

**TITLE XI: BUSINESS REGULATIONS**

Chapter

**110. GENERAL LICENSING REGULATIONS**

**111. AMUSEMENTS**

**112. TAXICABS**



## CHAPTER 110: GENERAL LICENSING REGULATIONS

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### § 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 title, to a license.

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

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

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

**QUARTER.** Any three consecutive months.

( '59 Code, Chapter H, Article I, § 1)

### § 110.02 LICENSE REQUIRED.

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 fee and obtained the license. For the purpose of this section the opening of a place of business or offering to sell,

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

( '59 Code, Chapter H, Article I, § 3) Penalty, see § 10.99

### **§ 110.03 LICENSE TAX ON CERTAIN BUSINESSES; TERMS.**

(A) In addition to the tax on property and polls, as otherwise provided for, and under the power and authority conferred in the laws of the state, there shall be levied and collected annually or oftener, where provided for, a privilege license tax on trades, professions, business operations, exhibitions, circuses, and all subjects authorized to be licensed, as set out in the following sections and schedule. All licenses shall be a personal privilege and shall not be transferable. Nothing herein contained shall be construed to prevent the Board of Commissioners from imposing from time to time, as they may see fit, license taxes that are not specifically herein defined, or from increasing or decreasing the amount of any special license tax, or from prohibiting or regulating the business or acts licensed, and all licenses are granted subject to the provisions of existing ordinances, or those hereafter enacted.

(B) All taxes provided for and fixed in the following sections and schedule shall be for 12 months, unless otherwise specified, and shall so remain for 12 months beginning July 1 and ending June 30; provided, that where the license is issued after January 1 then the licensee shall be required to pay one-half the tax prescribed, except where otherwise specifically provided for.

( '59 Code, Chapter H, Article I, §§ 2, 4) Penalty, see § 10.99

### **§ 110.04 LICENSE REQUIRED FOR EACH SEPARATE BUSINESS.**

The payment of any particular tax imposed by this title shall not relieve the person paying the same from the payment of any other tax imposed by this title for any other business he or she may carry on, unless so provided by the section imposing that tax; it being the intent of this title that license taxes prescribed by various sections or divisions of this title applicable to any business shall be cumulative except where otherwise specifically provided.

( '59 Code, Chapter H, Article I, § 5)

### **§ 110.05 LICENSE REQUIRED FOR EACH BUSINESS LOCATION.**

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

( '59 Code, Chapter H, Article I, § 6)

**§ 110.06 DISPLAY REQUIRED.**

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 of business, the licensee must keep the same wherever that business is being operated and where it can be inspected at any time by the proper municipal official.  
(`59 Code, Chapter H, Article I, § 7)

**§ 110.07 NO TAX ABATEMENT.**

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 the license was issued.  
(`59 Code, Chapter H, Article I, § 8)

**§ 110.08 SCHEDULE OF LICENSES ADOPTED BY REFERENCE.**

The current schedule of annual privilege licenses, on file in the office of the Town Clerk, is hereby adopted by reference.  
(`59 Code, Chapter H, Article I, § 9)

1. The City of Littleton shall...

## CHAPTER 111: AMUSEMENTS

### Section

#### *Game Rooms*

- 111.01 Definition
- 111.02 License required
- 111.03 Grounds for license denial
- 111.04 Prohibited conduct
- 111.05 Rules of operation
- 111.06 License revocation

#### **GAME ROOMS**

##### **§ 111.01 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 mechanical games or pay devices or tables 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, amusement centers, and the like.

(Ord. O-82-003, passed 12-6-82)

##### **§ 111.02 LICENSE REQUIRED.**

(A) Every operator of a game room shall be required to pay a privilege license tax in accordance with the privilege license regulations of the town in Chapter 110 of this code.

(B) In addition, every operator of a game room shall apply for and obtain a license from the Board of Commissioners to operate a game room. Application for this license shall be made upon forms provided by the Town Clerk in which the applicant shall declare under the penalty of perjury that the applicant:

- (1) Has not been convicted of unlawfully selling intoxicating liquors or narcotic drugs;
- (2) Is a resident of this state;
- (3) Is not of immoral character; and
- (4) Is not an habitual user of alcoholic beverages or narcotic drugs.

(C) It shall be unlawful to operate a game room within the town without first having filed an application and obtained a license as required by this subchapter.

(Ord. O-82-003, passed 12-6-82) Penalty, see § 10.99

### § 111.03 GROUNDS FOR LICENSE DENIAL.

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

- (A) Has been convicted of unlawfully selling intoxicating liquors or narcotic drugs;
- (B) Is not a resident of this state;
- (C) Is of immoral character; or

(D) Is an habitual user of alcoholic beverages or narcotic drugs.

