent to revoke the permit and the reasons therefor and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the city manager or his designee shall notify the permit holder in writing of this decision and the reasons therefor. A decision to revoke a permit may be appealed to the city council within fifteen (15) working days in accordance with the provisions of subsection (f).

(h) Reservation of rights. The city reserves the right to require any sidewalk cafe established pursuant to this article to cease part or all of its operation in order to allow for construction, maintenance, or repair of any street, sidewalk, utility, or public building by the city, its agents, or employees, or by any other governmental entity or public utility.

(i) Exhibition shows. The permit shall not authorize the use of pedestrian walkways or sidewalks during street shows, exhibition shows, civic festivals, or other similar events of a temporary nature as permitted by the city which include the area of the sidewalk cafe. The sidewalk cafe must remove all furniture and fixtures from the walkways and sidewalks during such events. The sidewalk cafe may continue to operate during such events as a part thereof if so permitted by the sponsor.

(j) Term transfer, renewal, etc. Permits issued in accordance with the provisions of this section shall:

(1) Be issued for a period of one (1) year beginning July 1 and expiring June 30 of each year.

(2) Be in addition to any other privilege license or permit required pursuant to this Code.

(3) Not be transferable or assignable.

(Ord. No. 97-189, § 1, 11-18-97; Ord. No. 08-234, § 1, 8-19-08)

Sec. 26-245. - Reserved.

ARTICLE IX. - SPECIAL EVENTS

Sec. 26-270. - Authorized special event vendors.

(a) The issuance of a special event permit does not confer upon the permit holder or event organizer the right to control and regulate the sale of goods, food and beverages within the special event venue, such sales must comply with the terms and conditions of the special event permit and city and county rules and regulations.

(b) Vendors authorized to sell goods, food, or beverages in the special event venue shall display their authorization in the manner required by applicable law. Only vendors displaying the required authorization shall be allowed to sell goods, food, or beverages in the special event venue.

(c) The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to the Greensboro Code, or other laws, including but not limited to health

codes.

(d) The issuance of any other permit or license issued pursuant to this Code does not relieve any person from the obligation to obtain a special event permit pursuant to this article. Specifically, existing exhibition show licenses issued under section 13-88 of the Greensboro Code of Ordinances and existing peddler and itinerant merchant licenses business permits issued under section 13-104.204 of the Greensboro Code of Ordinances are not transferable for use in the special event.

(e) It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food or beverages within the special event venue, except in the manner as set forth in the application approved by the special events coordinator.

(Ord. No. 05-110, § 1, 5-17-05)

(Signed) Yvonne Johnson

24. [ID 15-0486](#) Ordinance in the Amount of \$534,233 Amending the Neighborhood Redevelopment Fund Budget for the Appropriation of Funds for the Renaissance Shops at Phillips Avenue Development Project

15-074 ORDINANCE AMENDING THE NEIGHBORHOOD REDEVELOPMENT BOND FUND

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Neighborhood Redevelopment Bond Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations be increased for the Renaissance Shops Project as follows:

Account	Description	Amount
448-2201-05.5294	Economic Development Loan	\$534,233

And, that the following revenue finances these appropriations:

Account	Description	Amount
448-2201-01.7420	Rehab. Mortgage Collections	\$153,678
448-2201-01.7421	Interest – Rehab Mortgages	17,420
448-2201-02.7420	Rehab. Mortgage Collections	19,198
448-2201-02.7421	Interest – Rehab Mortgages	1,224
448-0000-00.8690	Other Revenue	614
448-0000-00.7801	Rent – Real Estate	342
448-2201-02.7801	Rent – Real Estate	13,804
448-2201-02.8616	Sale of Real Estate	104,122
448-2201-05.8616	Sale of Real Estate	223,831
Total		\$534,233

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

25. [ID 15-0481](#) Resolution Listing Loans and Grants for City Council Approval

0181-15 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at the March 1, 2005 meeting of City Council, the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 Council meeting.

(Signed) Yvonne Johnson

26. [ID 15-0511](#) Budget Adjustments Requiring Council Approval 5/26/15-6/8/15

Motion to approve the budget adjustments of May 26 - June 8, 2015 over the amount of \$50,000 was adopted.

27. [ID 15-0512](#) Budget Adjustments Approved by Budget Officer 5/26/15-6/8/15

Motion to accept the report of budget adjustments of May 26 - June 8, 2015 was adopted.

28. [ID 15-0479](#) Motion to Approve the Minutes of the Regular Meeting of May 19, 2015

Motion to approve the minutes of the Regular meeting of May 19, 2015 was adopted.

29. [ID 15-0477](#) Motion to Approve the Minutes of the Work Session of May 26, 2015

Motion to approve the minutes of the Work Session of May 26, 2015 was adopted.

30. [ID 15-0519](#) Motion to approve the minutes of the Regular meeting of June 2, 2015

Motion to approve the minutes of the Regular meeting of June 2, 2015 was adopted.

8. [ID 15-0428](#) Resolution Authorizing Change Order in the Amount of \$431,853 to Contract No. 2011-038A with Garney Companies, Inc. for the T. Z. Osborne Water Reclamation Facility Expansion Project - Package 2

Councilmember Hightower asked about the M/WBE waiver.

Assistant City Manager David Parrish spoke to additional grading; the overall goal; the item being time sensitive; and the requirements of the State permitting process.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter to adopt the resolution. The motion carried by a voice vote.

0182-15 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2011-038A WITH GARNEY COMPANIES, INC. FOR THE T.Z. OSBORNE WATER RECLAMATION FACILITY EXPANSION PROJECT – PACKAGE 2

WHEREAS, Contract No. 2011-038A with Garney Companies, Inc. provides for the mechanical and electrical improvements to the existing primary treatment process as well as the installation of new clarifiers for the T.Z. Osborne Water Reclamation Facility Expansion Project – Package 2;

WHEREAS, as part of the permitting process, a site evaluation was performed by the US Army Corp of Engineers and the NC Division of Water Resources;

WHEREAS, the outcome of the evaluation resulted in changes to the erosion and sedimentation control plan for the site, thereby necessitating a change order in the contract in the amount of \$431,853.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Garney Companies, Inc. for the mechanical and electrical improvements to the existing primary treatment process as well as the installation of new clarifiers for the T.Z. Osborne Water Reclamation Facility Expansion Project – Package 2 is hereby authorized at a total cost of \$431,853, payment of said additional amount to be made from Account No. 503-7024-06.6019.

(Signed) Sharon Hightower

9. [ID 15-0469](#) Resolution Authorizing the City Manager to Execute a Reimbursement Agreement with CIP Construction Company in an Amount Not to Exceed \$188,280.87 to Upgrade an Existing Undersized Storm Sewer and Water Line Along Lindsay Street and Eugene Street.

George Hartzman, 3601 Baytree Drive spoke to the placement of items to the consent agenda; ownership of Bellemeade Village; to M/WBE participation on the project; and referenced properties owned by Roy Carroll.

Mayor Pro-Tem Johnson inquired about the M/WBE participation.

City Attorney Carruthers spoke to minority participation contracting goals; Yates Construction doing site work at Bellemeade; and to an estimated M/WBE participation.

Mr. Hartzman spoke to other projects; reasonable water and sewer; and stated subsidizing without transparency was wrong.

Assistant City Manager Parrish confirmed it was not work to improve; and verified the City would have had to do the work.

Discussion took place regarding respecting options; contributions by Mr. Kotis; the creation of jobs in Greensboro; the tax base; Yates meeting M/WBE goals; contractors adhering to the City's guidelines; and the project helping Downtown.

Assistant City Manager Parrish confirmed there had been water issues in the area; stated it would improve the fire pressure; and spoke to public safety.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter to adopt the resolution. The motion carried by voice vote.

0183-15 RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT WITH CIP CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED \$188,280.87 TO UPGRADE AN EXISTING UNDERSIZED STORM SEWER AND WATER LINE ALONG LINDSAY STREET AND EUGENE STREET

WHEREAS, CIP Construction Company is a developer that has received City approval to construct Bellemeade Village, a \$50 million mixed-use development that includes six-story buildings with brick, stucco and cast concrete facades along Bellemeade and North Eugene Streets in the downtown business district.

WHEREAS, this development will include approximately 300 apartments and possibly 20,000 square feet of retail space;

WHEREAS, the City has requested CIP Construction Company to upgrade the existing 30" RCP public storm sewer system that runs along Lindsay Street. This storm sewer system is currently severely undersized for existing conditions and its upgrade to a 42" RCP and 54" RCP further downstream is necessary to alleviate existing drainage issues onsite.

WHEREAS, this upgrade is not required by the City's Land Development Ordinance for Bellemeade Village, but the City has asked CIP to make these improvements on its behalf, because the City believes that CIP can make these improvements at a lesser cost.

