

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: GENERAL LICENSING PROVISIONS

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Cross-reference:

Responsibility of business establishments as to curfew for minors, see § 130.34

§ 110.01 DEFINITIONS.

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

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

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

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

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

PERSON. Any person firm, partnership, company, or corporation.

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QUARTER. Any three consecutive months.

SEASONAL IN NATURE. A business is **SEASONAL IN NATURE** when it is taxed by this chapter on an annual basis, but is operated in the town for less than six months of the year.

§ 110.02 LICENSE TAX LEVIED.

A license tax is levied on the privilege of engaging in business within this town, which is listed in the schedule of taxes adopted by reference in § 110.16 of this chapter. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid.
Penalty, see § 10.99

§ 110.03 TAX COLLECTOR; DUTIES.

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

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

§ 110.04 LICENSE; DUE DATE.

(A) Unless otherwise provided in the schedule of license taxes, each privilege license issued shall cover the 12-month period beginning July 1 of each calendar year and ending June 30 the subsequent calendar year.

(B) The privilege license tax is due on July 1 of each year. If, however, a person begins business after July 1, the tax for that year must be paid before the business is begun.
Penalty, see § 10.99

§ 110.05 APPLICATION.

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

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

(B) No person shall willfully make a false statement on a license application.
Penalty, see § 10.99

§ 110.06 PRORATING OF TAX; SEASONAL BUSINESSES.

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

(B) Except when a tax is based on gross receipts, a person engaged in a business which is seasonal in nature is liable for one half the amount of tax otherwise due.
Penalty, see § 10.99

§ 110.07 MULTIPLE BUSINESSES.

If a person is engaged in more than one business made subject to a license tax under this chapter, the person shall pay the license tax prescribed in the tax schedule adopted by reference in § 110.16 of this chapter for each business, even if the businesses are conducted at the same business location.
Penalty, see § 10.99

§ 110.08 SEPARATE PLACES OF BUSINESS.

Unless otherwise provided by state law or by the tax schedule adopted by reference in § 110.16 of this chapter, if a person engages in a business in two or more separate places, a separate license tax shall be required for each place of business. For the purposes of this section, if a person engages in the same business at two or more locations within the town, which locations are contiguous, communicate with and open directly into each other, and are operated, as a unit, the person is liable for only one tax.
Penalty, see § 10.99

§ 110.09 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 licensee has no fixed place business, such licensee must keep the same wherever such business is being operated and where it can be inspected at any time by the proper municipal official.

Penalty, see § 10.99

§ 110.10 CHANGE IN PLACE OF BUSINESS.

If a person who has obtained a license for a business taxed under this chapter desires to move from one business location to another within the town, the license which has been issued shall be valid for the remainder of the license year at this new location, and no additional tax need be paid. Within a reasonable time after the change in location however, the person shall inform the Tax Collector of the change in address.

Penalty, see § 10.99

§ 110.11 NO ABATEMENT OF TAX.

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

Penalty, see § 10.99

§ 110.12 EFFECT OF LICENSE.

The issuance of a license under this chapter does not authorize the carrying on of a business for which additional licenses or qualification are required by state or local law, nor does the issuance of a license prevent the town from enacting additional regulations applicable to the license.

§ 110.13 EXEMPTIONS.

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

§ 110.14 UNLAWFUL TO CONDUCT BUSINESS WITHOUT A LICENSE.

(A) It shall be unlawful for any person or his or her agent or servant to engage in or carry on a business in the town for which there is required a license, without first having paid the license tax and obtaining the license. For the purpose of this section the opening of a place of business or offering to

sell, followed by a single sale or the doing of any act or thing in furtherance of the business shall be construed to be engaging in or carrying on such business; and each day that such person, firm, or corporation shall engage in or carry on such business as aforesaid, shall be construed to be a separate offense.

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

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

§ 110.15 COLLECTION OF UNPAID TAX.

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

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

(2) The remedy of levy and sale of real and personal property of the tax payer in accordance with G.S. § 105.109(d).

(C) Any person who begins or continues to engage in business taxed under this chapter without payment of the tax is liable for an additional tax of 5% of the original tax due for each 30 days or portion thereof that the tax is delinquent.

§ 110.16 SCHEDULE OF LICENSE TAXES ADOPTED.

Taxes shall be levied and collected on the trades, professions, agencies, business operations, and other subjects set out in the schedule of license taxes, hereby made a part hereof, which is on file in the town office. Privilege licenses shall be issued without charge.

CHAPTER 111: ALARM BUSINESSES

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- 111.03 Permit and permit revocation
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- 111.05 Severability

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§ 111.01 DEFINITIONS.

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

ALARM. Shall be deemed to include, but is not limited to, “silent, visible, audible, recorded, and direct dialed” and shall also include any device that delivers a recorded message to any emergency or police department telephone requesting a law enforcement response.

