

CHAPTER 7: LICENSES, PERMITS AND BUSINESS REGULATIONS

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- 7-1 Criminal History Check
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§7-1 CRIMINAL HISTORY CHECK

Persons applying for a permit or license for an adult establishment, dance hall, game room, massage business, pawn broker, peddler, charitable solicitor, magazine solicitor, itinerant merchant, or taxi driver shall provide a criminal history check under Article IX of Chapter 2 as part of the application process.

(Ord. passed 10-21-08)

§7-2 SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS AT LICENSED PREMISES

Pursuant to the authority granted by S.L. 2017-87 any establishment located in the corporate limits of Eden, NC and holding an ABC permit issued pursuant to G.S. 18B-1001 is permitted to sell beverages allowed by its permit beginning at 10 A.M. on Sundays.

(Ord. passed 3-20-18)

ARTICLE II: BUSINESS REGISTRATION

Section

7-27 – 7-52 Repealed

§ 7-27 DEFINITIONS.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-28 CONSTRUCTION OF THIS ARTICLE.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-36 ADMINISTRATOR TO ISSUE REGISTRATION; PAYMENT OF REGISTRATION FEE A PREREQUISITE.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-37 REGISTRATION FEE.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-38 REVOCATION.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-39 FORM AND CONTENTS OF REGISTRATION

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-42 ADMINISTRATOR TO FURNISH DUPLICATES.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-44 PROVIDING NOTICE TO AN AGENT OR PERSON.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-45 DUTY TO DETERMINE WHETHER REGISTRATION IS REQUIRED.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-46 ADMINISTRATOR TO INVESTIGATE.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-47 DUTY TO PERMIT INSPECTION.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-48 DUTY TO POST REGISTRATION.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-49 COMPLIANCE.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

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(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-51 APPEAL.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

§ 7-52 EFFECTIVE DATE.

(April 19, 2016 Code *effective July 1, 2016*, § 7-27) (Repealed 05-16-17, *effective July 1, 2017*)

ARTICLE III: CLOSING-OUT AND DAMAGED MERCHANDISE SALES

Section

Division 1 Generally

7-66 - 7-71 Repealed

Division 2 License

7-86 – 7-88 Repealed

DIVISION 1 GENERALLY

§ 7-66 DEFINITIONS.

('89 Code, § 7-66) (Repealed 4-19-16)

§ 7-67 STOCK ADDITIONS IN CONTEMPLATION OF SALE PROHIBITED.

(G.S. § 66-78) ('89 Code, § 7-67) (Repealed 4-19-16)

§ 7-68 ADDING MERCHANDISE DURING SALE PROHIBITED.

(G.S. § 66-79) ('89 Code, § 7-68) (Repealed 4-19-16)

§ 7-69 SALE TO END ON TERMINATION DATE; BUSINESS TO END AFTER SALE.

(G.S. § 66-80) ('89 Code, § 7-69) (Repealed 4-19-16)

§ 7-70 COURT ORDERED SALES EXEMPTED.

(G.S. § 66-82) ('89 Code, § 7-70) (Repealed 4-19-16)

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§ 7-71 NONLIABILITY OF ADVERTISING MEDIA.

(G.S. § 66-82) ('89 Code, § 7-71) (Repealed 4-19-16)

DIVISION 2 LICENSE**§ 7-86 REQUIRED; FILING, CONTENTS OF APPLICATION.**

(G.S. § 66-77(a)) ('89 Code, § 7-86) (Repealed 4-19-16)

§ 7-87 PROCESSING OF APPLICATION BY CLERK.

(G.S. § 66-76(c)) ('89 Code, § 7-87) (Repealed 4-19-16)

§ 7-88 CONDITIONS FOR ISSUANCE; FEE; BOND.

(G.S. § 66-77(b)) ('89 Code, § 7-88)
(Repealed 4-19-16)

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Division 1 Generally

- 7-106 Authority for article
- 7-107 Change of location

Division 2 License

- 7-121 Required
- 7-122 Application
- 7-123 Bond
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- 7-126 Suspension; revocation

DIVISION 1 GENERALLY

§ 7-106 AUTHORITY FOR ARTICLE.

This article is adopted pursuant to G.S. §§ 143-151.26 et seq. and 160A-194.
(‘89 Code, § 7-106)

Editor’s Note:

G.S. §§ 143-151.26 et seq. have been repealed, but the repealed provisions still apply to buildings erected before the passage date of Session Law 1999-393 (Senate Bill 941), which repealed these statutes.

§ 7-107 CHANGE OF LOCATION.

The location of any licensed business may be changed, provided that ten days' notice thereof is given to the city and operation at such new location does not violate any applicable state or local law, ordinance or regulation.
(‘89 Code, § 7-107)

DIVISION 2 LICENSE**§ 7-121 REQUIRED.**

No person may for a consideration install, alter or restore within the city any insulation or other materials or energy utilization equipment designed or intended to meet the state building code requirements for insulation and energy utilization standards who is not either:

- (A) Licensed as a contractor to do the proposed work under G.S. Chapter 87;
- (B) Working under the supervision of a registered architect or professional engineer;
- (C) An owner working upon his own building; or
- (D) Licensed under this article.

('89 Code, § 7-121) Penalty, see § 7-390 *et seq.*

§ 7-122 APPLICATION.