WHEREAS, the City has also asked CIP to upgrade the existing 6" cast iron (CI) water line (installed in early 1900's) starting north on Eugene Street to Battleground Avenue to a 12" DIP including the associated water connections and the abandonment of the existing 6" CI water line.

WHEREAS, the water line improvements are needed to improve fire flow and capacity available for the downtown area, and they are not required by the City's LDO for Bellemeade Village.

WHEREAS, Water Resources has reviewed the cost estimates from CIP Construction Company for these requested public enterprise improvements and found that the estimated costs do not exceed the City's estimated costs for constructing these improvements with the City's own eligible force account qualified labor or through the City's normal bidding processes;

WHEREAS, N.C.G.S. 160A-320 allows cities to reimburse property owners, developers, or their contractors for the costs associated with the design and construction of public enterprise improvements for the City that (1) are in addition to the improvements required by the city's land development regulations; (2) are adjacent or ancillary to the private land development project, and (3) will not exceed the estimated cost of providing for those improvements.

WHEREAS, the Greensboro City Council finds that the costs to design and construct the upgraded storm sewer system and water line will not exceed the estimated cost of providing for those improvements through the City's eligible force account qualified labor or through the City's normal bidding processes.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

The city manager is authorized to execute a reimbursement agreement with CIP Construction Company in an amount not to exceed \$188,280.87 to upgrade the existing undersized storm sewer and water line along Lindsay Street and Eugene Street as stated hereinabove. Funding for the stormwater improvements is budgeted in the Stormwater Capital Improvement Fund Account Number 506-7014-01.6018 in the amount of \$ 59,811.50. Funding for the water improvements is budgeted in the Water Resources Capital Improvement Fund Account Number 503-7024-03.6019 A15041 in the amount of \$128,469.37.

(Signed) Sharon Hightower

11. [ID 15-0491](#) Resolution Authorizing Contract Between the City of Greensboro and Johnson Controls to Provide an Onsite HVAC Engineer and Johnson Control Parts Related to the HVAC Control System and Fire Alarm System Located at the Greensboro Coliseum Complex

Councilmember Hightower referenced speaking with Assistant City Manager Parrish; getting answers regarding M/WBE; spoke to specialty work; and requested staff to research incorporating an M/WBE mentoring component for specialty type projects.

Moved by Councilmember Hightower, seconded by Councilmember Hoffmann to adopt the resolution. The motion carried by voice vote.

0184-15 RESOLUTION AUTHORIZING CONTRACT BETWEEN THE CITY OF GREENSBORO AND JOHNSON CONTROLS TO PROVIDE AN ONSITE HVAC ENGINEER AND JOHNSON CONTROL PARTS RELATED TO THE HVAC CONTROL SYSTEMS AND FIRE ALARM SYSTEMS LOCATED AT THE GREENSBORO COLISEUM COMPLEX

WHEREAS, the HVAC/Fire alarm systems at both the Coliseum and the Aquatic Center require highly technical HVAC personnel to operate and service said systems;

WHEREAS, the original HVAC and Fire Alarm system was installed at the Coliseum Arena and the Special Events Center by Johnson Controls in 1992;

WHEREAS, the Aquatic Center HVAC and fire alarm system was installed by Johnson Controls in 2011;

WHEREAS, the proposed service contract will provide an onsite HVAC engineer to help manage and program the day to day operations of the HVAC control systems at the Greensboro Coliseum and Greensboro Aquatic Center and will provide a limited number of replacement parts related to both the HVAC and Fire Alarm Systems, as well as the annual fire alarm required inspection for the Coliseum, Aqua5tic Center and the Canada Dry office building that houses the GACVB;

WHEREAS, the proposed contract also includes 24/7 supervised remote monitoring of all three fire alarm systems;

WHEREAS, the costs for the proposed contract will be \$153,434 for three years and are budgeted in the Coliseum Operating account and is contingent upon future fiscal year appropriations by City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the contract between the City of Greensboro and Johnson Controls to provide an onsite HVAC engineer and Johnson Control parts related to the HVAC control system and fire alarm system located at the Greensboro Coliseum Complex is hereby authorized with funding in the amount of \$153,434 to be allocated from Account No. 521-7535-06.5422 and is contingent upon future fiscal year appropriations by City Council.

(Signed) Sharon Hightower

22. [ID 15-0487](#) Ordinance Amending Chapter 2 of the Greensboro Code of Ordinances by Enacting Article II Section 2-42, Amending Article II Section 2-90, and Enacting Article VII Section 2-202 for the Purpose of Implementing a Committee System for City Council

George Hartzman, 3601 Baytree Drive referenced item attachments; spoke to violations of the Chapter; and to transparency.

Mayor Vaughan stated the committee meetings would be televised.

Councilmember Hightower voiced her continued concerns; spoke to timing in changes; stated her concern regarding transparency; spoke to the inconvenience for citizens; the way the City did business; and stated she would not be supporting the item.

Councilmember Wilkins spoke to the committee structure; to split votes; and asked about Councilmembers serving on more than one committee.

City Attorney Carruthers outlined the committee structure if adopted; spoke to spending time in Winston Salem; and to the necessity of the ordinance.

Councilmember Fox spoke to respect of Councilmembers; deliberating items; cohesiveness with the MAP plan; and asked for Council support.

Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson to adopt the ordinance. The motion carried by a voice vote of 7 - 2, with Councilmember Hightower and Councilmember Wilkins voting 'No'.

15-075 ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES BY

ENACTING ARTICLE II SEC. 2-42, AMENDING ARTICLE II SEC. 2-90, AND ENACTING ARTICLE VII SEC. 2-202

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Chapter 2 Article II Sec. 2-42 is hereby enacted to read as follows:

Sec. 2-42. - Standing committees designated; composition; voting.

(a) There shall be elected by the city council standing committees of the council as follows:

- (1) Community Services committee.
- (2) General Government committee.
- (3) Infrastructure committee.
- (4) Public Safety committee.

(b) Each committee shall be composed of four (4) members of the city council, to be appointed by the mayor. The chairperson and vice-chairperson of each committee shall be designated by the mayor.

(c) Each member of city council shall be appointed to two (2) committees.

(d) The terms of appointments shall be aligned with the election cycle.

(d) The mayor shall be an ex officio member of the committees designated by this section. The mayor shall vote in the event of a tie. All regular members of the committees shall have full voting rights, and must follow the same voting requirements as are applicable to members of the city council when considering matters coming before the full council. The above voting requirements notwithstanding, members of committees shall have the right to abstain from voting, and when they do so, such actions shall be recorded as abstentions.

(e) The city council reserves the right to place on the council agenda any matter it so chooses, notwithstanding the committee system. If a matter is not on the council agenda, it may be heard upon approval by a majority vote of the council.

Sec. 2-43. - Duties and procedures of standing committees.

(a) Generally.

(1) Standing committees of the city council shall serve only in an advisory capacity. It shall be their duty to:

- a. Consider and make positive, negative, or no recommendation to the city council;
 - b. Hold public hearings on questions when requested to do so by the council;
 - c. In collaboration with the city manager, make special studies and submit reports to the council on matters falling within that committee's province; and
 - d. Meet with the city manager when requested by him for policy discussions or advisory purposes.
- e. The standing committees will remain separate from the functions of the Zoning Commission and the Planning Board whose duties will remain unchanged.

(2) Committees may request the city manager to furnish any information or reports desired regarding departmental operations or affairs with which that committee may be concerned.

(3) Committees may be assigned special temporary duties by the city council.

(4) Committees shall meet upon the call of either the mayor or chairperson, or in their absence the vice-chairperson or the city manager.

(5) To ensure the orderly and expeditious handling of petitions and other matters presented to individual council members and to committees of the council for consideration, and to afford the administrative department of the city an opportunity to investigate the facts with respect thereto for the benefit of the committees and the city council, the following procedure shall be adhered to:

a. Requests and petitions received by individual council members shall be routed to the city manager, or to the appropriate department head, for investigation.

b. To save the time of the committees and of the public, the public shall not be invited to appear before a committee until the matter in question has been investigated by the appropriate department and the city manager has reported thereon to the committee.

c. Where a petition or other matter comes before a committee without first having been submitted to the city manager, or the department concerned, for administrative study and recommendations, the committee shall refer it to the city manager for study and recommendations, the city manager shall make his report thereon to the committee within such time as may be designated by the committee, and the committee shall consider the report and recommendations, along with other information received by it, in arriving at its decision.

(6) Each committee meeting shall be advertised, televised or recorded when possible, and open to the public. Minutes shall be taken at each committee meeting and shall be given to and maintained by the city clerk.

(b) Community Services committee.

(1) The community services committee shall act in an advisory capacity to the council and shall oversee parks & recreation, neighborhood development, libraries, housing code violations, nuisance ordinances, user fees, policy revisions, contracts, and capital projects.