ALARM BUSINESS OPERATOR. Any person, corporation, proprietorship, partnership, or other organization engaged in the business of selling, leasing, installing, maintaining, and/or monitoring alarm systems installed on premises located in the town. Any owner, lessor, or other(s) that install any alarm system on any property they occupy, shall for the purpose of this chapter be deemed **ALARM BUSINESS OPERATORS** only if they are installing an alarm system that has an alarm that has an automatic dialer and/or automatic signal transmission.

ALARM SYSTEM. Any electronic or mechanical device that transmits an alarm signal outside the location, which is designed, intended, or used to detect and/or intended to alert law enforcement personnel to an actual or attempted unauthorized entry into a building or to the commission of a crime.

FALSE ALARM. The activation of an alarm system through the negligence of the subscriber, or equipment malfunction within the control of the subscriber or alarm business operated, or any alarm testing activation where the Police Department’s Emergency Communication Center has not been forewarned of the testing. An alarm signal caused by conditions of nature or other extraordinary circumstances not reasonably subject to control by the subscriber or alarm business operator shall not

be deemed a false alarm. Failure to use available technology, such as a battery backup, or other technological advances designed to prevent false alarm activations, and/or failure to properly maintain the alarm system or the technology used, may be deemed a **FALSE ALARM**.

SUBSCRIBER. Any person, corporation, partnership, proprietorship, governmental, educational, or other entity owning or leasing an alarm system. This shall also include any employee(s) of the subscriber, and/or any agent acting on behalf of the subscriber.

§ 111.02 REGISTRATION OF BUSINESS REQUIRED.

(A) Every alarm business operator shall register their business with the Police Department prior to installation of any alarm system in the corporate limits, so that the Police Department can verify that the alarm company is a properly licensed security business as required once, and will be valid as long as the business operates in the town.

(B) Alarm business operators shall obtain any privilege license allowed by law.

(C) Each alarm business operator that is required shall be licensed under G.S. Chapter 74D. Penalty, see § 111.99

§ 111.03 PERMIT AND PERMIT REVOCATION.

(A) Any alarm system that utilizes an "automatic signal transmission" or an "automatic dialer" that calls the Emergency Communications Center and/or the Police Department shall first obtain a permit from the town before the installation of the system, there shall be no cost for this permit, however the installer and/or user shall be responsible for all installation costs associated with these systems.

(B) At any time after six false alarm activations within 12 months the Chief of Police may rule that there have been excessive false alarms and may revoke said permit and cause disconnection of the alarm systems transmission signal to the Emergency Communications Center and/or Police Department.

(C) In case of such revocation, a new permit for the same alarm system or same subscriber may be issued with the approval of the Chief of Police under the provisions of this section, upon satisfactory proof that the alarm system has been modified to minimize further violations, and that any outstanding service charges have been paid in full. The new permit shall be charged the initial issue fee.

(D) Intentional false activations or activations designed to summon law enforcement personnel, such as the use of "panic" buttons, when the need of law enforcement is non-emergency in nature shall be cause for permit revocation, in addition to other applicable penalties.

Penalty, see § 111.99

§ 111.04 ALARM TESTING PROCEDURES.

(A) Any subscriber or alarm business operator that will be conducting any alarm testing procedures shall first notify the Emergency Communications Center and the Police Department so that no law enforcement personnel will be dispatched during the testing procedure. Failure to do so shall be considered a false alarm.

(B) Alarm activation occurring within the first five calendar days following alarm installation shall not be considered a false alarm, for the purpose of this chapter.

§ 111.05 SEVERABILITY.

In the event that any provision of this chapter or the application thereof to any person or circumstance is for any reason held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions or applications of this chapter, and to this end the provisions of this chapter are declared to be severable.

§ 111.99 PENALTY.

(A) Any violation of this chapter shall subject the offender to a civil penalty in the amount set forth in this section.

(B) Written notification of a violation shall be in the form of a town ordinance violation citation and may be issued in person or by registered mail to the permitted subscriber.

(C) If a subscriber has more than three false alarms but less than 12 in a calendar year there will be a fee of \$25 per offense;

(D) If a subscriber has more than 12 false alarms in a calendar year, there shall be a fine of \$100 per offense and revocation of the permit.

(E) If an alarm activates continuously for more than 60 minutes, it will be considered a false alarm.

(F) If a person fails to pay the fines levied, the town may pursue collection by filing a civil action against the subscriber.

(G) The Chief of Police shall have the authority to waive the penalties at his or her discretion.

CHAPTER 112: AMUSEMENTS

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- 112.08 Licensee responsible for employee acts
- 112.09 Revocation of license

Statutory reference

Regulation of places of amusement, G.S. § 160A-181

§ 112.01 DEFINITION.