Every person desiring a license under this article shall submit an application for such license to the Codes Inspector of the Planning and Inspections Department complying with the following requirements:

(A) *Form.* Each application shall be a written statement upon a form provided by the Codes Inspector.

(B) *Contents.* Each application shall contain the following information:

- (1) Name and home address of the applicant, if an individual, or home office address, if a corporation or partnership;
- (2) Names and home addresses of the partners, if a partnership;
- (3) Names and home addresses of the officers and directors, if a corporation;
- (4) Place where the proposed business is to be located;
- (5) Complete record of all convictions of felonies or acts involving dishonesty, fraud or deceit by the applicant or any employee, partner, officer or director of the applicant, whether in this or any other state or jurisdiction;
- (6) Complete record of all licenses held by the applicant or any employee, partner, officer or director of the applicant authorizing activities of the type authorized by this article or other activities involving construction, alteration or modification of buildings and structures;

(7) Information as to the circumstances in which any local, state or federal government or agency has refused to issue, suspended or revoked a license of the type described in subsection (6) to the applicant or any employee, partner, officer or director of the applicant.

(C) *Fees.* Each application shall be accompanied by a fee in the amount on file in the City Clerk's office for such license, such amount to be for the fiscal year and prorated by quarters to the end of such year.

(D) *False statements.* False statements on any application for a license shall be grounds for immediate revocation or denial of such license.
(‘89 Code, § 7-122) (Ord. passed 3-16-99)

§ 7-123 BOND.

(A) Before a license required under this division shall be issued to any applicant, the applicant shall post a bond with the city in the amount of \$1,000. In lieu of posting a bond, the applicant may deposit a cashier's check or cash in the same amount.

(B) The security required by subsection (A) shall be available to indemnify any person for any damage which may accrue by reason of the applicant's failure to properly provide or install insulation, energy utilization equipment or other materials designed or intended to meet the state building code standards for insulation and energy utilization.
(‘89 Code, § 7-123)

§ 7-124 ISSUANCE.

(A) *Review by Police Department.* Each application for a license under this division which is received by the Codes Inspector of the Planning and Inspections Department shall be promptly forwarded to the Police Department for review. The Chief of Police shall promptly make any comments and recommendations pertaining to the application and forward them to the Codes Inspector.

(B) *Licensing agency.* The application and any comments and recommendations relating thereto shall be considered by the Codes Inspector who shall then issue the license unless he finds that the applicant or any employee, partner, officer or director of the applicant has:

(1) Been convicted within the last three years of a felony or an act involving dishonesty, fraud or deceit, whether in this or any other state or jurisdiction;

(2) Been refused a license to do the type of work authorized in this division or has had such a license suspended or revoked by any local, state or federal government or agency, and such government or agency has not subsequently granted or restored such license;

(3) Knowingly made a false statement in the application;

(4) Failed to post the bond or other security required by § 7-123.
(‘89 Code, § 7-124) (Ord. passed 3-16-99)

§ 7-125 TERMINATION; RENEWAL.

Any license issued pursuant to this division shall terminate on the last day of the fiscal year for which it was issued. Renewal of such license shall be pursuant to the same procedures and requirements set forth for initial issuance.

(‘89 Code, § 7-125)

§ 7-126 SUSPENSION; REVOCATION.

(A) The Codes Inspector of the Planning and Inspections Department may suspend or revoke any license issued pursuant to this division at any time upon a showing that the applicant or any employee, partner, officer or director of the applicant has:

(1) Knowingly made a false statement in the application for a license;

(2) Violated the state building code requirements as to insulation or energy utilization equipment or materials whether in this or any other jurisdiction; or

(3) Been convicted of an act involving dishonesty, fraud or deceit with respect to any contract entered into for work requiring this license.

(B) Any licensee whose license is suspended or revoked may appeal the suspension or revocation to the City Council. After reasonable notice to the licensee, the City Council shall afford the licensee an opportunity to show why his license should not be suspended or revoked.

(‘89 Code, § 7-126) (Ord. passed 3-16-99)

**ARTICLE V: MASSAGE ESTABLISHMENTS, HEALTH SALONS
AND RELATED BUSINESSES**

Section

Division 1 Generally

7-141 - 7-148 Repealed

Division 2 Massage Business License

7-161 - 7-170 Repealed

Division 3 Massagist's License

7-186 - 7-194 Repealed

*DIVISION 1 GENERALLY***§ 7-141 PURPOSE AND SCOPE.**

('89 Code, § 7-141) (Repealed 10-15-13)

§ 7-142 DEFINITIONS.

('89 Code, § 7-142) (Ord. Am. 11-18-08) (Repealed 10-15-13)

§ 7-143 HOURS OF OPERATION.

('89 Code, § 7-143) Penalty, see § 7-148 (Repealed 10-15-13)

§ 7-144 EMPLOYER TO USE ONLY LICENSED EMPLOYEES.

('89 Code, § 7-144) Penalty, see § 7-148 (Repealed 10-15-13)

§ 7-145 PATRONAGE OF MASSAGE BUSINESS BY MINORS; EMPLOYMENT OF MINORS.

('89 Code, § 7-145) (Repealed 11-18-08)

§ 7-146 AUTHORITY TO REQUIRE MEDICAL EXAMINATION FOR MASSAGISTS.