(2) The city council may impose special or temporary duties upon the community services committee, and either the council or the city manager may request it to consider any proposals, projects or activities which are not the responsibility of another standing committee.

(c) General Government committee.

(1) The general government committee shall act in an advisory capacity to the council and shall oversee matters of finance, budget, information technology, human resources, human relations, minority/women business enterprise, executive issues, contracts and purchase orders, annual operating budget, budget amendments, annual financial reports, purchase and sale of property, fees, policy revisions, grants requiring a match, capital projects.

(2) The city council may impose special or temporary duties upon the general government committee, and either the council or the city manager may request it to consider any proposals, projects or activities which are not the responsibility of another standing committee.

(d) Infrastructure committee.

(1) The infrastructure committee shall act in an advisory capacity to the council and shall oversee matters of inspections & engineering, field operations, planning, transportation, water resources, contracts, budget review, road and alley closures, utility easements, roadway naming, annexation petitions, ordinance revisions, fees, capital projects.

(2) The city council may impose special or temporary duties upon the infrastructure committee, and either the council or the city manager may request it to consider any proposals, projects or activities which are not the responsibility of another standing committee.

(e) Public safety committee.

(1) The public safety committee shall act in an advisory capacity to the council and shall oversee matters of the fire department, Guilford Metro 911, the police department, traffic matters, contracts, grant applications, budget review, ordinance revisions, fees, projects

(2) The city council may impose special or temporary duties upon the public safety committee, and either the council or the city manager may request it to consider any proposals, projects or activities which are not the responsibility of another standing committee.

Secs. 2-44—2-49. - Reserved.

Section 2. Chapter 2 Article II Sec. 2-90 is hereby amended to read as follows:

Sec. 2-90. Authority of the city manager to execute service contracts and of the city attorney to approve legal service contracts.

The city manager, and his designees, shall have the authority to approve service contracts in the amount of three hundred thousand dollars (\$300,000.00) one hundred thousand dollars (\$100,000.00) and less, on behalf of the city, and the city attorney shall have the authority to approve all legal service contracts, provided that city council shall have approved a sufficient appropriation in the annual budget for the current fiscal years. In the event of a special emergency involving the health and safety of the people or their property, the manager may contract for amounts in excess of his authority, provided he notify council as soon as practical, and place the contract on the next agenda for review and ratification.

Section 3. Chapter 2 Article VII Sec. 2-203 is hereby enacted to read as follows:

Article VII. Enforcement.

Sec. 2-203. Enforcement.

Violations of this Chapter shall not be punishable under North Carolina General Statute 14-4.

(Signed) Jamal Fox

IV. PUBLIC HEARING AGENDA

There were no public hearing items for this agenda.

V. GENERAL BUSINESS AGENDA

31. [ID 15-0489](#) Ordinance Establishing the Fiscal Year 2015-16 Annual Operating Budget

George Hartzman spoke to conflicts of interest, receipt of funds, and the disclosure of financial interest for Councilmember Barber

City Attorney Carruthers and Mayor Vaughan requested Mr. Hartzman to only address the item at hand.

Mr. Hartzman spoke to City funds; lobbying for DGI; the Bryan Foundation; and Councilmember Barber voting on DGI and the Megasite portion of the budget.

Councilmember Barber asked City Attorney Carruthers for recommendations regarding his involvement with Gillespie Park.

City Attorney Carruthers stated it would be appropriate for Council to excuse Councilmember Barber from the Gillespie Park funding portion of the Budget.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Fox to excuse Councilmember Barber from voting on the Gillespie Park portion of the Budget. The motion carried by voice vote.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hoffmann, to adopt the Gillespie Park portion of the Budget. The motion carried by a voice vote.

Mayor Vaughan asked for a motion to excuse Councilmember Outling from the DGI portion of the budget.

Councilmember Barber inquired as to an addition of a general comment to add other matters; about the lobbying issue; and about general funding.

City Attorney Carruthers stated a member of the Brooks Pierce firm represented DGI; Councilmember Outling would need to be recused; spoke to more general items and handling on a case by case basis; stated there was not a general resolution; there was not a contract for lobbying with Brooks Pierce within the budget; and spoke to funds that were earmarked.

Mayor Vaughan confirmed the contract was not between the City and Brooks Pierce.

City Attorney Carruthers spoke to technical adverse interest; a unique situation; and advised recusal for Councilmember Outling.

Councilmember Outling stated he had never represented DGI.

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to excuse Councilmember Outling from voting on the DGI portion of the budget. The motion carried by voice vote.

Moved by Councilmember Barber, seconded by Councilmember Fox to adopt the DGI portion of the Budget. The motion carried by voice vote.

Councilmember Outling spoke to the hard work of his colleagues on the budget; and voiced his intention to vote in favor of the budget.

Councilmember Wilkins inquired about the timeline for adopting the FY 15-16 Budget; voiced concerns regarding Council's involvement with the budget; and stated he would not be supporting the budget..

City Manager Westmoreland responded July 1st was the deadline.

Discussion took place regarding the procedures for the upcoming General Government Committee; Council reviewing the budget at work sessions; timeframe for the budget process; and contacting staff with questions

pertaining to the budget.

Councilmember Barber spoke to ideas on the budget process; requested an item be included on the July 21st Council meeting for a 2016-2017 Budget Policy; referenced employee salaries; fire and public safety; and cost cutting measures. Councilmember Barber continued by clarifying what he did for a living; spoke to conflicts of interest; referenced people sending emails to First Tee; having conversations regarding the budget; and voiced appreciation for the staff.

Councilmember Hoffmann spoke to conspiracy; code of ethics; operation of the City; and voiced appreciation for Councilmember Barber's comments.

Mayor Vaughan spoke to the benefits of the committee structure; and to looking at the budget year-round.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hoffmann to adopt the ordinance minus the Gillespe Park and DGI funding portions of the Budget. The motion carried by the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Justin Outling

Nays, 1 - Tony Wilkins

15-076 AN ORDINANCE ADOPTING THE 2015-16 ANNUAL BUDGET OF THE CITY OF GREENSBORO

Be it ordained by the City Council of the City of Greensboro that for the purpose of financing expenditures of the City of Greensboro, North Carolina, there is hereby appropriated from taxes and other revenue collectible the following funds for operation of City government and its activities for the Fiscal Year 2015-16 beginning July 1, 2015 and ending June 30, 2016.

Section 1. It is estimated that the following expenditures are necessary for current operation expenditures and debt service payments for the City of Greensboro for the Fiscal Year 2015-16, beginning July 1, 2015 and ending June 30, 2016.

General Fund

Current Operating Expense	246,370,761	
Transfer to Debt Service	18,272,570	264,643,331

State Highway Allocation Fund (Powell Bill)

Current Operating Expense	7,835,000
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Cemeteries Operating Fund

Current Operating Expense	838,936
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Hotel/Motel Occupancy Tax Fund

Current Operating Expense	3,856,024
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Economic Development Fund

Current Operating Expense	1,402,655
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Municipal Service Districts Fund

Current Operating Expense	1,117,000
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Nussbaum Housing Partnership Revolving Fund

Current Operating Expense	1,903,399
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Emergency Telephone System Fund

Current Operating Expense	2,914,722
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Debt Service Fund

Debt Service		19,399,408
Water Resources Enterprise Fund		
Current Operating Expense	93,355,458	
Debt Service	27,605,938	120,961,396
Stormwater Management Fund		
Current Operating Expense		11,128,474
War Memorial Coliseum Complex Fund		
Current Operating Expense		25,085,867
Parking Fund		
Current Operating Expense		2,927,681
Solid Waste Management System Fund		
Current Operating Expense		16,061,476
Greensboro Transit Authority Fund		
Current Operating Expense		22,532,237
Equipment Services Fund		
Current Operating Expense		18,331,214
Technical Services Fund		
Current Operating Expense		4,014,206
Network Services Fund		
Current Operating Expense		12,780,605
Graphic Services Fund		
Current Operating Expense		987,139
Employee Insurance Fund		
Current Operating Expense		45,409,108
General Insurance Fund		
Current Operating Expense		4,902,706
Capital Leasing Fund		
Current Operating Expense		2,726,361
Guilford Metro Communications Fund		
Current Operating Expense		7,521,030
Total		599,279,975
Less Total Transfers and Internal Charges		-111,312,338
Net Total		487,967,637

Section 2. It is estimated that the following revenues will be available during the Fiscal Year 2015-16 beginning July 1, 2015 and ending June 30, 2016 to meet the foregoing appropriations:

General Fund		
Current Operating Revenue	260,140,693	
Appropriated Fund Balance	4,502,638	264,643,331