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

GAME ROOM. Any place of business that principally operates games, mechanical elections, or other pay device for which charge is made either directly or indirectly. Examples of **GAME ROOMS**, by way of illustration and not limitation, are pool rooms, bowling alleys, billiard halls, centers for the operation of electronic games, amusement centers, and the like.

§ 112.02 LICENSE REQUIRED.

Pursuant to the authority granted to the town by G.S. Chapter 160A-181, to regulate places of amusement and entertainment, it shall be unlawful for any person to maintain or operate any game room unless that person shall have obtained a license from the Board of Commissioners. Such license shall expire on June 30 of each year and shall not be transferable.
Penalty, see § 10.99

§ 112.03 APPLICATION FOR LICENSE; INVESTIGATION.

Application for such license shall be made upon forms provided by the Town Clerk and shall contain all information necessary for the Board of Commissioners to act intelligently upon the application. The Town Clerk shall give the application for such license to the Police Chief who shall investigate the applicant and place sought to be licensed, to determine whether said applicant and place is desirable. The Chief of Police shall furnish the Board of Commissioners with all information pertaining to convictions of any crimes and any other pertinent information pertaining to the location of the game room. After the applicant has appeared before the Board and the investigation made by the Chief of Police has been furnished to the Board, the Board may by majority vote of its members refuse the issuance or order the issuance of such license.

§ 112.04 DENIAL OF LICENSE.

The Board of Commissioners shall not issue a license to any person:

(A) Who has been convicted, within the past two years, of a felony or who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs;

(B) Who is not a citizen and resident of North Carolina;

(C) Who is a habitual user of intoxicating liquor or narcotic drugs;

(D) Who is of immoral character; and/or

(E) Who has within three years of application had a previously issued license for operation of a game room revoked.

§ 112.05 FORM AND CONTENT OF LICENSE.

Every license issued pursuant to this section shall specify the premises for which it is used; the number of tables, alleys, or machines to be operated hereunder; the name of the owner or operator, and the dates upon which the license shall begin and expire. The license shall be posted in a permanent place on the premises at all times and is not transferable to any other premises. A license issued pursuant to this section is void if the business moves or ceases operating a game room at the location required to be stated in the application.

§ 112.06 PROHIBITIONS.

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

(A) Suffer or permit any gambling on the licensed premises at any time, nor permit the sale of any card or other gambling device;

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

(C) Suffer or permit any alcoholic beverages, as defined in G.S. § 18B-101, or narcotic drugs to be sold or kept or consumed on the licensed premises;

(D) Suffer or permit any person under the age of 16 years to enter or remain on the licensed premises, unless the person is accompanied by a parent or guardian;

(E) Employ in the establishment any person who has been convicted within the last two years of a felony offense; or any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs; and/or

(F) Suffer or permit any keeley board, keno board, or any other gambling board or device to be attached to or placed upon any tables.
Penalty, see § 10.99

§ 112.07 RULES OF OPERATION.

The following rules shall be observed by all operators of game rooms, pool rooms, bowling alleys, billiard halls, centers for the operation of electronic games, amusement centers, and the like required to be licensed by § 112.02 within the town.

(A) All establishments shall close by 12:00 a.m., midnight, Monday thru Saturday, and no person other than the owner, operator, or employees shall be permitted on the premises from that hour until 7:00 a.m. the following morning; provided that when Daylight Savings Time is in effect all establishments covered herein shall close at 1:00 a.m.

(B) No play on any table, alley, or machine shall be allowed during the time when the premises are required by this section to be closed.

(C) These establishments shall be closed on Sunday.

(D) All establishments shall be operated only on the ground floor of a building and an unobstructed, transparent plate glass window or windows shall be located in those parts of the building facing any street so that a clear view inside may be had from the street.

(E) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where amusements or games are played and the rear wall of the room. A clear view of the interior premises from the entrance to the rear of the premises must be maintained at all times.

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

(G) There must be an adult (18 years of age or older) managing the business on the premises during hours of operation at all times.

§ 112.08 LICENSEE RESPONSIBLE FOR EMPLOYEE ACTS.

The acts and conduct of the agents and employees of the licensee in the conduct of business covered hereunder shall be deemed to be the acts and conduct of the licensee.

§ 112.09 REVOCATION OF LICENSE.

A second conviction of a licensee, or his or her agent or employee, for any violation of any provision of this section shall by operation of law constitute an automatic revocation of the license of the licensee. In addition, the Board of Commissioners may at any time, for cause and after a hearing for which the licensee shall be given reasonable notice as the Board may direct, revoke the license of any person who violates any of the provisions of this chapter.

CHAPTER 113: MASSAGE BUSINESSES

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§ 113.01 PURPOSE OF REGULATIONS.