('89 Code, § 7-146) (Ord. Am. 11-18-08) (Repealed 10-15-13)

§ 7-147 MASSAGE OF PRIVATE PARTS OF ANOTHER FOR HIRE.

('89 Code, § 7-147) Penalty, see § 7-148 (Repealed 10-15-13)

§ 7-148 PENALTY FOR VIOLATION.

('89 Code, § 7-148) (Repealed 10-15-13)

DIVISION 2 MASSAGE BUSINESS LICENSE

§ 7-161 REQUIRED.

('89 Code, § 7-161) Penalty, see § 7-148 (Repealed 10-15-13)

§ 7-162 PRIVILEGE LICENSE TO BE ANNUAL.

('89 Code, § 7-162) (Repealed 10-15-13)

§ 7-163 APPLICATION.

('89 Code, § 7-163)(Ord. Am. 11-18-08) (Repealed 10-15-13)

§ 7-164 INVESTIGATION BY CITY AGENCIES; REPORT.

('89 Code, § 7-164) (Ord. passed 3-16-99) (Repealed 10-15-13)

§ 7-165 STANDARDS FOR ISSUANCE.

('89 Code, § 7-165)(Ord. Am. 11-18-08) (Repealed 10-15-13)

§ 7-166 FEE; ISSUANCE.

('89 Code, § 7-166)(Ord. Am. 11-18-08) (Repealed 10-15-13)

§ 7-167 POSTING.

('89 Code, § 7-167) Penalty, see § 7-148 (Repealed 10-15-13)

§ 7-168 REVOCATION.

('89 Code, § 7-168) (Repealed 10-15-13)

§ 7-169 NOTICE AND HEARING ON REVOCATION OR DENIAL.

('89 Code, § 7-169) (Repealed 10-15-13)

§ 7-170 VOID UPON RELOCATION OR CESSATION OF OPERATION.

('89 Code, § 7-170) (Repealed 10-15-13)

DIVISION 3 MASSAGIST'S LICENSE**§ 7-186 REQUIRED.**

('89 Code, § 7-186) (Repealed 11-18-08)

§ 7-187 PRIVILEGE LICENSE TO BE ANNUAL.

('89 Code, § 7-187) (Repealed 11-18-08)

§ 7-188 APPLICATION.

('89 Code, § 7-188) (Repealed 11-18-08)

§ 7-189 INVESTIGATION BY POLICE DEPARTMENT.

('89 Code, § 7-189) (Repealed 11-18-08)

§ 7-190 STANDARDS FOR ISSUANCE.

('89 Code, § 7-189) (Repealed 11-18-08)

§ 7-191 FEE; ISSUANCE.

('89 Code, § 7-189) (Repealed 11-18-08)

§ 7-192 POSTING.

('89 Code, § 7-189) (Repealed 11-18-08)

§ 7-193 REVOCATION.

('89 Code, § 7-189) (Repealed 11-18-08)

§ 7-194 NOTICE AND HEARING ON REVOCATION OR DENIAL.

('89 Code, § 7-189) (Repealed 11-18-08)

ARTICLE VI: PAWNBROKERS

Section

- 7-210 Short title
- 7-211 Purpose
- 7-212 Definitions
- 7-213 Pawnbroker authority
- 7-214 License required
- 7-215 Requirements for licensure
- 7-216 Record keeping requirements
- 7-217 Pawnbroker fees; interest rates
- 7-218 Pawnbroker transactions
- 7-219 Prohibitions
- 7-220 Penalties
- 7-221 License renewal
- 7-222 Bond

§ 7-210 SHORT TITLE.

This article shall be known and may be cited as the “Pawnbrokers Modernization Act of 1989.”
(G.S. § 91A-1)

§ 7-211 PURPOSE.

The purpose of this article is to promote the purposes of G.S. §§ 91A-1 *et seq.* and ensure compliance therewith by the exercise of the City of Eden's police authority.
(G.S. § 91A-2) (Am. Ord. passed 4-20-99)

§ 7-212 DEFINITIONS.

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

PAWN or **PAWN TRANSACTION.** A written bailment of personal property as security for a debt, redeemable on certain terms within 180 days, unless renewed, and with an implied power of sale on default.

PAWNBROKER. Any person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

PAWNSHOP. The location at which, or premises in which, a pawnbroker regularly conducts business.

PERSON. Any individual, corporation, joint venture, association, or any other legal entity, however organized.

PLEGDED GOODS. Tangible personal property which is deposited with, or otherwise actually delivered into, the possession of a pawnbroker in the course of his or her business in connection with a pawn transaction.

PURCHASE. Any item purchased from an individual for the purpose of resale whereby the seller no longer has a vested interest in the item.
(G.S. § 91A-3) (Am. Ord. passed 4-20-99)

§ 7-213 PAWNBROKER AUTHORITY.

A pawnbroker licensee is authorized to make loans on pledges of tangible personal property; deal in bullion stocks; purchase merchandise for resale from dealers, traders, and wholesale suppliers; and use its capital and funds in any lawful manner within the general scope and purpose of its creation. Notwithstanding the provisions of this section, no pawnbroker has the authority enumerated in this section unless he or she has fully complied with the laws regulating the particular transactions involved.

(G.S. § 91A-4) (Am. Ord. passed 4-20-99) Penalty, see § 7-220

§ 7-214 LICENSE REQUIRED.