State Highway Allocation Fund (Powell Bill)		
Current Operating Revenue	7,525,000	
Appropriated Fund Balance	310,000	7,835,000
Cemeteries Operating Fund		
Current Operating Revenue	838,936	838,936
Hotel/Motel Occupancy Fund		
Current Operating Revenue	3,856,024	3,856,024
Economic Development Fund		
Current Operating Revenue	1,347,000	
Appropriated Fund Balance	55,655	1,402,655
Municipal Service Districts Fund		
Current Operating Revenue	848,600	
Appropriated Fund Balance	268,400	1,117,000
Nussbaum Housing Partnership Revolving Fund		
Current Operating Revenue	1,846,760	
Appropriated Fund Balance	56,639	1,903,399
Emergency Telephone System Fund		
Current Operating Revenue	1,806,311	
Appropriated Fund Balance	1,108,411	2,914,722
Debt Service Fund		
Current Operating Revenue	19,399,408	19,399,408
Water Resources Enterprise Fund		
Current Operating Revenue	107,636,623	
Appropriated Fund Balance	13,324,773	120,961,396
Stormwater Management Fund		
Current Operating Revenue	9,792,717	
Appropriated Fund Balance	1,335,757	11,128,474
War Memorial Coliseum Complex Fund		
Current Operating Revenue	25,010,867	
Appropriated Fund Balance	75,000	25,085,867
Parking Fund		
Current Operating Revenue	2,656,535	
Appropriated Fund Balance	271,146	2,927,681
Solid Waste Management System		
Current Operating Revenue	13,550,777	
Appropriated Fund Balance	2,510,699	16,061,476
Greensboro Area Transit Authority Fund		
Current Operating Revenue	21,690,501	
Appropriated Fund Balance	841,736	22,532,237
Equipment Services Fund		
Current Operating Revenue	15,719,872	
Appropriated Fund Balance	2,611,342	18,331,214

Technical Services Fund		
Current Operating Revenue	3,339,582	
Appropriated Fund Balance	674,624	4,014,206
Network Services Fund		
Current Operating Revenue	12,666,698	
Appropriated Fund Balance	113,907	12,780,605
Graphic Services Fund		
Current Operating Revenue	987,139	987,139
Employee Insurance Fund		
Current Operating Revenue	45,029,750	
Appropriated Fund Balance	379,358	45,409,108
General Insurance Fund		
Current Operating Revenue	1,566,979	
Appropriated Fund Balance	3,335,727	4,902,706
Capital Leasing Fund		
Current Operating Revenue	2,225,361	
Appropriated Fund Balance	501,000	2,726,361
Guilford Metro Communications Fund		
Current Operating Revenue	7,333,694	
Appropriated Fund Balance	187,336	7,521,030
Total		599,279,975
Less Transfers and Internal Charges		-111,312,338
Net Total		487,967,637

Section 3. There is hereby levied the following rates of tax on each one hundred dollars (\$100.00) valuation of taxable real property and taxable tangible personal property, as listed for taxes as of January 1, 2015, for the purpose of raising the revenue from Current Year's Property tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

- a) For the payment of general operating expenses and capital expenditures of the City including the payment of principal and interest of the bonded indebtedness of the City of Greensboro .5872
- b) For the payment of general operating expenses and capital expenditures associated with the Greensboro Transit Authority Fund .0334
- c) For the payment of general operating expenses and capital expenditures associated with the Housing Partnership Fund .0069
- d) For the payment of general operating expenses and capital expenditures associated with the Economic Development Fund .0050
- TOTAL .6325

Such rates of tax are based on an estimated total appraised valuation of property for purposes of taxation of \$25,679,000,000 and an estimated rate collection of ninety-eight percent (98%).

Section 4. There is hereby levied the following rates of tax on each one hundred dollars (\$100.00) valuation of

taxable real property and taxable tangible personal property in the following municipal service districts, as listed for taxes as of January 1, 2015, for the purposes as set forth in the Municipal Service Districts as authorized by City Council:

- a) College Hill Historic District for improvements as stated in the Special Historic District Plan .01
- b) Charles B. Aycock District for improvements as stated in the Special Historic District Plan .05
- c) Business Improvement District for improvements as stated in the Downtown Greensboro Business Improvement District Business Plan .08

Such rates of tax are based on an estimated total appraised valuation in each Municipal Service District and an estimated rate of collection of ninety-eight percent (98%).

Section 5. Appropriations hereinabove authorized and made for water and sewer operating fund, water and sewer current operating expense and debt service, are made from revenue collectible for the operation of the combined water and sewer systems and miscellaneous revenue.

Section 6. Appropriations hereinabove authorized and made shall have the amounts of the outstanding purchase orders and unearned portion of contracts at June 30, 2015 (rounded to the nearest dollar) added to each appropriation as it applies in order to properly account for the payment against the fiscal year in which it is paid.

Section 7. Copies of this ordinance shall be furnished to the Budget and Evaluation Director, Finance Director and the City Clerk within five days after adoption to be kept on file by them for their direction in the disbursement of City Funds.

Section 8. This ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Yvonne Johnson

32. [ID 15-0490](#) Resolution Adopting the Fiscal Year 2016-2025 Capital Improvements Program (CIP)

Moved by Councilmember Hightower, seconded by Councilmember Fox, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

0185-15 RESOLUTION ADOPTING TEN YEAR CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, capital improvements programming is a comprehensive approach to improving social and physical conditions in a governmental jurisdiction by evaluation of growth and development trends;

WHEREAS, capital improvements programming serves as a basic framework for scheduling public improvements and requires the assistance of government officials and agencies, as well as community residents;

WHEREAS, a report entitled 2016-2025 Capital Improvements Program has been prepared;

WHEREAS, the report provides a comprehensive listing of needed public improvements and related financial resources, indicates estimated future revenues and operating expenditures, illustrates the importance of relating the City's comprehensive plans to its fiscal capability and provides recommendations for scheduling each public improvement project, while estimating planning, design and development costs

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council recognizes the capital improvements programming process as the translation of community goals and objectives into needed physical facilities which are essential to residential, business, institutional and leisure activities, and

2. That the City Council does hereby adopt the report entitled Capital Improvements Program 2016-2025. Following is an expense summary by service category and related financing as is included in the FY 2016-2025 Capital Improvements Program:

Expenditures

Public Safety	\$53,028,547
Infrastructure	\$1,309,408,999
Community Services	\$113,665,035
General Government	\$5,200,637
Total	\$1,481,303,218

Financing

General Fund	\$0
Enterprise Funds	\$298,341,581
Grants	\$232,303,583
Authorized GO Bonds	\$135,477,796
Unauthorized Bonds	\$523,227,403
Revenue Bonds	\$257,234,144
Other Rev Sources	\$34,718,711
Total	\$1,481,303,218

(Signed) Sharon Hightower

33. [ID 15-0492](#) Grant Project Ordinance Establishing the FY 15-16 Budget for the Greensboro/High Point/Guilford County Workforce Development Consortium

Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-077 ORDINANCE ESTABLISHING THE FY 15-16 GRANT PROJECT BUDGET REENSBORO/HIGH POINT/GUILFORD COUNTY WORKFORCE DEVELOPMENT CONSORTIUM

WHEREAS, the Local Government Budget and Fiscal Control Act, as amended, provides for grant project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of grant projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year and to permit the use of continuing appropriations of the FY 15-16 Workforce Innovation and Opportunity Act Grant and to properly account for such usage, it is deemed in the best interest of the City of Greensboro to establish, by ordinance, a special FY 15-16 grant project for the Workforce Innovation and Opportunity Act with revenues and expenditures being specifically defined as is shown below:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the grant project budget for the FY 15-16 Workforce Innovation and Opportunity Act be established and appropriated for the life of the project as follows:

Description	Estimated Expenditures	Estimated Revenues
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WIOA Adult Program	\$1,164,802	\$1,164,802
WIOA Dislocated Worker Program	\$1,086,465	\$1,086,465
WIOA Youth Program	\$1,319,283	\$1,319,283
WIOA Administration	\$396,727	\$396,727
State of North Carolina NCWorks Rent Funds	\$111,334	\$111,334
TOTAL	\$4,078,611	\$4,078,611

Section 2. AND THAT, the expense and revenue estimates here-in-above authorized and made for the FY 15-16 Workforce Innovation and Opportunity Act shall be documented and recorded by line item within the accounting system of the City of Greensboro so as to provide a foundation for the proper recording of actual revenue and expenditures and shall be duly filed with the City Clerk of the City of Greensboro.