To protect the general health, safety, welfare, and morals, the following licensing provisions hereinafter specified are ordained for the privilege of carrying on the business, trade, or profession of masseur or masseuse and for the operation or carrying on of the business, trade, or professions

commonly known as massage parlors, health salons, physical culture studios, clubs, or establishments, or similar establishments by whatever name designated, wherein physical culture, massage, hydrotherapy, or other physical treatments of the human body is carried on or practiced. The provisions of this chapter shall not apply to a regularly established and licensed hospital, sanitarium, nursing home, or medical clinic, nor to the office or clinic operated by a duly qualified and licensed medical practitioner, osteopath, or chiropractor in connection with his or her practice of medicine, chiropractic or osteopathy, provided however that such office or clinic is regularly used by such medical practitioner, chiropractor, or osteopath as his or her principal location for his or her practice of medicine, chiropractic, or osteopathy.

§ 113.02 DEFINITIONS.

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

MASSEUR or *MASSEUSE*. A male person who applies manual or mechanical massage or similar treatment to the human body trunk or limbs shall be deemed, within the terms of this section, a *MASSEUR*; and a female person so engaged, a *MASSEUSE*.

§ 113.03 ENFORCEMENT OF REGULATIONS; REVOCATION OF LICENSE.

(A) It shall be the duty of the Chief of Police of the town to inspect periodically the premises licensed under this chapter, to determine any violations of its provisions, and to otherwise enforce said chapter.

(B) Whenever the Chief of Police shall have good cause to believe that there exist grounds for revocation of any license hereunder acquired, he or she shall submit a written recommendation of revocation to the Board of Commissioners and by certified mail shall forward, at least ten days prior to the hearing, a copy of his or her recommendation to the licensee. The recommendation shall state the specific reasons for the revocation of the license.

(C) The Board of Commissioners, whenever it has good cause to believe that there exists grounds for revocation of any license acquired hereunder, may, upon its own motion, set a hearing, as hereinabove provided, to show good cause why such license should not be revoked. Written notice stating the specific alleged grounds for revocation shall be forwarded by certified mail to the licensee, at least ten days prior to such hearing, which shall be held in exactly the same manner as if initiated by the Chief of Police.

(D) Prior to revocation of any license by the Board of Commissioners, the licensee shall be given an opportunity to appear and be heard, either personally or through his or her attorney, to rebut any evidence against him or her, and to present evidence and witnesses in his or her defense. If the licensee fails to show good cause why his or her license should not be revoked, the Board may revoke said license, upon a finding by the Board of a cause for revocation.

(E) A license issued pursuant to this chapter shall be revoked by action of the Board of Commissioners if the Board determines that:

- (1) The licensee has violated any provisions of this chapter;
- (2) The licensee, or any agent of the licensee, employs or permits to be employed on the premises of the applicant's massage business any person practicing the profession of massage who has not been issued the privilege license required by this chapter, or whose license has been revoked.
- (3) The licensee, or the legal or beneficial owner of any interest in the licensee is convicted of a felony or any crime involving moral turpitude or sexual misconduct, including but not limited to G.S. §§ 14-177 through 14-220.1, Article 26 (offenses against public morality and decency) and G.S. §§ 14-203 through 14-208, Article 27 (prostitution) or of any section of this chapter; and/or
- (4) The licensee violates any zoning, building, or fire prevention ordinance.

(F) A license issued pursuant to this chapter is void if the licensee moves or ceases operating a massage parlor at the location required to be stated on the application or license pursuant to this chapter. Penalty, see § 10.99

§ 113.04 TREATMENT OF PERSONS OF OPPOSITE SEX RESTRICTED.

It shall be unlawful for any person holding a license under this chapter to treat a person of the opposite sex, except upon a signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police at any reasonable time. The requirements of this section do not apply to treatments given at the residence of the patient, the office of a licensed physician, osteopath, or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium. The requirements of this section shall also not apply to treatments given by health massage/bodywork therapists wherever they may be engaged in the business or profession of health massage/bodywork therapy as it is defined in G.S. Chapter 90, Article 36. Provided, any person providing such treatment must have met all the requirements and qualifications set forth in G.S. Chapter 90, Article 36 specifically G.S. §§ 90-620 through 90-636 and must have all certifications and licenses required thereunder. Any persons providing such treatment are subject to all regulations and enforcement provisions under G.S. Chapter 90, Article 36, §§ 90-620 through 90-636 as well as to all other provisions of this chapter of the Code of Ordinances.

Penalty, see § 10.99

§ 113.05 POSTING OF LICENSE.

(A) Every masseur and masseuse shall post the licensee required by this chapter in his or her work area.