It is unlawful for any person, firm, or corporation to establish or conduct a business of pawnbroker unless such person, firm, or corporation has procured a license to conduct business in compliance with the requirements of this article.

(G.S. § 91A-5) (Am. Ord. passed 4-20-99) Penalty, see § 7-220

§ 7-215 REQUIREMENTS FOR LICENSURE.

(A) To be eligible for a pawnbroker's license, an applicant must:

- (1) Be of good moral character; and
- (2) Not have been convicted of a felony within the last ten years.

(B) Every person, firm or corporation desiring to engage in the business of pawnbroker in the City of Eden shall petition the City Clerk for a license to conduct such business. Such petitions shall provide:

(1) The name and address of the person, and, in case of a firm or corporation, the names and addresses of the persons composing such firm or of the officers, directors, and stockholders of such corporation, excluding shareholders of publicly traded companies;

(2) The name of the business and the street and mailing address where the business is to be operated;

(3) A statement indicating the amount of net assets or capital proposed to be used by the petitioner in operation of the business; this statement shall be accompanied by an unaudited statement from an accountant or certified public accountant verifying the information contained in the accompanying statement;

(4) An affidavit by the petitioner that he or she has not been convicted of a felony; and

(5) A certificate from the chief of police that the petitioner has not been convicted of a felony.

(C) Any license granted under this chapter may be revoked by the county or city issuing it, after a hearing, for substantial abuses of this chapter by the licensee.

(G.S. § 91A-6) (Am. Ord. passed 4-20-99)

§ 7-216 RECORD KEEPING REQUIREMENTS.

(A) Every pawnbroker shall keep consecutively numbered records of each and every pawn transaction, which shall correspond in all essential particulars to a detachable pawn ticket or copy thereof attached to the record.

(B) The pawnbroker shall, at the time of making the pawn or purchase transaction, enter upon the pawn ticket a record of the following information which shall be typed or written in ink and in the English language:

(1) A clear and accurate description of the property, including model and serial number if indicated on the property;

(2) The name, residence address, phone number, and date of birth of pledgor;

(3) Date of the pawn transaction;

(4) Type of identification and the identification number accepted from pledgor;

(5) Description of the pledgor including approximate height, weight, sex, and race;

(6) Amount of money advanced;

(7) The date due and the amount due;

(8) All monthly pawn charges, including interest, annual percentage rate on interest, and total recovery fee; and

(9) Agreed upon "stated value" between pledgor and pawnbroker in case of loss or destruction of pledged item; unless otherwise noted, "stated value" is the same as the loan value.

(C) The following shall be printed on all pawn tickets:

(1) The statement that "Any personal property pledged to a pawnbroker within this state is subject to sale or disposal when there has been no payment made on the account for a period of 60 days past maturity date of the original contract. No further notice is necessary.";

(2) The statement that "The pledgor of this item attests that it is not stolen, has no liens or encumbrances, and is the pledgor's to sell or pawn.";

(3) The statement that "The item pawned is redeemable only by the bearer of this ticket or by identification of the person making the pawn."; and

(4) A blank line for the pledgor's signature and the pawnbroker's signature or initials.

(D) The pledgor shall sign the pawn ticket and shall receive an exact copy of the pawn ticket which shall be signed or initialed by the pawnbroker or any employee of the pawnbroker. These records shall be available for inspection and pickup each regular workday by the Chief of Police in which the pawnshop is located. These records shall be a correct copy of the entries made of the pawn or purchase transaction and shall be carefully preserved without alteration, and shall be available during regular business hours.

(E) Except as otherwise provided in this article, any person presenting a pawn ticket to a pawnbroker is presumed to be entitled to redeem the pledged goods described on the ticket. (G.S. § 91A-7) (Am. Ord. passed 4-20-99) Penalty, see § 7-220

§ 7-217 PAWNBROKER FEES; INTEREST RATES.

(A) No pawnbroker shall demand or receive an effective rate of interest greater than 2% per month, and no other charge of any description or for any purpose shall be made by the pawnbroker, except that the pawnbroker may charge, contract for, and recover an additional monthly fee for the following services, including but not limited to:

(1) Title investigation;

(2) Handling, appraisal, and storage;

(3) Insuring a security;

- (4) Application fee;
- (5) Making daily reports to local law enforcement officers; and
- (6) For other expenses, including losses of every nature, and all other services.

In no event may the total of the above listed monthly fees on a pawn transaction exceed 20% of the principal up to a maximum of the following:

First month	\$100
Second month	75
Third month	75
Fourth month and thereafter	60

In addition, pawnbrokers may charge fees for returned checks-as allowed by G.S. § 25-3-506. (G.S. § 91A-8) (Am. Ord. passed 4-20-99) Penalty, see § 7-220

§ 7-218 PAWNBROKER TRANSACTIONS.