Section 3. That this ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Jamal Fox

34. [ID 15-0493](#) Grant Project Ordinance Establishing the Fiscal Year 2015-2016 Budget for the Community Development Block Grant (CDBG)

Moved by Councilmember Abuzuaite, seconded by Councilmember Hoffmann, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-078 ORDINANCE ESTABLISHING FY 15-16 GRANT PROJECT BUDGET FOR COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, the Local Government Budget and Fiscal Control Act, as amended, provides for grant project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of grant projects; AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, and to permit the use of continuing appropriations to account for Community Development Block Grant FY 15-16, it is deemed in the best interest of the City to establish a special grant project ordinance for Community Development Block Grant FY 15-16, with the revenues and expenditures being established as shown below:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the grant project budget for Community Development Block Grant FY 15-16 be established and appropriated for the life of the project as follows:

Description	Estimated Expenditures	Estimated Revenues
CDBG Administration & Planning	393,459	
Section 108 Loan Repayment	740,205	
Ole Asheboro Target Area	70,000	
Willow Oaks	50,000	
So. Elm Street Economic Development	180,000	
Co-Op at Renaissance Center	50,000	

Rental Housing Rehabilitation	130,000
Lead Grant Program Match	130,000
Healthy Homes Emergency Repair	172,500
Code Compliance	25,000
Homelessness Prevention	176,130
Total	2,117,294

Federal Grant	1,967,294
Program Income	150,000
Total	2,117,294

Section 2. That this Ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Marikay Abuzuaiter

35. [ID 15-0494](#) Grant Project Ordinance Establishing the Fiscal Year 2015-2016 Budget for the HOME Grant

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-079 ORDINANCE ESTABLISHING THE FY 15-16 HOME PROGRAM GRANT PROJECT BUDGET FOR THE GREENSBORO, GUILFORD, BURLINGTON, AND ALAMANCE CONSORTIUM

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990, authorizes contiguous units of local government to form consortia in order to receive HOME funding as one jurisdiction;

AND WHEREAS, the City of Greensboro and Guilford County formed a HOME Consortium and subsequently added the City of Burlington and Alamance County;

AND WHEREAS, State Statutes require pre-authorization of the expenditure of Federal Grant Funds by the Governing Body having jurisdiction over and responsibility for said funds;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the Grant Project Budget for the FY 15-16 HOME Program Grant be established and appropriated for the life of the project as follows:

Description	Estimated Expenditures	Estimated Revenues
Administration	71,053	
Citywide Housing Rehabilitation	100,000	
Housing Development RFP	457,916	
Single-Family Housing RFP	150,000	
Homebuyer Downpayment Assistance	100,000	
Total Greensboro	878,969	
Guilford County		
Administration	10,863	
Housing Development RFP	97,767	
Total Guilford County	108,630	
City of Burlington		
Administration	19,177	

Citywide Housing Rehabilitation	143,825
CHDO Development	28,765
Total City of Burlington	191,767

Alamance County	
Administration	9,755
Countywide Housing Rehabilitation	73,159
CHDO Development	14,632
Total Alamance County	97,546

Total Home Consortium	1,276,912
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Description	Account	Estimated Expenditures	Estimated Revenues
Federal Grant			1,108,477
Program Income			120,000
Reprogrammed Funds	213-9001-03.5282		4,100
	213-9004-04.5288		37,138
	213-9006-07.5282		3,000
	213-9008-08.5282		3,257
	213-9009-10.5282		940
Total HOME Consortium			1,276,912

Section 2. That this Ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Sharon Hightower

36. [ID 15-0495](#) Grant Project Ordinance Establishing the Fiscal Year 2015-2016 Budget for the KIDS, Inc. Grant

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-080 ORDINANCE ESTABLISHING FY 15-16 GRANT PROJECT BUDGET FOR KIDS, INC. DAY CARE PROJECT

WHEREAS, the Local Government and Fiscal Control Act, as amended, provides for grant budgeting pursuant to G. S. 159-13.2 and as an alternative to the annual budgeting of grant project funds and;

WHEREAS, in order to alleviate the requirement to re-authorize unused appropriations from fiscal year to fiscal year and to permit the continuing use of residual appropriations to underwrite costs that are attributable to KIDS, INC. project activities, it is deemed in the best interest of the City of Greensboro and KIDS, INC. to establish a special FY 15-16 grant project budget for KIDS, INC., with revenue and expenditures being authorized as shown below:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the FY 15-16 grant project budget for KIDS, INC. be established and appropriated for the life of the project as follows:

Description	Estimated Expenditures	Estimated Revenues
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Heat & Electricity	\$5,000
Water & Sewer Utility	1,320
Stormwater Fee	100
Contract Maint of Bldgs	7,800
Maint & Repair Buildings	7,800

Total	\$22,020
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Rent-Real Estate	\$22,020
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Total	\$22,020
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Section 2. This Ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Sharon Hightower

37. [ID 15-0496](#) Grant Project Ordinance Establishing the Fiscal Year 2015-2016 Budget for the Emergency Solutions Grant (ESG)

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-081 ORDINANCE ESTABLISHING FY 15-16 GRANT PROJECT BUDGET FOR THE EMERGENCY SOLUTIONS GRANT

WHEREAS, the Local Government Budget and Fiscal Control Act, as amended, provides for grant project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of grant projects; AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, and to permit the use of continuing appropriations to account for the Emergency Solutions Grant FY 15-16, it is deemed in the best interest of the City to establish a special grant project ordinance for the Emergency Solutions Grant FY 15-16, with the revenues and expenditures being established as shown below:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the grant project budget for the Emergency Solutions Grant FY 15-16 be established and appropriated for the life of the project as follows:

Description	Estimated Expenditures	Estimated Revenues
Emergency Solutions Grants	\$177,108	
Federal Grant		\$177,108
Total	\$177,108	\$177,108

Section 2. That this Ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Yvonne Johnson

38. [ID 15-0497](#) Grant Project Ordinance Establishing the Fiscal Year 2015-2016

Budget for the Housing Opportunities for Persons with AIDS
(HOPWA) Grant

Moved by Councilmember Fox, seconded by Councilmember Hightower, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-082 ORDINANCE ESTABLISHING FY 15-16 GRANT PROJECT BUDGET FOR HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

WHEREAS, the Local Government Budget and Fiscal Control Act, as amended, provides for grant project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of grant projects;
AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, and to permit the use of continuing appropriations to account for HOPWA program activities, it is deemed in the best interest of the City to establish a special grant project ordinance for HOPWA FY 15-16, with the revenues and expenditures being established as shown below:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the grant project budget for HOPWA FY 15-16 be established and appropriated for the life of the project as follows:

Description	Estimated Expenditures	Estimated Revenues
Administration	\$22,482	
Housing/Care Service Agencies	\$298,700	
Total	\$321,182	
Federal Grant		\$321,182
Total		\$321,182

Section 2. That this Ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Jamal Fox

39. [ID 15-0498](#) Capital Project Ordinance Amending the General Capital Project Fund

Moved by Councilmember Hightower, seconded by Councilmember Hoffmann, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Justin Outling

Nays, 1 - Tony Wilkins

15-083 ORDINANCE ESTABLISHING CAPITAL PROJECT BUDGET FOR FY 15-16 GENERAL CAPITAL PROJECTS FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for General Fund Capital Projects to be undertaken in FY 15-16;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the following capital project budgets for General Capital Projects Fund be established and appropriations for the life of the projects will be as follows:

Account Number	Description	Estimated Expenditures	Estimated Revenues
410-9518-01.5931	Participatory Budgeting	\$200,000	
410-9515-02.5931	Carolina Theatre	\$100,000	
410-9516-01.5282	Civil Rights Museum	\$250,000	
410-9518-01.8620	Donations		\$100,000
410-9518-01.9101	Transfer from General Fund		\$100,000
410-9515-02.9101	Transfer from General Fund		\$100,000
410-9516-01.9208	Transfer from ED Fund		\$75,000
410-9516-01.9101	Transfer from General Fund		\$175,000
Total		\$550,000	\$550,000

Section 2. This ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Sharon Hightower

40. [ID 15-0499](#) Capital Project Ordinance Amending the State Highway Allocation Capital Project Fund

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Abuzuaiter, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-084 ORDINANCE ESTABLISHING CAPITAL PROJECT BUDGET FOR FY 15-16 STATE HIGHWAY ALLOCATION CAPITAL PROJECTS FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for State Highway Allocation Capital Projects to be undertaken in FY 15-16;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the following capital project budgets for State Highway Allocation Projects be established and appropriations for the life of the projects will be as follows:

Account Number	Description	Estimated Expenditures	Estimated Revenues
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402-4308-01.5611	Maint/Repair Streets/Sidewalks	\$1,989,000	
402-4308-01.9202	Transfer from State Highway Allocation Fund	_____	\$1,989,000
Total		\$1,989,000	\$1,989,000

Section 2. That this ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Yvonne Johnson

41. [ID 15-0500](#) Capital Project Ordinance Amending the Stormwater Management Capital Improvements Fund Fund