(B) Every person, corporation, partnership, or association licensed under this subchapter shall display such license in a prominent place.
Penalty, see § 10.99

§ 113.06 HOURS OF OPERATION.

(A) No person licensed as a masseur or masseuse under this chapter shall massage or treat any person or engage in the business or profession of massage, before 8:00 a.m. or after 12:00 a.m. midnight, prevailing time.

(B) No person, corporation, partnership, or association licensed under this chapter shall admit customers or prospective customers, or remain open for business, or allow, or permit, or condone any massage or treatment of any person before 8:00 a.m. or after 12:00 a.m., midnight, prevailing time.

(C) No person in charge of managing a massage business upon the premises shall allow, permit, or condone any massage or treatment of any person before 8:00 a.m. or after 12:00 a.m., midnight, prevailing time.

§ 113.07 PATRONAGE OF MASSAGE BUSINESS BY MINORS; EMPLOYMENT OF MINORS.

(A) No person licensed as a masseur or masseuse under this chapter shall massage or treat any person under the age of 18 upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist, such order being dated and in the possession of the masseur or masseuse giving the massage or treatment. A violation of this section shall be grounds for revocation of any license issued to such violator pursuant to this chapter.

(B) No person, corporation, partnership, or association licensed under this chapter shall allow, permit, or condone the massage or treatment of any person under the age of 18 upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist, such order being dated, and a true copy of such order being in the possession of the licensee before administration of any massage or treatment. A violation of this division (B) shall be grounds for revocation of any license issued to such violator pursuant to this chapter.

(C) No person, corporation, partnership, or association licensed pursuant to this chapter shall employ any person under the age of 18 years in the operation of a massage business.
Penalty, see § 10.99

§ 113.08 ANNUAL PRIVILEGE LICENSE.

The licenses required under this chapter are annual privilege licenses. Such license fees shall be due and payable in the same manner as prescribed for other privilege licenses issued by the town pursuant to the license and privilege tax ordinance of the town.

Penalty, see § 10.99

Cross-reference:

Privilege license tax, see Ch. 110

MESSAGE BUSINESS OPERATORS; LICENSING PROCEDURES

§ 113.20 LICENSE REQUIRED.

No person, corporation, partnership, or association shall operate a massage business as herein defined unless such person, partnership, corporation, or association shall have first applied for and been granted the privilege license provided by this section.

Penalty, see § 10.99

§ 113.21 APPLICATION; FORM AND CONTENTS.

(A) Every application for the privilege license prescribed herein shall be upon a form approved by the Town Manager and shall be filed with the Town Clerk.

(B) Every application shall be made under oath and shall contain the following information:

(1) *Name.* If the applicant is a person, the name and residence address of such person. If the applicant is a partnership, corporation, or association, the name and residence address of all persons having any legal or beneficial interest in such applicant;

(2) *Address.* The address of the premises where the massage business shall be located;

(3) *Prior convictions.* A complete statement of all convictions of any person whose name is required to be given in division (B)(1) above for any felony, or any violation of the law relative to prostitution, or involving moral turpitude;

(4) *Prior licensee revocations.* A complete statement of any revocation, by any governmental unit, of any license to operate a massage business or to engage in the business or profession of massage held by any person whose name is required to be given in division (B)(1) above;

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(5) *Statement of conviction.* A complete statement of any conviction of any person whose name is required to be given in division (B)(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) *Other businesses.* The name and address of any massage business or other establishment owned or operated by any person whose name is required under division (B)(1) wherein the business or profession of massage is carried on;

(7) *Description of adjoining businesses.* A description of other businesses to be operated on the premises or adjoining premises owned or controlled by the applicant; and

(8) *The qualifications of the applicant.* These must be plainly stated and must be submitted with the required exhibits annexed to said application providing such qualifications.
Penalty, see § 10.99

§ 113.22 QUALIFICATIONS OF APPLICANTS.

An applicant hereunder, prior to making application for a license, must have the following qualifications.

(A) The applicant may be male or female and shall be required to provide written recommendations showing proof of good moral character; and, in case the applicant is a corporation, such corporation must be created in or domesticated by the laws of this state and the officers thereof shall provide written recommendations showing proof of good moral character.

(B) Each applicant must furnish a health certificate from a medical doctor which shall accompany such application as an exhibit. Should the applicant be a corporation, it shall furnish such certificate to cover its officers, agents, or employees who will actually be engaged in and working under said license. Each employee who begins work following the original issuance of license under this chapter shall likewise obtain a health certificate. A copy of the application and all certificates shall be furnished to the Police Department.
Penalty, see § 10.99

§ 113.23 INVESTIGATE REPORT; APPROVAL PROCEDURES.