(Ord. O-82-003, passed 12-6-82) Penalty, see § 10.99

### § 111.04 PROHIBITED CONDUCT.

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

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

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

(C) Employ in carrying on the business any person who has been convicted of unlawfully selling alcoholic beverages or narcotic drugs.

(Ord. O-82-003, passed 12-6-82) Penalty, see § 10.99

***Cross-reference:***

*Pool rooms; minors restricted, see § 130.08*



**§ 111.05 RULES OF OPERATION.**

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

(A) All game rooms shall be closed from 11:00 p.m. until 7:00 a.m. Monday through Saturday.

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

(C) Game rooms may be open on Sunday only between the hours of 1:00 p.m. and 6:00 p.m.

(D) All game rooms shall be operated only on the ground floor of a building.

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

(Ord. O-82-003, passed 12-6-82) Penalty, see § 10.99

**§ 111.06 LICENSE REVOCATION.**

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

(A) Violates the provisions of §§ 111.04 or 111.05;

(B) Is convicted of unlawfully selling alcoholic beverages or narcotic drugs; or

(C) Is found to have obtained a license based upon a false or incorrect application.

(Ord. O-82-003, passed 12-6-82)



## CHAPTER 112: TAXICABS

### Section

#### *General Provisions*

##### 112.01 Definitions

#### *Certificate of Convenience and Necessity*

- 112.15 Certificate required
- 112.16 Application
- 112.17 Issuance
- 112.18 Approval procedure; burden of proof
- 112.19 Failure to begin operations
- 112.20 Transfer restricted
- 112.21 Revocation
- 112.22 Vehicle substitution
- 112.23 Multiple certificates prohibited

#### *Cross-reference:*

*Reserved stands for specific vehicles, see § 72.23*

*Taxicabs parking in one block; restrictions, see § 72.03*

### **GENERAL PROVISIONS**

#### **§ 112.01 DEFINITIONS.**

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

**PERSONS.** Includes 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

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 G.S. § 62-103(k).  
( '59 Code, Chapter H, Article II, § 1)

### ***CERTIFICATE OF CONVENIENCE AND NECESSITY***

#### **§ 112.15 CERTIFICATE REQUIRED.**

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 secured from the Board of Commissioners a certificate of convenience and necessity as hereinafter set forth.

( '59 Code, Chapter H, Article II, § 2) Penalty, see § 10.99

#### **§ 112.16 APPLICATION.**

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 a certificate of convenience and necessity.

( '59 Code, Chapter H, Article II, § 3)

#### **§ 112.17 ISSUANCE.**

The Town Board 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 if such certificate includes such terms and conditions as in its judgment the public convenience and necessity may require.

( '59 Code, Chapter H, Article II, §§ 4, 5)

#### **§ 112.18 APPROVAL PROCEDURE; BURDEN OF PROOF.**

(A) In determining whether the public convenience and necessity require the franchising of a taxicab or 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 the proposed or additional taxicab service within the town;

(2) The financial responsibility of the applicant and the likelihood of this 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 of Commissioners 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 these taxicabs;
- (6) The experience of the applicant in the taxicab business; and
- (7) Other relevant 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, if it so desires, subpoena witnesses, and utilize the services of the Chief of Police or any other officer or employee of the town.

(C) 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 facts required for the granting of a certificate.

(` 59 Code, Chapter H, Article II, §§ 6 - 8)

### **§ 112.19 FAILURE TO BEGIN OPERATIONS.**

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

(` 59 Code, Chapter H, Article II, § 9)

### **§ 112.20 TRANSFER RESTRICTED.**

A certificate is not transferable without the consent and approval of the Board of Commissioners. Applications 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 the application for a 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. No certificate will be issued to any applicant unless that applicant be the holder in due course and for value of the title to that taxicab, and the holder of that certificate only shall be permitted to operate that taxicab, and that applicant shall not be allowed to engage the services of any person to operate his or her taxicab for him or her or in his or her stead at any time.

(` 59 Code, Chapter H, Article II, § 10) Penalty, see § 10.99

**§ 112.21 REVOCATION.**

(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 a manner so 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 of \$15 imposed upon these taxicabs;

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

(6) Failure to report accidents; or

(7) Wilful failure to comply with any provision of this chapter or other ordinances or state laws relating to the operation of taxicabs, whether those ordinances and laws are now in force or are 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.

( ' 59 Code, Chapter H, Article II, § 11)

**§ 112.22 VEHICLE SUBSTITUTION.**

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

( ' 59 Code, Chapter H, Article II, § 12)

**§ 112.23 MULTIPLE CERTIFICATES PROHIBITED.**

The Board of Commissioners reserves the right to issue only one certificate of convenience and necessity to any one person, and the person holding such a certificate shall be required to operate his or her taxicab himself or herself and shall have no power or authority by virtue of the certificate to delegate the operation of that taxicab to any person.

(`59 Code, Chapter H, Article II, § 13) Penalty, see § 10.99