Moved by Councilmember Fox, seconded by Councilmember Hoffmann, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-085 ORDINANCE ESTABLISHING CAPITAL PROJECT FUND BUDGET FOR FY 15-16 STORMWATER MANAGEMENT CAPITAL IMPROVEMENTS FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for Stormwater Management Capital Projects to be undertaken in FY 15-16;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the following capital project budgets for Stormwater Management Capital Projects be established and appropriations for the life of the projects will be as follows:

Account Number	Description	Estimated Expenditures	Estimated Revenues
506-7015-01.5410	Pipe System Improvements – Engineering	\$100,000	
506-7015-01.6018	Pipe System Improvements	\$1,100,000	
506-7015-02.5410	Stream Restoration Improvements – Engineering	\$100,000	
506-7015-02.6018	Stream Restoration Improvements	\$500,000	
506-7015-03.5410	Culvert & Bridge Improvements – Engineering	\$75,000	
506-7015-03.6018	Culvert & Bridge Improvements	\$500,000	
506-7015-04.5410	Water Quality BMPs – Engineering	\$100,000	
506-7015-04.6018	Water Quality BMPs	\$500,000	
506-7015-06.6012	ROW for Construction	\$25,000	
506-0000-00.9505	Transfer from Stormwater Mgt Fund	_____	\$3,000,000
Total		\$3,000,000	\$3,000,000

Section 2. This ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Jamal Fox

42. [ID 15-0501](#) Capital Project Ordinance Amending the Water Resources Capital Improvements Fund

Moved by Councilmember Hoffmann, seconded by Councilmember Hightower, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-086 ORDINANCE ESTABLISHING CAPITAL PROJECT BUDGET FOR FY 15-16 WATER RESOURCES CAPITAL IMPROVEMENTS FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for Water Resources Capital Projects to be undertaken in FY 15-16;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following capital project budgets for Water Resources Capital Projects be established and appropriations for the life of the projects will be as follows:

Account Number	Description	Estimated Expenditures	Estimated Revenues
503-7025-01.5615	Water – Maint. & Repair (Pipes)	\$1,973,000	
503-7025-01.6012	Water - Land (Right-of-Way)	\$25,000	
503-7025-01.6016	Water - Line Extensions	\$1,000,000	
503-7025-01.6016	Water - Line Rehab/Epoxy	\$2,186,000	
503-7025-01.6016	Water - Line Rehab/Pipe Bursting	\$1,536,000	
503-7025-01.6016	Water - Substandard Line Improvement	\$3,501,714	
503-7025-02.5410	Sewer – Engineering	\$140,000	
503-7025-02.6012	Sewer - Land (Right-of-Way)	\$65,000	
503-7025-02.6017	Sewer - System Expansion	\$3,150,000	
503-7025-02.6017	Sewer - Lines Rehabilitation	\$5,692,000	
503-7025-03.6019	Water and Sewer - Upsizing Policy	\$1,000,000	
503-7025-04.5410	Water Plant Improvements – Engineering	\$390,000	
503-7025-04.5627	Water Plant Improvements – Maint. & Repair (Other)	\$250,000	
503-7025-04.6019	Water Plant Improvements – Mitchell Clearwell Replace	\$4,556,750	
503-7025-06.5410	Wastewater Plant Improvements – Engineering	\$300,000	
503-0000-00.9501	Trans. From Water Res Oper Fund		\$25,765,464
Total		\$25,765,464	\$25,765,464

2. This ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Nancy Hoffmann

43. [ID 15-0502](#) Capital Project Ordinance Amending the Water and Sewer Extension

Reserve Fund

Moved by Councilmember Abuzuaite, seconded by Councilmember Hoffmann, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-087 ORDINANCE ESTABLISHING CAPITAL PROJECT BUDGET FOR FY 15-16 WATER AND SEWER EXTENSION RESERVE FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for Water Resources Capital Projects to be undertaken in FY 15-16;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the following capital project budget for the Water and Sewer Extension Reserve be established and appropriations for the life of the projects will be as follows:

Account Number	Description	Estimated Expenditures	Estimated Revenues
507-7011-01.6019	Water and Sewer Improvements	\$835,717	
507-0000-00.9501	Trans. From Water Res Oper Fund		\$835,717
Total		<u>\$835,717</u>	<u>\$835,717</u>

Section 2. This ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Marikay Abuzuaite

44. [ID 15-0521](#) Capital Project Ordinance Amending the Solid Waste Capital Reserve Fund

Moved by Councilmember Fox, seconded by Councilmember Hightower, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-088 ORDINANCE ESTABLISHING A CAPITAL BUDGET FOR FY 15-16 SOLID WASTE CAPITAL RESERVE FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, and to plan for major projects, it is deemed in the best interest of the City to establish a special capital project ordinance for Solid Waste Capital Reserve Fund for FY 15-16;

AND WHEREAS, the revenues and expenditures shown below are being established to prepare for future capital Solid Waste projects, including required landfill closure projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the following capital project budget for Solid Waste Capital Reserve Fund be established and appropriations for the life of the projects will be as follows:

Account Number	Description	Estimated Expenditures	Estimated Revenues
552-4302-01.5627	Maintenance and Repair - Other	\$1,125,000	
552-4302-01.9551	Transfer from Solid Waste Management System Fund		\$1,125,000
Total		\$1,125,000	\$1,125,000

Section 2. This ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Jamal Fox

45. [ID 15-0507](#) Capital Project Ordinance Amending the Technical Services Capital Projects Fund

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hoffmann, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-089 ORDINANCE ESTABLISHING CAPITAL PROJECT BUDGET FOR FY 15-16 TECHNICAL SERVICES CAPITAL PROJECT FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for the Technical Services Capital Project Fund to be undertaken in FY 15-16;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the following capital project budget for the Technical Services Capital Project Fund be established and appropriations for the life of the projects will be as follows:

Account Number	Description	Estimated Expenditures	Estimated Revenues
688-3902-01.6059	Other Capital Equipment	\$674,624	
688-3902-01.9681	Transfer from Technical Services Fund		\$674,624
Total		<u>\$674,624</u>	<u>\$674,624</u>

Section 2. That this ordinance shall be effective from and after the date of July 1, 2015.

(Signed) Yvonne Johnson

46. [ID 15-0513](#)

Ordinance Amending Chapter 10 of the Greensboro Code of Ordinances; Amending Fire Fees

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-090 ORDINANCE AMENDING CHAPTER 10 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO FIRE PREVENTION AND PROTECTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 10-8. Plan Review Fee. is hereby amended to read as follows:

Sec. 10-8. - Plan review fee.

The fire prevention bureau shall review plans for construction, tanks, fire protection systems, fire alarm systems, industrial processes, and other reviews requiring fire code compliance.

Plans submitted for review shall contain complete information and detail. As specified by reviewers, plans shall be drawn to scale, professionally designed and sealed by a North Carolina registered architect and/or professional engineer.

Charges for plan review on behalf of the city by the fire prevention bureau shall be based upon the following schedule:

Each building, based upon square footage of the building beginning at:

0—999\$ 75.00
1,000—2,499100.00
2,500—9,999150.00
10,000—49,999275.00
50,000+400.00

Sprinkler/standpipe systems75.00 125.00

Sprinkler/standpipe performance test fee, minimum up to three hours150.00

Plus, for each additional hour150.00

Fire alarm system75.00 125.00

Fire alarm performance test fee, per inspector necessary to perform service100.00 150.00

Spray booth/area30.00

Storage room (flammables, combustibles, toxics, etc.)30.00

Compressed gas systems30.00

Automatic extinguishing system (not covered elsewhere)75.00

Automatic hood extinguishing performance test fee100.00

Tank (aboveground, below ground) per tank75.00

Industrial process30.00

LP gas system30.00

Private fire hydrants (where not part of sprinkler installation)30.00

Miscellaneous plans (not covered elsewhere)30.00

Each system, room, booth, area, process, or installation of one (1) to five (5) hydrants shall constitute a separate fee. Plans review fee entitles the submitter to an initial review and one (1) re-submittal to correct errors or omissions.

Section 2. That Section 10-9. Special Permit Fees. is hereby amended to read as follows:

Sec. 10-9. - Special permit fees.

There shall be a special fee for issuance of permits and inspection of certain activities by the fire prevention bureau as listed below. Charges for permits shall be based upon the following activities:

Refuse burning\$ 35.00

Blasting:

Per permit including inspections for 30-day permit125.00

Per permit including inspections for 90-day permit200.00

Resurfacing bowling lanes40.00

Removal of underground tank(s)100.00

Annual day care inspection fee50.00

Annual institutional facility inspection fee75.00

Annual institutional facility inspection fee (Educational Group E – Daycare*; Institutional Group I; R-4 and R-3 Group Homes)

Licensed for 0-25.... 75.00

Licensed for 26-50.... 125.00

Licensed for 51-100.... 175.00

Licensed for 101+..... 250.00

*Does not include private schools

Annual institutional facility inspection fee (Hospitals) 250.00/building

Annual foster care inspection fee55.00

Tent inspection fee60.00 100.00

Fireworks event inspection fee:

Initial event250.00

Subsequent event125.00

Section 3. That Section 10-10. Compliance Inspection Fee. is hereby amended to read as follows:

Sec. 10-10. - Compliance inspection fee.