(A) The Town Clerk shall transmit a copy of the application of qualification of applicant for license to the Police Department for an investigative report to determine compliance with all applicable town codes and building regulations and ordinances. The Police Department shall, within a reasonable time, not to exceed 45 days, report the results of the examination to the Town Clerk.

(B) An application in proper form, accompanied by all reports required by this section, shall be submitted to the Board of Commissioners, which shall approve such application if the Board determines that:

(1) The application contains no misstatement of facts;

(2) The applicant, or any person having any legal or beneficial ownership interest in the applicant, has not been convicted of a felony or any crime involving moral turpitude or 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), or of any section of this chapter or 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 or massage;

(3) The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes; and

(4) 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 for engaging in the business or profession of massage revoked.

§ 113.24 APPLICANT TO FURNISH HEALTH CERTIFICATE AND PROVIDE EMPLOYEE INFORMATION.

(A) Any applicant granted a license hereunder shall have the authority to train masseurs and masseuses under his or her supervision in his or her studio or establishment, provided that the licensee shall furnish to the Police Department, there to be kept by such Department, a health certificate of such employee from a medical doctor.

(B) It shall be the duty of all persons holding a license hereunder to file with the Chief of Police of the town the names of all employees, their home addresses, home telephone numbers, and places of employment. Changes in the list of employees with the names of new employees must be filed with the Chief of Police within seven days from the date of any change.

Penalty, see § 10.99

§ 113.25 ISSUANCE OF LICENSE.

Upon approval by the Board of Commissioners, and upon receipt of the required license fee, a privilege license shall be issued to the applicant.

MASSEURS AND MASSEUSES; LICENSING PROCEDURES**§ 113.40 LICENSE REQUIRED.**

No person shall engage in the business or profession of massage unless such person shall have first applied for and been granted the privilege license provided by this subchapter.
Penalty, see § 10.99

§ 113.41 APPLICATION.

(A) The application for the license required by this section shall be upon a form approved by the Town Manager and on file in the office of the Town Clerk. Such application shall be given under oath and shall contain the following information:

- (1) The name, age, and residence address of the applicant;
- (2) A complete statement of the previous business or occupation of the applicant for the two years immediately preceding the date of application, including any massage establishment experience;
- (3) A complete statement of all convictions of the applicant for any felony or any violation of the law relative to prostitution or involving moral turpitude or sexual misconduct;
- (4) A complete statement of any revocation of any license granted by any governmental unit to the applicant to engage in the business or profession of massage; and
- (5) The date and place of applicant's birth, the name of the applicant's parents and the residence or addresses of the applicant for five years immediately preceding the date of application.

(B) The applicant shall submit, as a part of the application required in division (A), the following. The additional information required by this division (B) shall be provided at the applicant's expense;

- (1) Fingerprints of the applicant taken by the Police Department;
- (2) Two recent photographs of the applicant's head and shoulders, of a size and quality to be prescribed by the Town Manager; and
- (3) A medical certificate signed by a physician, licensed to practice in the state, within seven days of the date of the application. The certificate shall state that the applicant was examined by the certifying physician that the applicant is free from communicable diseases.
Penalty, see § 10.99

§ 113.42 INVESTIGATIVE REPORT; APPROVAL PROCEDURES.

(A) The Town Clerk shall transmit a copy of the application to the Police Department for an investigative report. The Police Department shall, within a reasonable time not to exceed 45 days, report the results of its investigation to the Town Clerk.

(B) An application in proper form shall be submitted to the Board of Commissioners together with all the reports required by this section. The Board shall approve such application if the Board determines:

- (1) That the applicant is at least 18 years of age;
- (2) That the application has no misstatements of fact;
- (3) The applicant has not been convicted of a felony or any crime involving moral turpitude or 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), or of any section of this chapter or of any federal statute relating to prostitution, or for violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage.
- (4) The applicant has not, for the three-year period prior to the application had a previously issued license for engaging in the business or profession of massage revoked;
- (5) The applicant is free from communicable disease as evidenced by the medical certificate required herein; and
- (6) The applicant has not been previously convicted of any violation of any provision of this chapter.

§ 113.43 ISSUANCE OF LICENSE.

Upon approval of the Board of Commissioners, and upon receipt of the required license fee, a privilege license shall be issued to the applicant.

§ 113.44 MEDICAL EXAMINATION.

The Board of Commissioners shall have the authority to direct any person licensed under this section to submit to a medical examination by a licensed physician approved by the Board. This authority shall be exercised only when the Board has reason to believe that any such person has contracted a communicable disease. Refusal to submit to such examination shall be grounds for revocation of such license as provided in § 113.45. Notwithstanding the provisions of this division, every person licensed under this chapter shall file and continue to file with the Town Clerk a new medical certificate with each

application for renewal of the license prescribed by this subchapter. Failure to file such updated certificates shall be grounds for revocation of such license as provided in § 113.45.