In every pawn transaction:

(A) The original pawn contract shall have a maturity date of not less than 30 days, provided that nothing herein shall prevent the pledgor from redeeming the property before the maturity date;

(B) Any personal property pledged to a pawnbroker in this state is subject to sale or disposal when there has been no payment made on the account for a period of 60 days past maturity date of the original contract; provided that the contract between the pledgor and the pawnbroker is renewable if renewal is agreed upon by both the parties;

(C) Every pawn ticket or receipt for such pawn shall have printed thereon the provisions of division (A) of this section which shall constitute notice of such sale or disposal; notice of intention to sell or dispose of the property without further notice; and consent to such sale or disposal. The pledgor thereby forfeits all right, title and interest of, in, and to such pawned property to the pawnbroker who thereby acquires absolute title to the same, whereupon the debt is satisfied and the pawnbroker may sell or dispose of the unredeemed pledges as his own property. Any sale or disposal of property under this section terminates all liability of the pawnbroker and vests in the purchaser the right, title, and interest of the borrower and the pawnbroker;

(D) If the borrower loses his pawn ticket he shall not thereby forfeit his right to redeem, but may, before the lapse of the redemption period, make an affidavit with indemnification for such loss. The affidavit shall describe the property pawned and shall take the place of the lost pawn ticket unless the pawned property has already been redeemed with the original pawn ticket; and

(E) A pledgor is not obligated to redeem pledged goods or make any payment on a pawn transaction.

(G.S. § 91A-9) (Am. Ord. passed 4-20-99)

§ 7-219 PROHIBITIONS.

A pawnbroker shall not:

(A) Accept a pledge from a person under the age of 18 years;

(B) Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction;

(C) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this article;

(D) Fail to exercise reasonable care to protect pledged goods from loss or damage;

(E) Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker on the pawn transaction. In the event such pledged goods are lost or damaged while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with merchandise of like kind and equivalent value. In the event the pledgor and pawnbroker cannot agree as to replacement, the pawnbroker shall reimburse the pledgor in the amount of the value agreed upon pursuant to § 7-216(B);

(F) Take any article in pawn, pledge, or as security from any person, which is known to such pawnbroker to be stolen, unless there is a written agreement with local or state police;

(G) Sell, exchange, barter, or remove from the pawnshop any goods pledged, pawned, or purchased earlier than 48 hours after the transaction, except in case of redemption by pledgor or items purchased for resale from wholesalers;

(H) Operate more than one pawnshop under one license, and such shop must be at a permanent place of business; or

(I) Take as pledged goods any manufactured mobile home, recreational vehicle, or motor vehicle other than a motorcycle.

(G.S. § 91A-10) (Am. Ord. passed 4-20-99) Penalty, see § 7-220

§ 7-220 PENALTIES.

(A) Every person, firm, or corporation, their guests or employees, who shall knowingly violate any of the provisions of this article, shall, on conviction thereof, be deemed guilty of a Class 2 misdemeanor. If the violation is by an owner or major stockholder or managing partner of the pawnshop and the violation is knowingly committed by the owner, major stockholder, or managing partner of the pawnshop, then the license of the pawnshop may be suspended at the discretion of the court.

(B) The provision of division (A) of this section shall not apply to violations of § 7-219(F) which shall be prosecuted under the state criminal statutes.

(C) Any contract of pawn the making or collecting of which violates any provision of this article, except as a result of accidental or bona fide error of computation, shall be void, and the licensee shall have no right to collect, receive or retain any interest or fee whatsoever with respect to such pawn.

(G.S. § 91A-11) (Am. Ord. passed 4-20-99)

§ 7-221 LICENSE RENEWAL.

Notwithstanding any provision of this article to the contrary, any person, firm, or corporation licensed as a pawnbroker on or before October 1, 1989, shall continue in force until the natural expiration thereof and all other provisions of this article shall apply to such license. Such pawnbroker shall be eligible for renewal of his license upon its expiration or subsequent renewals, provided such license complies with the requirements for renewal that were in effect immediately prior to October 1, 1989.

(G.S. § 91A-13) (Am. Ord. passed 4-20-99)

§ 7-222 BOND.

Every person, firm, or corporation licensed under this article shall, at the time of receiving the license, file with the city or county issuing the license a bond payable to such city in the sum of \$5,000, to be executed by the licensee, and by two responsible sureties or a surety company licensed to do such business in this state, to be approved by the city, which shall be for the faithful performance of the requirements and obligations pertaining to the business so licensed. The city may sue for forfeiture of the bond upon a breach thereof. Any person who obtains a judgment against a pawnbroker and upon which judgment execution is returned unsatisfied may maintain an action in his or her own name upon the bond, to satisfy the judgment.

(G.S. § 91A-14) (Am. Ord. passed 4-20-99)

ARTICLE VII: PEDDLERS, ITINERANT MERCHANTS AND CHARITABLE SOLICITATIONS

Section

Division 1 Purposes and Definitions

- 7-245 Purposes
- 7-246 Definitions

Division 2 Licenses Required

- 7-247 Itinerant merchant's license required
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- 7-249 Charitable solicitor's license required

Division 3 Application for Licenses, Issuance, Denials and Appeals

- 7-250 Application for a license
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- 7-252 Appeal from denial

Division 4 Exhibit, Transferability and Duration of Licenses

- 7-253 Possession and exhibition
- 7-254 License cannot be transferred
- 7-255 Duration and renewals

Division 5 Revocation, Appeals, and Enforcement

- 7-256 Revocation; appeal
- 7-257 Enforcement
- 7-258 Conflicts

DIVISION 1 PURPOSES AND DEFINITIONS**§ 7-245 PURPOSES.**

(A) The purposes of this article are to promote public health, safety and welfare by regulating and licensing certain house to house canvassing thereby protecting the privacy and safety of the residents of the city.