There shall be a compliance inspection fee for inspection(s) conducted above and beyond state mandated requirements for a particular property in the amount of seventy dollars (\$70.00) one-hundred dollars (\$100.00).

Section 4. All ordinances in conflict with the provision of this ordinance are repealed to the event of such conflict.

Section 5. That this ordinance shall become effective on and after July 1, 2015.

(Signed) Sharon Hightower

47. [ID 15-0515](#) Ordinances Amending Chapter 29 of the Greensboro Code of Ordinances; Amending Water and Sewer Fees

Councilmember Wilkins spoke to the Fund balance; and inquired as to what would happen if Council did not approve the item.

Water Resources Director, Steve Drew spoke to the debt service; water and sewer rehab; and protecting bonds and rates.

Moved by Councilmember Hoffmann, seconded by Councilmember Fox, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Justin Outling

Nays, 1 - Tony Wilkins

15-091 AMENDING CHAPTER 29

AN ORDINANCE AMENDING CHAPTER 29 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO WATER RESOURCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That Section 29-46 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-46. - Generally; sewer rates; billing and availability charges.

Rates for water and sewer service shall apply only to the quantities shown in the corresponding brackets, and the cost of any quantity shall be the cumulative total of all portions of that quantity. Rates for monthly sewer service inside the city shall be a uniform charge of three dollars and thirty-three sixteen cents (\$3.33 3.16) per one hundred (100) cubic feet of wastewater discharge plus a billing and availability charge as shown below:

Size of Meter	Billing and Availability Charge
5/8"	\$3.45 \$3.27
3/4"	5.55 5.26
1"	17.50 16.60
1 1/4"	42.00 40.00
1 1/2"	70.00 66.50
2"	117.00 111.00
3"	234.00 222.00
4"	368.00 349.00
6"	702.00 665.00
8"	1129.00 1070.00

A billing and availability charge shall be charged with each billing, whether monthly or quarterly billing. Customers

with quarterly sewer service inside the city shall be charged a billing and availability fee at the rate charged to customers with a 5/8" meter shown in the table above for monthly sewer service.

Rates for sewer service outside the city shall be a uniform charge of eight seven dollars and eight forty-eight cents (\$8.08 7.48) per one hundred (100) cubic feet of wastewater discharge plus a billing and availability charge each bill as shown below:

Size of Meter	Billing and Availability Charge
5/8"	\$8.49 \$7.86
3/4"	13.61 12.60
1"	43.00 40.00
1 1/4"	103.00 95.00
1 1/2"	173.00 160.00
2"	286.00 265.00
3"	571.00 529.00
4"	901.00 834.00
6"	1715.00 1588.00
8"	2758.00 2554.00

A billing and availability charge shall be charged with each billing, whether monthly or quarterly billing. Customers with quarterly sewer service outside the city shall be charged a billing and availability fee at the rate charged to customers with a 5/8" meter shown in the table above for monthly sewer service.

No discounts shall be allowed from the rates fixed on the above schedule. If a meter was cut off or if a final bill for the account is generated before the end of the billing period, the actual consumption plus the billing and availability charge for the appropriate meter size shall be charged.

The annual sewer charge inside the city for unmetered accounts shall be based on seventy-two ninety-six (72 96) units of sewer at the current inside rate per one hundred (100) cubic feet of waste water discharge or a pro rata portion for the months that the service is provided. The annual sewer charge outside the city for unmetered accounts shall be based on seventy-two ninety-six (72 96) units of sewer at the current outside rate per one hundred (100) cubic feet of waste water or a pro rata portion for the months that the service is provided.

Section 2: That Section 29-48 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-48. - Monthly rates inside the city; billing and availability charges.

(a) Residential water charges. Monthly billed (inside) accounts with 5/8" and 3/4" meters that are billed as residential accounts shall be charged a billing and availability charge of three dollars and forty-five twenty-seven cents (\$3.45 3.27) or five dollars and fifty-five twenty-six cents (\$5.55 5.26) respectively, for each month. In addition, the account will be charged for water consumed as follows:

	Per Unit
First 3 units	\$1.88 \$1.78
4th through 10th units	2.69 2.55
11th through 20th units	3.39 3.21
All units over 20	4.67 4.43

(b) Nonresidential water charges. All monthly billed (inside) accounts not described in subsection (a) above or subsection (c) below shall be billed a billing and availability charge as follows:

Size of Meter	Billing and Availability Charge Inside the City
5/8"	\$3.45 \$3.27
3/4"	5.55 5.26

1"	17.50	16.60
1¼"	42.00	40.00
1½"	70.00	66.50
2"	117.00	111.00
3"	234.00	222.00
4"	368.00	349.00
6"	702.00	665.00
8"	1129.00	1070.00

Consumption of water shall be billed at two dollars and sixty-nine fifty-five (\$2.69 2.55) per unit for all units.

(c) Irrigation use. All inside monthly-billed irrigation accounts (water metered separately for irrigation or other outside use only) shall be four dollars and sixty-seven forty-three cents (\$4.67 4.43) per unit plus a billing and availability charge as shown in subsection (b) above.

(d) Fire meters. Billing and availability charges on fire meters shall be based on the size of the main meter. However, the property owner may petition the Water Resources Director to have a lower charge based on the by-pass meter (if available) if they can demonstrate a clear history of inconsequential volumes passed through the larger meter.

Section 3: That Section 29-49 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-49. - Monthly rates outside city; billing and availability charges.

All water meters outside the corporate limits of the city shall be read monthly and shall be billed at the following rates:

(1) Residential water charges. Outside accounts with ⅝" and ¾" meters that are billed as residential accounts shall be charged a billing and availability charge of eight seven dollars and forty-nine eighty-six cents (\$8.49 7.86) or thirteen twelve dollars and sixty-one sixty cents (\$13.61 12.60) respectively, for each bill. In addition, the account will be charged for water consumed as follows:

	Per Unit
First 3 units	\$4.58 \$4.24
4th through 10th units	6.60 6.11
11th through 20th units	8.22 7.61
All units over 20	11.46 10.61

(2) Nonresidential water charges. All outside accounts not described in subsection (1) above or below shall be billed a billing and availability charge as follows:

Size of Meter	Billing and Availability Charge Outside the City
⅝"	\$8.49 \$7.86
¾"	13.61 12.60
1"	43.00 40.00
1¼"	103.00 95.00
1½"	173.00 160.00
2"	286.00 265.00
3"	571.00 529.00
4"	901.00 834.00
6"	1715.00 1588.00
8"	2758.00 2554.00

Consumption of water shall be billed at six dollars and sixty eleven cents (\$6.60 6.11) per unit for all units.

(3) Irrigation use. All outside irrigation accounts (water metered separately for irrigation or other outside use only) shall be charged eleven ten dollars and forty-six sixty-one cents (\$11.46 10.61) per unit plus a billing and availability charge as shown in subsection (2) above.

(4) [Sewer service; Town of Jamestown.] Monthly rates charged to consumers provided sewer service by the Town of Jamestown should be as commensurate with sewer service charges adopted by the Town of Jamestown.

(5) [Sewer service; City of High Point.] Monthly rates charged to consumers provided sewer service by the City of High Point shall be as commensurate with sewer service charges adopted by the City of High Point.

(6) Fire meters. Billing and availability charges on fire meters shall be based on the size of the meter bypass line for accounts that show a clear history of inconsequential volumes passed through the larger meter.

Section 4: That Section 29-54 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-54. Miscellaneous water and sewer charges.