§ 113.45 CONDITIONS FOR REVOCATION BY BOARD.

(A) A license issued pursuant to this section shall be revoked by action of the Board of Commissioners if the Board determines:

- (1) The licensee has violated any provision in this chapter;
- (2) The licensee is afflicted with a communicable disease;
- (3) The licensee has failed to be examined by a licensed physician when required by the Board pursuant to § 113.44, or has failed to file any medical certificate by said § 113.44; and
- (4) The licensee has been convicted of a felony or any crime involving moral turpitude or 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), or of violating any section of this chapter, or under any federal statute relating to prostitution, or for violation of any laws or ordinances of any governmental unit related to the business or profession of massage.

(B) Prior to revocation of any license under this section the procedures set forth in § 113.03 shall be followed.

CHAPTER 114: PEDDLERS, SOLICITORS, AND TRANSIENT VENDORS

Section

- 114.01 Definitions
- 114.02 Statement of information required for registration
- 114.03 Town policy on soliciting
- 114.04 Notice regulating soliciting
- 114.05 Duty of solicitors to ascertain notice
- 114.06 Prohibited solicitation

§ 114.01 DEFINITIONS.

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

PEDDLER. Any person who transports goods from place to place and sells or offers for sale the goods, 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 chapter shall be deemed a **PEDDLER**.

SOLICITOR. 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, whether or not samples are displayed or money is collected in advance; 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, whether or not samples are displayed or money is collected in advance.

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

§ 114.02 STATEMENT OF INFORMATION REQUIRED FOR REGISTRATION.

Each and every person doing business in the town as a peddler, solicitor, or transient vendor shall file with the Town Clerk, on a form to be provided for that purpose, a statement setting forth the following information:

Mount Gilead - Business Regulations

- (A) Name and address of individual filing statement;
- (B) Name and address of principal or employer if individual is an agent or employee;
- (C) Credentials showing relationship of agent or employee;
- (D) Description of individual filing statement including height, weight, sex, age, color, and distinguishing characteristics if any;
- (E) The goods to be sold or offered for sale, or the type of service to be provided;
- (F) The period of time during which the business will be carried on in town;
- (G) Description of the automobile or other vehicle to be used in the business, including the make, model, body style, color, and license number; and
- (H) Evidence of payment of all applicable privilege license taxes for the privilege of engaging in business within the corporate limits during the current year. Failure to pay such license taxes automatically disqualifies the applicant from being registered.

§ 114.03 TOWN POLICY ON SOLICITING.

It is hereby declared to be the policy of the town that the occupants of the residences in the town shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

§ 114.04 NOTICE REGULATING SOLICITING.

(A) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

“NO SOLICITORS INVITED”

(B) The letters shall be at least 1/3-inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 114.05 DUTY OF SOLICITORS TO ASCERTAIN NOTICE.

(A) It shall be the duty of every solicitor upon going onto any premises in the city upon which a residence is located to first examine the notice provided for in § 114.04 if any is attached, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
Penalty, see § 10.99

§ 114.06 PROHIBITED SOLICITATION.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 114.04.

Penalty, see § 10.99

CHAPTER 115: TAXICABS

Section

- 115.01 Definitions
- 115.02 Unlawful to operate without certificate
- 115.03 Application required; fee
- 115.04 Issuance of certificates
- 115.05 Term; renewal
- 115.06 Determination of convenience and necessity
- 115.07 Hearing; notices
- 115.08 Burden of proof
- 115.09 Revocation of license
- 115.10 Liability insurance required
- 115.11 Identification of vehicles
- 115.12 Rates and fares to be displayed in taxicab

§ 115.01 DEFINITIONS.

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

PERSONS. Shall mean and include both singular and plural, and shall also mean and include persons, individuals, firms, corporations, partnerships, and associations.

TAXICAB. Any motor vehicle seating nine or fewer passengers, operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, and shall not include motor vehicles or motor vehicle carriers as defined in subsection (k) of G.S. § 62-103.

§ 115.02 UNLAWFUL TO OPERATE WITHOUT CERTIFICATE.

It shall be unlawful for any person to operate a taxicab upon and over the streets of the town without first having applied for and secure from the Board of Commissioners a certificate of convenience and necessity as hereinafter set forth.

Penalty, see § 10.99

§ 115.03 APPLICATION REQUIRED; FEE.

(A) Every person desiring to operate a taxicab upon and over the streets of the town shall file on forms supplied by the Town Clerk an application for certificate of convenience and necessity.

(B) The fee for a certificate of convenience and necessity issued pursuant to this chapter for a taxicab shall be established by the Board and available in the office of the Town Clerk.

§ 115.04 ISSUANCE OF CERTIFICATES.