(B) The City Council does hereby find that the house to house canvassing has caused residents of the city reasonable concerns about their privacy and safety in their personal residences.
(Ord. passed 11-19-96; Am. Ord. passed 9-19-06)

§ 7-246 DEFINITIONS.

Whenever used in the following sections of this chapter, the following words shall be as herein defined, unless a different meaning clearly appears from the context.

BUSINESS DAYS. Days that the office of the City Clerk is open to the public for the transaction of official business, excluding Saturdays, Sundays and legal holidays.

CHARITABLE SOLICITOR. A person that goes from house to house or causes another person to go from house to house soliciting property or financial assistance of any kind or selling or offering to sell any article, tag, service, emblem, publication, ticker, advertisement, subscription or anything of value on the plea or representation that such sale or solicitation or the proceeds therefrom are for a charitable, educational, patriotic, or philanthropic purpose.

CHARITY. An organization, society, association or corporation organized and existing for charitable, educational, patriotic, or philanthropic purposes.

CITY. The city of Eden, North Carolina.

CITY MANAGER. The City Manager of the city or the Acting City Manager in the absence of the City Manager.

CLERK. The City Clerk of the City of Eden.

FILING DATE. The day a completed application is filed with the Clerk.

HOUSE. A dwelling. A dwelling is a building or portion thereof designed, arranged or used for permanent living quarters for one or more families.

ITINERANT MERCHANT. A person who transports goods to a building, vacant lot or other location in the City and who, at said location displays the goods, offers the goods for sale, or sells the

goods at retail, for a period of less than six consecutive months. An itinerant merchant shall not include a person with an established retail store in the City or a person who sells farm produce.

LICENSE. Unless otherwise specified, shall mean a peddler's license, a itinerant merchant's license or a charitable solicitor's license.

LICENSEE. A person holding a peddler's license, a itinerant merchant's license or a charitable solicitor's license.

PEDDLER. Any person that travels from house to house, street to street, or place to place within the City, taking or attempting to take orders for the sale of goods, wares, magazines, merchandise and other personal property of any nature for future delivery, or orders for services to be furnished or performed in the future.

PERSON. An individual, person, firm, organization, association, society, company or corporation.
(Ord. passed 11-19-96; Am. Ord. passed 9-19-06; Am. Ord. passed 10-20-09)

DIVISION 2 LICENSES REQUIRED

§ 7-247 ITINERANT MERCHANT'S LICENSE REQUIRED.

(A) It shall be unlawful for any person to engage in transient business in one locality, without having a valid itinerant merchant's license. Each itinerant merchant shall obtain his, her, or its separate merchant's license prior to engaging in business.

(B) Exemptions: This section does not apply to the following:

- (1) Charitable Solicitors
- (2) Persons selling crafts or goods made by them or their own household personal property.
- (3) Persons selling printed material, wood for fuel, ice, eggs, or dairy products.
- (4) Persons selling goods at a farmer's market or auction house.

(Ord. passed 9-19-06; Amended Ord. passed 10-20-09)

§ 7-248 PEDDLER'S LICENSE REQUIRED.

It shall be unlawful for any person meeting the definition of a peddler to engage in such business in the City without having a valid City peddler's license. Each peddler shall obtain his, her or its separate peddler's license prior to engaging in business. It shall be unlawful for a peddler to operate between the hours of 6:00 p.m. and 9:00 a.m. Monday through Saturday and all day on Sundays. (Ord. passed 11-19-96; Amended Ord. passed 10-20-09) Penalty, see § 7-258

§ 7-249 CHARITABLE SOLICITOR'S LICENSE REQUIRED.

It shall be unlawful for any person to go or cause another person to go from house to house to carry on the activities of a charitable solicitor, without having a valid charitable solicitor's license. Each charitable solicitor shall obtain his, her or its separate charitable solicitor's license prior to going from house to house to engage in such activities. (Ord. passed 11-19-96) Penalty, see § 7-258

DIVISION 3 APPLICATION FOR LICENSES, ISSUANCE, DENIALS AND APPEALS**§ 7-250 APPLICATION FOR A LICENSE.**

(A) Before engaging in a business activity as a peddler, itinerant merchant or charitable solicitor in the City, a person shall make an application with the City Clerk which shall be upon a form approved by the City Manager and filed with the Clerk. Every such application shall be made under oath and shall contain the following information:

- (1) The type of license requested and the applicant's:
 - (a) Full name,
 - (b) Personal description of applicant,
 - (c) Drivers License Number,
 - (d) Recent photograph of applicant,
 - (e) Criminal background check,
 - (f) Date of birth,
 - (g) Mailing address, and
 - (h) Residential address if different from mailing address.

- (2) If the application is for a peddler's license the applicant shall also provide:
 - (a) The name, address and telephone number of the applicant's current employer if the applicant is employed by another person.
 - (b) The name and address of each employer for whom the applicant has worked in the 12-month period immediately preceding the filing of the application.
 - (c) A statement of the names of the magazines, journals or books or the types of goods, wares, or merchandise; or articles, tags, services, emblems, publications, tickets, advertisements, subscriptions or things of value that will be solicited or offered for sale.