The following miscellaneous service charges are hereby adopted and approved:

Miscellaneous Services	Basis	Fee
(1) Two-inch temporary valve on hydrant for flushing	First 2 hours	\$ 50.00
	Each additional hour	5.00
(2) Meter on hydrant deposit	Per meter size	
	5/8", 3/4", 1"	200.00
	1 1/2"	300.00
	2", 3"	400.00
(3) Water from fire station	First 1,000 gallons	20.00
	Each additional 1,000 gallons	5.00
(4) Meter on hydrant	Per month, plus cost of water used	30.00
(5) Reserved		
(6) Extra service trip by meter service truck	Per trip	60.00
(7) Illegal connection to meter setter (includes open bypasses)	Per meter size	
	5/8", 3/4", 1"	250.00
	1 1/2", 2"	400.00
	3", 4"	1,000.00
	6", 8", 10"	2,000.00
(7.1) Illegal connection to fire hydrant	—	500.00
(8) Water and sewer map photocopy	Up to 11" x 17"	1.00
(8.1) Color printed maps, standard paper	Per size	
	8 1/2" x 11", 11" x 17"	5.00
	18" x 24"	6.00
	21" x 30"	9.00
	24" x 36"	12.00
	36" x 48"	15.00
(8.2) Color printed maps, photo paper	Per size	
	8 1/2" x 11", 11" x 17"	7.00
	18" x 24"	12.00
	21" x 30"	15.00
	24" x 36"	18.00
	36" x 48"	22.00
(8.3) Black and white printed maps, standard paper	Per size	
	8 1/2" x 11", 11" x 17"	2.00
	18" x 24"	3.00
	21" x 30"	6.00
	24" x 36"	9.00
	36" x 48"	12.00

(8.4) Maps on compact disk	Each	5.00
(9) Application and cut-on fee	—	15.00
(10) Special meter test (at customer's request)	Inches	
	5/8	60.00
	3/4	60.00
	1	60.00
	1 1/4	90.00
	1 1/2	90.00
	2	120.00
	3	150.00
	4	150.00
	6	180.00
	8	210.00
(11) Meter take out	—	40.00
(12) Laboratory testing fee	Per sample	20.00
(13) Plan review fee for water or sewer (if both, then double fee)		
	0—1,000 LF	22.00 27.00
	1,001—2,000 LF	38.00 47.00
	2,001—5,000 LF	62.00 77.00
	Over 5,000 LF	93.00 116.00
	Lift Station Review	125.00 156.00
(14) Sewer main inspection	Mobilization/1,000 feet	100.00
	Video inspection/feet	0.85
	Return trips each	250.00
	Inspection after repair	100.00
(15) Late payment charges	After due date following second notice	20.00
	For second penalty	20.00
	After due date following second notice where no water or sewer service involved	
15.00		
(16) Illegal use arrears bills	Cut off/turn on fee	40.00
(17) High strength wastewater charges:		
	BOD	Per 1,000 pounds over 200 mg/l
	SS	Per 1,000 pounds over 200 mg/l
(18) Septage	Per 1,000 gallons	24.00
(19) Raw water charges:		
	Inside city	Per hundred cubic feet
	Outside city	Per hundred cubic feet
(20) Water deposits for residential tenants	—	150.00

Section 5: That this ordinance shall become effective on and after July 1, 2015.

Section 6: That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Nancy Hoffmann

48. [ID 15-0505](#) Resolution Establishing a Heritage Community Recognition Program

Assistant City Manager Parrish spoke to an opportunity for collecting information; for communities to be recognized by Council; and to signage.

Planning Director Sue Schwartz stated this would be the first program like this in North Carolina; and that people would be recognized at the July meeting.

Councilmember Wilkins asked where the program originated.

Ms. Schwartz provided the history of the item; spoke to partnerships with the Library and the Historic Museum; and stated it was a no cost program.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

0186-15 RESOLUTION ESTABLISHING A HERITAGE COMMUNITY RECOGNITION PROGRAM

WHEREAS, The Planning Department administers a comprehensive local historic preservation program; and

WHEREAS, There are numerous historic assets within the City that are not eligible for recognition through existing means of designation; and

WHEREAS, A Heritage Community Recognition Program would commemorate historically important areas of the city and serve as a method for educating the public about the hidden history of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City hereby establishes a Heritage Community Recognition Program and further authorizes the City Manager to carry out the necessary steps to initiate the program as described in the attachment.

(Signed) Sharon Hightower

49. [ID 15-0408](#) Resolution Authorizing Amended Agreement with NC Department of Transportation for EL-5101 DL Sidewalk Project for the Purchase of Right of Way

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Fox, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

0187-15 RESOLUTION AUTHORIZING AMENDED AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR EL-5101 DL SIDEWALK PROJECT FOR THE PURCHASE OF RIGHT OF WAY

WHEREAS, the City of Greensboro and the North Carolina Department of Transportation have entered into an agreement to direct federal funding to the Greensboro Sidewalk Project in 2011; and

WHEREAS, additional funds of \$1,381,250 are needed to cover right-of-way costs of which \$1,105,000 in additional federal funding is secured with \$276,250 in local funds; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That said budget amendment and amended agreement with NCDOT is hereby formally approved by the City Council of the City of Greensboro for Project EL-5101 DL.

(Signed) Yvonne Johnson

50. [ID 15-0410](#) Ordinance in the Amount of \$1,381,250 Amending Street and Sidewalk Capital Project Fund Budget for Amendment to EL-5101 DL Sidewalk Project for the Purchase of Right of Way

Moved by Councilmember Abuzuaiter, seconded by Councilmember

Hightower, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-092 ORDINANCE AMENDING THE STREET AND SIDEWALK CAPITAL PROJECT FUND BUDGET FOR PROJECT EL-5101 DL: GREENSBORO SIDEWALK PROJECT

Section 1:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the Project EL-5101 DL: Greensboro Sidewalk Project budget be increased as follows:

Account	Description	Amount
401-4546-01.6012	Land Right of Way	\$1,381,250
TOTAL		

And, that this appropriation be financed by increasing the following revenue accounts:

Account	Description	Amount
401-4546-01.7110	State Grant	\$1,105,000
401-4546-01.9471	Transfer from Street Improvement Bond Fund	\$276,250
TOTAL:		\$1,381,250

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaite

51. [ID 15-0466](#) Ordinance in the Amount of \$38,422,704 Amending FY 14-15 Water Resources Enterprise Fund for Combined Enterprise System Revenue Refunding Bonds, Series 2015

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-093 ORDINANCE AMENDING FY 14-15 WATER RESOURCES ENTERPRISE FUND

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 14-15 Water Resources Enterprise Fund Budget of the City of Greensboro is hereby amended, as follows:

Account	Description	Amount
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501-7018-02.5899	Payment to Escrow Agent	\$37,983,527
501-7018-02.5831	Bond Issuance Expense	439,177
Total		\$38,422,704

And, that the following revenue finances these appropriations:

Account	Description	Amount
501-7018-02.9005	Proceeds from Refunding Bonds	\$33,985,000
501-7018-02.9001	Premium on Bonds Sold	4,437,704
Total		\$38,422,704

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

- 52. [ID 15-0467](#)** Ordinance in the Amount of \$1,392,000 Amending FY 14-15 Community Development Fund and in the Amount of \$2,186,000 Amending FY 14-15 S. Elm Street Redevelopment Fund for HUD Section 108 Certificates, Series 2015

Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

15-094 ORDINANCE AMENDING FY 14-15 COMMUNITY DEVELOPMENT FUND AND THE S. ELM STREET REDEVELOPMENT FUND

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 14-15 Community Development Fund and the S. Elm Street Redevelopment Fund Budgets of the City of Greensboro are hereby amended, as follows:

Account	Description	Amount
212-2115-19.5899	Payment to Escrow Agent	\$1,392,000
217-1082-01.5899	Payment to Escrow Agent	2,186,000
Total		\$3,578,000

And, that the following revenue finances these appropriations:

Account	Description	Amount
212-2115-19.9003	Proceeds from Refunding Notes	\$1,392,000
217-1082-01.9003	Proceeds from Notes	2,186,000
Total		\$3,578,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

- 53. [ID 15-0503](#)** Resolution Approving Bid in the Amount of \$2,753,820.19 and Authorizing Execution of Contract No. 2015-01 with Blythe Construction, Inc. for Resurfacing of Streets

Moved by Councilmember Fox, seconded by Councilmember Abuzuaiter, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Tony Wilkins and Justin Outling

0188-15 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 2015-01 WITH BLYTHE CONSTRUCTION, INC. FOR THE RESURFACING OF STREETS PROJECT

WHEREAS, after due notice, bids have been received for the resurfacing of streets project;

WHEREAS, Blyth Construction, Inc. a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,753,820.19 as general contractor for Contract No. 2015-01, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Blythe Construction, Inc. is hereby accepted, and the City is authorized to enter into a contract with Blythe Construction, Inc. for the resurfacing of streets project subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$2,753,820.19 from Account No. 471-4502-09.5611.

(Signed) Jamal Fox

VI. SUPPLEMENTAL AGENDA

Matters to be discussed by the Mayor and Members of the Council

Councilmember Hightower added Krycia L. Flores Rojas into the data bank for future use on a Board or Commission; welcomed new Councilmember Outling; and stated Councilmember Outling needed to resign his position from the Minimum Housing Commission.

Councilmember Outling stated he resigned his position from the Minimum Housing Commission.

Matters to be presented by the City Manager

There were no items for discussion by the City Manager.

Matters to be presented by the City Attorney

There were no items for discussion by the City Attorney.

Adjournment

Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 8:02 P.M.

ANGELA R. LORD
DEPUTY CITY CLERK

NANCY VAUGHAN
MAYOR