The Board of Commissioners shall have power and it will be its duty to order certain certificates issued or refuse to issue certain certificates or to issue certificates for partial exercise of the rights granted only such certificate under such terms and conditions as in its judgment the public convince and necessity may require.

§ 115.05 TERM; RENEWAL.

A certificate shall constitute a franchise from the town for the operation of taxicabs within the town subject to the provisions of this chapter for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and hearing conducted as herein provided.

§ 115.06 DETERMINATION OF CONVENIENCE AND NECESSITY.

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

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

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

(3) The number and condition of equipment;

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

(5) The number of taxicabs now operated and the demand for increased service, if any, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved and whether or not adequate provision has been made for off-street parking of said taxicabs;

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

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

(B) Before making any decision with respect to the issuance of a certificate of convenience and necessity, the Board of Commissioners, or a committee thereof, shall make a full and complete investigation of all facts, and if it so desires, subpoena witnesses and utilize the services of the Chief of Police or any other officer or employee of the town.

§ 115.07 HEARING; NOTICES.

Each application for certificate of convenience and necessity shall be scheduled for a hearing not later than 20 days after the same is filed. The applicant shall be notified by the Town Clerk by mail to the business address set forth in the application of the date and time of such hearing, such notification to be sent at least ten days before the date set for the hearing. The Town Clerk shall also, within the same time, notify all persons who at the time hold certificate of convenience and necessity for the operation of taxicabs within the municipality of the date and time for such hearing and the name of the applicant. In addition, the Town Clerk shall cause to be published at least once in a newspaper of general circulation at least ten days before the hearing a notice setting forth the name of the applicant and the date and time of hearing. The cost of such publication shall be paid by the applicant.

§ 115.08 BURDEN OF PROOF.

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicab or taxicabs specified in his or her application and all other fact required for the granting of a certificate.

§ 115.09 REVOCATION OF CERTIFICATE.

(A) The Board of Commissioners may at any time after a public hearing revoke any certificate issued by authority of this chapter for any one, or more, of the following causes:

(1) Failure to operate the taxicab specified in the certificate in such manner as to serve the public adequately and efficiently;

(2) Failure to maintain motor equipment in good repair;

(3) Failure to carry liability insurance or bond as required by law;

(4) Failure to pay to the town taxes or license fees imposed upon such taxicabs;

(5) Repeated and persistent violation by the taxicab drivers of traffic and safety ordinances, or state laws relating to alcoholic beverages or prostitution;

(6) Failure to report accidents; and/or

(7) Willful failure to comply with any provision of this chapter or other ordinances or state laws relating to the operation of taxicabs, whether such ordinances and laws be now in force or hereafter enacted into ordinances and into laws.

(B) No certificate shall be revoked until the owner has had at least five days' notice by personal service or registered mail of the charges against him or her, and of the time and place of the hearing. If, after the hearing, it is found that the owner is guilty of one or more of the offenses listed herein, the Board shall have the power to revoke the certificate, or to condition a revocation upon compliance of its order within any time fixed by it.

§ 115.10 LIABILITY INSURANCE REQUIRED.

Each holder of a certificate of convenience and necessity under this chapter shall have in full force and effect on each vehicle being operated as a taxicab upon and over the streets of the town sufficient liability insurance with an insurance company licensed to operate and do business in the state. Compliance with insurance provisions is declared to be condition precedent to the operation of a taxicab upon and over the streets of the town.
Penalty, see § 10.99

§ 115.11 IDENTIFICATION OF VEHICLES.

Every holder of a certificate of convenience and necessity for one or more taxicabs under the provisions of this chapter shall display upon each of such taxicabs identification of his or her taxicab name, telephone number, and the fact that it operates under a franchise from the town. This identification shall be either by dome lights or lettering on the exterior of the automobile. Such lettering shall be at least three inches in height. In the event that it is necessary to replace any such taxicab by another automobile, then a permit may be obtained from the town for the temporary replacement of such vehicle.

§ 115.12 RATES AND FARES TO BE DISPLAYED IN TAXICAB.

Every holder of a certificate of convenience and necessity under this chapter shall cause to be displayed in each taxicab under his or her control in conspicuous position the same shall be plainly visible to passengers a schedule of rates and fares authorized and required to be charged in accordance with the schedule established by the Board of Commissioners, and available in the office of the Town Clerk.

CHAPTER 116: ALCOHOLIC BEVERAGE SALES

Section

116.01 Sunday sales of beer and wine unlawful

§ 116.01 SUNDAY SALES OF BEER AND WINE UNLAWFUL.

It shall be unlawful for any person, firm, or corporation to sell or offer for sale any beer, wine, or malt beverages within the boundaries of the town from 12:00 a.m., midnight, on Sunday to 12:00 a.m., midnight, Monday.

Penalty, see § 10.99