- (3) If the application is for a charitable solicitor's license the applicant should provide:
 - (a) The name, address and telephone number of the charity for which the person is currently acting as a charitable solicitor.
 - (b) The name and address of each charity for whom the applicant has worked or engaged in the activities of charitable solicitor in the 12-month period immediately preceding the filing of the application.
 - (c) A statement of the names of the magazines, journals or books or the types of goods, wares, or merchandise; or articles, tags, services, emblems, publications, tickets, advertisements, subscriptions or things of value that will be offered or solicited.

- (4) If the application is for an itinerant merchant's license the applicant should provide:
 - (a) The location where the goods are to be sold.
 - (b) A written statement, signed by the owner or lessee of any real property upon which the itinerant merchant offers goods for sale, giving the applicant permission to be upon said real property.

- (5) If, within the four-year period immediately preceding the filing of the application, the applicant has been convicted of violating any statute or ordinance relating to the use of sales or subscription solicitations or charitable solicitation methods that involved fraud, misrepresentation or false and misleading statements, the applicant shall state the date and the nature of the conviction, and the name and address of the court in which such conviction occurred.

(Ord. passed 11-19-96; Am. Ord. passed 9-19-06; Am. Ord. passed 10-20-09)

§ 7-251 ISSUANCE OF LICENSE.

(A) No license shall be issued until the third business day following the filing date.

(B) The Clerk shall immediately transmit a copy of the application to the Police Department for an investigative report.

(C) Upon receipt of a copy of an application for a license from the Clerk, the Police Department shall conduct an investigation of the applicant to verify the truthfulness of the information contained in such application and shall within three business days of the filing date make a written report of its findings to the Clerk.

(D) On the fourth business day following the filing date, the City Clerk shall either:

(1) Issue the license; or

(2) Deny the license and give the applicant a written statement of the reasons for such denial.

(Ord. passed 11-19-96; Am. Ord. passed 10-20-09)

§ 7-252 APPEAL FROM DENIAL.

(A) In the event the City Clerk denies an application for a license, the applicant shall have the right to appeal such denial to the City Manager. The appeal must be made in writing and must state the grounds for the appeal.

(B) The City Manager shall schedule and conduct a hearing on such appeals, such hearing to be held within five working days following his receipt of the appeal and the applicant shall be given three days written notice of the hearing. Within five business days after the hearing, the City Manager shall either:

(1) Order that the license be issued, or

(2) Give the applicant a written statement of the grounds for the denial of the applicant's appeal.

(C) Appeals from the decision of the City Manager shall be to the appropriate division of the General Court of Justice of the State of North Carolina.

(Ord. passed 11-19-96; Am. Ord. passed 10-20-09)

DIVISION 4 EXHIBIT, TRANSFERABILITY AND DURATION OF LICENSES

§ 7-253 POSSESSION AND EXHIBITION.

The respective license shall be in the licensee's possession whenever the peddler, itinerant merchant or charitable solicitor is engaged in the respective business activities. Upon request, the licensee shall promptly display such license to any police officer or any person being solicited by the licensee.

(Ord. passed 11-19-96; Am. Ord. passed 9-19-06; Am. Ord. passed 10-20-09)

§ 7-254 LICENSE CANNOT BE TRANSFERRED.

Licenses issued pursuant to this Article VII are not transferrable.

(Ord. passed 11-19-96; Am. Ord. passed 10-20-09)

§ 7-255 DURATION AND RENEWALS.

(A) Licenses shall expire at midnight, the thirtieth day of June of each year.

(B) If a business is begun after January 31 and before July 1, the amount of the tax due is half the amount otherwise due.

(Ord. passed 11-19-96; Am. Ord. passed 3-18-97; Am. Ord. passed 10-20-09)

DIVISION 5 REVOCATION, APPEALS, AND ENFORCEMENT

§ 7-256 REVOCATION; APPEAL.

If, after a license is issued, pursuant to this article, the Clerk shall determine that the application contained untrue information or false or misleading statements or that the applicant has been convicted of violating any statute or ordinance relating to the use of sales or subscription solicitations or charitable solicitation methods that involved fraud, misrepresentation or false and misleading statements following the issuance of the license, convicted of a violation of this article, or conducting business in an unlawful or abusive manner, or in such a manner as to constitute a breach of the peace, a menace to the health or safety, or to jeopardize the enjoyment of the privacy of the home or other building of any individual called upon; or conviction, while the privilege license is valid, of any crime involving moral turpitude the Clerk shall immediately revoke the license and give the licensee written notice of such revocation by mailing such notice to the licensee's mailing address as provided on the licensee's application. The revocation shall be effective immediately upon revocation; however, the

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licensee shall not be subject to penalties set forth in § 7-257 until actual notice has been served upon the licensee or the fifth day following the mailing of said notice of revocation, whichever occurs first. Licensee shall surrender the original license issued by the City Clerk. The written notice shall also state that the licensee has 12 days from the date of the mailing of the notice in which to file a written appeal of such revocation with the City Manager. Upon receipt of a written notice of appeal, the

(1) Order that the license be reissued, or

(2) Give the applicant a written statement of the grounds for the denial of the applicant's appeal.

(B) Appeals from the decision of the City Manager shall be to the appropriate division of the General Court of Justice of the State of North Carolina.

(Ord. passed 11-19-96; Am. Ord. passed 10-20-09; Am. Ord. passed 08-20-13)

§ 7-257 ENFORCEMENT.

