

Chapter 9

**OCCUPATIONAL LICENSES, TAXES AND REGULATIONS\***

- Art. I. In General, §§ 9-1—9-39**  
**Art. II. Peddling and Soliciting at Private Residences, §§ 9-40—9-49**  
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**ARTICLE I. IN GENERAL**

**Secs. 9-1—9-29. Reserved.**

**Sec. 9-30. Reserved.**

**Editor's note**—Ord. No. O-09-02, adopted Nov. 7, 2002, repealed § 9-30 which pertained to sale of beer or wine, and derived from § 10.101 of the 1976 Code.

**Secs. 9-31—9-39. Reserved.**

**ARTICLE II. PEDDLING AND SOLICITING AT PRIVATE RESIDENCES†**

**Sec. 9-40. Door-to-door solicitations prohibited.**

The practice of going in and upon private residences in the city by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of such private residence for the purpose of soliciting orders for the sale of goods, wares or merchandise or disposing of or peddling or hawking the same is declared to be a nuisance and is punishable as a misdemeanor.  
(Code 1976, § 10.91)

**Secs. 9-41—9-49. Reserved.**

**\*Cross references**—Placing of merchandise on sidewalks, § 12-6; rules for storage of firearms and ammunition, § 6-1.

**State law reference**—Regulation and licensing of businesses, G.S. 160A-194, 160A-211, 160A-211.1.

**†Cross references**—Creation of noise by peddlers, § 7-5(9); soliciting alms, § 10-3.

**ARTICLE III. POOLROOMS AND BOWLING ALLEYS****Sec. 9-50. License required.**

No person shall maintain or operate any pool or billiard table, bowling alley or any other table or alley for any game or play, for which a charge is directly or indirectly made without a license therefore issued by the governing, it being the intent of this section that such tables and alleys, except those in private homes, shall not be operated unless so licensed.

(Code 1976, § 10.71; Ord. No. O-08-02, 10-3-02)

**Sec. 9-51. Application for license.**

Applications for such licenses shall be made to the governing body in letter form and shall be filed with the tax collector. Such forms shall be so prepared as to furnish all information necessary to enable the governing body to act intelligently on such application.

(Code 1976, § 10.72)

**Sec. 9-52. Applications to be accompanied by tax and bond.**

Application shall be accompanied by the license tax and bond required by this article.

(Code 1976, § 10.73)

**Sec. 9-53. Bond required.**

Each application filed with the governing body for the purpose of obtaining a license for any such business as described in section 9-50 shall be accompanied by a bond in such sum as may be required by the governing body and with such sureties as may be approved by it and conditioned upon the faithful observance by the license and licensee's employees of each provision of this article.

(Code 1976, § 10.82)

**Sec. 9-54. Cause for denial of license.**

The governing body shall not issue such license to any person:

- (1) Who has been convicted of unlawfully selling or possessing with intent to sale or deliver an alcoholic beverage, a controlled substance or counterfeit controlled substance.
- (2) Who is not a citizen and resident of the state; or
- (3) Who has been convicted within the last five (5) years of a felony; or
- (4) Who is a habitual user of intoxicating liquor or narcotic drugs.

(Code 1976, § 10.74; Ord. No. O-08-02, 10-3-02)

**Sec. 9-55. Form and content of license; posting.**

Every license issued pursuant to this article shall specify the premises for which it is issued, the number of tables or alleys to be operated thereunder, the name of the owner or operator, and the dates upon which the license begins and shall expire. Such license shall be posted in a prominent place on the premises at all times.

(Code 1976, § 10.75)

**Sec. 9-56. Opening and closing hours.**

No licensee and no employee of any licensee shall open, or allow to remain open, any hall or room operated under section 9-52 before 6:00 a.m. or after 12:00 midnight or at any time on Sunday.

(Code 1976, § 10.76)

**Sec. 9-57. Unlawful for certain persons to enter.**

No person under eighteen (18) years of age shall enter any hall or room operated under section 9-50.

(Code 1976, § 10.77)

**Sec. 9-58. Acts prohibited to licensee and employees.**

No licensee and no employee of any licensee shall:

- (1) Suffer or permit the licensed premises to become disorderly.
- (2) Suffer or permit any minor to enter or remain in or on the licensed premises unless minor is under direct supervision by an adult.
- (3) Permit any alcoholic beverages, prescribed medications, controlled or counterfeit substances to be sold on the licensed premises, except a licensed premises with four (4) or less pool/billiard tables may sell alcoholic beverages.

(Code 1976, § 10.79; Ord. No. O-08-02, 10-3-02; Ord. No. O-02-03, 2-13-03)

**Sec. 9-59. Revocation of license.**

A second conviction for a violation of any provision of this article shall automatically act as a revocation of the license. The governing body may at any other time, for cause, and after a hearing of which such reasonable notice shall be given the licensee as the governing body may direct, revoke any license issued hereunder.

(Code 1976, § 10.80)

**Sec. 9-60. License not assignable or transferable.**

No license issued hereunder shall be assignable or transferable, and no license issued hereunder shall cover any change of premises without the written permission of the governing body.

(Code 1976, § 10.81)

**Sec. 9-61. Location and regulations of room.**

All public pool or billiard rooms shall be located on the ground floor of the building housing the same; shall be well ventilated and lighted at all times; shall be open for full inspection by any officer without interference from the proprietor, owner or operator at all times and shall be kept in a sanitary condition at all times.

(Code 1976, § 10.83)

**Secs. 9-62—9-69. Reserved.****ARTICLE IV. TAXICABS\*****Sec. 9-70. Definition.**

The term "taxicab," when used in this article, shall be defined as any motor vehicle seating nine (9) 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 passengers so being transported, and shall not include motor vehicles or motor vehicle carriers as defined in subsection (17) of section 62-3 of the General Statutes of North Carolina.

(Code 1976, § 10.31)

**Sec. 9-71. Certificate of convenience and necessity—required; limit of one; proof of necessity.**

(a) *Required:* It shall be unlawful for any person to operate a taxicab business upon and over the streets of the city without first having applied for and secured from the governing body a certificate of convenience and necessity as hereinafter set forth.

(b) *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 taxicabs specified in the application, and all other facts required for the granting of a certificate.

(Code 1976, §§ 10.33, 10.55)

**Sec. 9-72. Same—Application; bond.**

(a) *Application:* Every person desiring to operate a taxicab upon and over the streets of the city shall file on forms supplied by the city clerk an application for certificate of convenience and necessity. The application for a certificate shall be filed with the governing body with an affidavit attached signed by two (2) citizens certifying to applicant's good character.

(b) *Bond:* The applicant shall be required, when application for certificate is approved, to obtain an indemnifying or surety bond in a sum of not less than one thousand dollars (\$1,000.00) to serve as security for possible damages claimed by persons who may suffer such damages on account of the negligent operation of taxicabs operated under such certificate;

\*State law reference—Authority to regulate taxicabs, G.S. 160A-304.

provided, however, that if the applicant shall carry casualty insurance with some standard casualty and insurance company, which will indemnify any person for damages sustained on account of the negligent operation of applicant's taxicabs, and if such applicant shows a premium receipt on a policy covering a period of not less than the following six (6) months, the casualty insurance policy will be accepted in lieu of an indemnifying or surety bond.  
(Code 1976, §§ 10.32(2), (3), 10.34)

**Sec. 9-73. Same—Granting; posting.**

(a) *Conditions to granting:* No certificate shall be granted until the governing body shall, after hearing, declare by resolution that public convenience and necessity require the proposed taxicab service. In determining whether public convenience and necessity require the operation of taxicabs for which application for a certificate is made, the governing body shall consider and investigate whether the demand of the public requires additional taxicab service; the adequacy of existing mass transportation and taxicab service; the financial responsibility and experience of the applicant; ability of the applicant to earn a fair return on the capital invested; the number, kind and type of equipment and the color scheme to be used; the effect which such additional taxicab service may have upon traffic congestion and parking; whether the additional taxicab service will result in a greater hazard to the public; and such other relevant facts as the governing body may deem advisable or necessary. No certificate will be issued to any applicant unless such applicant be the holder in due course and for value of the title to such taxicab, and the holder of such certificate only shall be permitted to operate such taxicab and such applicant shall not be allowed to engage the services of any person to operate a taxicab for such person or in such person's stead at any time.

(b) *Hearing:* Each application for certificate of convenience and necessity shall be scheduled for a hearing not later than thirty (30) days after the same is filed, and the applicant shall be notified by the city 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 (10) days before the date set for the hearing. The city clerk shall also, within the same time, notify all persons who at the time hold certificates of convenience and necessity for the operation of taxicabs within the municipality, of the date and time for such hearing and the name of the applicant. In addition, the governing body shall have the power to have published at least once in a newspaper of general circulation at least ten (10) 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.

(c) *Posting:* Every operator of a taxi under permit, as provided, herein, shall post conspicuously in the taxi the certificate of identification issued by the city.  
(Code 1976, §§ 10.32(4), 10.35, 10.36, 10.38, 10.41)

**Sec. 9-74. Same—Cancellation for failure to begin operations.**

If a certificate is granted to an applicant, and the applicant shall fail, in accordance with the provisions of the certificate, to begin operations within sixty (60) days after the date of the certificate, then the certificate shall become null and void, and no refund of any amount paid by the applicant will be made by the city.

(Code 1976, § 10.40)

**Sec. 9-75. Same—Transfer.**

A certificate is not transferable without the consent and approval of the governing body. Application for a permit to transfer shall be filed in the same manner as an application for a certificate of convenience and necessity. The proceedings upon such application for transfer shall be the same as those prescribed for the issuance of a certificate, except that the question of public convenience and necessity need not be proved.

(Code 1976, § 10.41)

**Sec. 9-76. License—Information required by city; insurance; display; driver identification; compliance with rates; cancellation for violation.**

(a) Each licensee to operate one (1) or more taxicabs within the city after first obtaining a license to operate one (1) or more taxicabs, shall submit the names of the operators of each taxicab licensed and each employee in their employ; their names must be submitted to the chief of police or the chief's agent and it shall be the duty of the chief of police or agent to pass on the qualifications of the person to operate a taxicab giving an opinion of the operator's character, ability and police record.

(b) Each person licensed to operate taxicabs within the city must have on each taxicab, liability insurance and personal property insurance in at least the amounts required by state law before operating any of the taxicabs.

(c) No taxicab shall be operated within the city unless duly authorized by the governing body, without a valid license being publicly displayed and without first being inspected by the chief of police or the chief's agent.

(d) Each taxicab driver shall have such driver's name and picture displayed and attached to the interior of the taxicab assigned to such driver plainly visible to every occupant or passenger of the taxicab, the picture to be replaced in the event the driver changes such driver's appearance in any way.

(e) The rates established by the governing body must be strictly complied with, not overcharging or undercharging.

(f) Any violation of any of these conditions by the licensee will automatically cancel the license to operate taxicabs within the city, the license to be cancelled by the chief of police.

(Code 1976, § 10.42)

**Sec. 9-77. Same—Suspension.**

When any vehicle licensed under the provisions of this article becomes unsafe or unfit for service hereunder, the chief of police shall suspend the license thereof until such vehicle is put in a safe and usable condition.

(Code 1976, § 10.44)

**Sec. 9-78. Same—Revocation.**

The governing body, after a hearing, upon such reasonable notice thereof to the licensee as the governing body may direct, shall revoke any license issued under the provisions of this article when the licensee uses the licensed vehicle for immoral or illegal purposes or when licensee has become an habitual violator of the provisions of this article, or of the traffic regulations or of the laws of city or state.

(Code 1976, § 10.45)

**Sec. 9-79. Taxicab stands.**

(a) It shall be unlawful for any person to maintain and operate a taxicab stand for the parking of taxicabs without first obtaining a license to operate a taxicab from the city.

(b) It shall be unlawful to operate one (1) or more taxicab stands within the corporate limits of the city without having the proper taxicab license from the city and without charging and collecting the rates as prescribed by the city.

(c) No person shall operate a motor vehicle as a taxicab until such vehicle has been registered in accordance with requirements in this state and all proper licenses have been obtained therefor from the city and state.

(Code 1976, § 10.37)

**Cross references—**Parking in loading zone, § 13-11; standing at taxicab stand, § 13-10.

**Sec. 9-80. Vehicles—Inspection subsequent to issuance of license.**

At such times as may be necessary, the chief of police shall cause inspection to be made for all vehicles licensed under the provisions of this article.

(Code 1976, § 10.43)

**Sec. 9-81. Same—Substitution.**

The person to whom a certificate has been issued may, by proper endorsement thereon by the city clerk, substitute another vehicle, or other vehicles, for the vehicle or vehicles for which the certificate was granted. In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicles.

(Code 1976, § 10.54)

**Secs. 9-82—9-89. Reserved.**

**ARTICLE V. RESERVED\***

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**\*Editor's note**—Ord. No. O-10-02, adopted Nov. 7, 2003, repealed Art. V, §§ 9-90—9-96, in its entirety. Former Art. V pertained to limitations on solicitors, and derived from Ord. No. O-40-96, adopted May 9, 1996.