(A) If any peddler, itinerant merchant or charitable solicitor shall violate any of the provisions of this article, such licensee shall be guilty of a class 3 misdemeanor and shall be fined not more than \$200.

(B) In addition to enforcement as provided for in subsection (A) herein, the city may enforce this article by any other legal or equitable remedy authorized by subsections (d) and (e) of G.S. § 160A-175.

(Ord. passed 11-19-96; Am. Ord. passed 9-19-06; Am. Ord. passed 10-20-09)

§ 7-258 CONFLICTS.

All ordinances in conflict with this article are hereby repealed.

(Ord. passed 11-19-96; Am. Ord. passed 10-20-09)

ARTICLE VIII: POOLROOMS

Section

Division 1 Generally

- 7-281 Definition
- 7-282 Prohibited conduct
- 7-283 Display of name of operator
- 7-284 Condition of premises; inspection by police
- 7-285 Room specifications
- 7-286 Rejection of location

Division 2 License

- 7-301 Required; application
- 7-302 Investigation
- 7-303 Limitations on issuance
- 7-304 Disqualifications
- 7-305 Issuance; specifications
- 7-306 Payment of fee; refund
- 7-307 Nontransferability
- 7-308 Revocation

Statutory reference:

Authority to regulate poolrooms, see G.S. § 160A-181

DIVISION 1 GENERALLY

§ 7-281 DEFINITION.

(A) The term ***POOLROOM*** as used in this article, shall include any room where one or more billiard tables, pool tables, miniature billiard tables, miniature pool tables or bumper pool tables are kept for the purpose of playing any game of billiards or pool, for the use of which a charge is directly or indirectly made. ('89 Code, § 7-281)

(B) The term ***POOLROOM*** as used in this chapter shall not include an establishment which is operated as a private club as the same is defined by G.S. § 18B-1000 (5) and which is duly licensed

and regulated as a private club by the North Carolina Alcoholic Beverage Control Commission. (Ord. passed 5-24-89)

§ 7-282 PROHIBITED CONDUCT.

It shall be unlawful for a poolroom licensee or for an employee of the licensee to:

(A) Permit any gambling or game of chance in the place designated by the license or other place connected with the business;

(B) Allow the licensed premises to become disorderly;

(C) Permit any person under 16 years of age to remain in the poolroom, except that persons under 16 years of age may be permitted to enter the licensed premises and play the game of pool or billiards under the following conditions:

(1) Each such person shall be accompanied by his parent or legal guardian or shall have in his possession, and exhibit to the proprietor or to any police officer on request, the notarized written consent of his parent or legal guardian specifying the hours of curfew and the licensed premises upon which such minor is permitted to enter;

(2) No beer, wine or other alcoholic beverage shall be sold, served or permitted in the room where the game of pool or billiards is played;

(3) Each licensed premises shall be provided with clean, sanitary washrooms with separate toilet facilities for each sex;

(4) The licensee shall be responsible for providing competent supervision at all times and shall be required to ensure that the provisions of this section are strictly complied with;

(5) Each licensee shall post a copy of this section at a conspicuous location within the licensed premises.

(D) Knowingly employ in the operation of the poolroom any person who has been convicted of a felony unless such person has received a pardon for such conviction.

('89 Code, § 7-282) (Ord. passed 1-17-84; Am. Ord. passed 6-16-92) Penalty, see § 7-390 *et seq.*

§ 7-283 DISPLAY OF NAME OF OPERATOR.

The name of the person operating a poolroom must be at all times conspicuously displayed at the entrance of such poolroom and if the licensee is a corporation, the name of the corporation, the name of the president, secretary and manager thereof must displayed at the entrance of the room, and if the licensee is a partnership, the names of all partners must be displayed at the entrance of the hall.

('89 Code, § 7-283) Penalty, see § 7-390 *et seq.*

§ 7-284 CONDITION OF PREMISES; INSPECTION BY POLICE.

All poolrooms and premises shall be kept at all times in a clean, neat and sanitary condition. Poolrooms shall be kept well-ventilated, well-lighted and shall be subject to inspection at any time by any police officer of the city, or any duly authorized agent of the city. It shall be the duty of the Police Department of the city to make frequent inspections of all poolrooms.

('89 Code, § 7-284) Penalty, see § 7-390 *et seq.*

§ 7-285 ROOM SPECIFICATIONS.

The room occupied as a poolroom shall comply with the following specifications:

(A) It must be on the level of the street on which the building fronts and no poolroom shall be located in a basement or on any floor above the first floor.

(B) All poolrooms shall front on a public street or public vehicular area and shall not front on any alley.

(C) The entrance to the poolroom shall be directly from the public street and all entrances to the poolroom shall be from such public street, provided that an emergency fire door exit to be used only for emergency purposes may be located so as to comply with ordinances relating to fire regulations.

(D) At least one-half of the front of the poolroom shall be of transparent glass and a view of the entire poolroom must be afforded from the street.

('89 Code, § 7-285) (Am. Ord. passed 3-16-93) Penalty, see § 7-390 *et seq.*

§ 7-286 REJECTION OF LOCATION.

The City Council shall have the discretion to reject a poolroom license applicant's location for reasons based upon the general health and welfare of the surrounding area.

('89 Code, § 7-286)

DIVISION 2 LICENSE

§ 7-301 REQUIRED; APPLICATION.

No poolroom shall be operated until a license for the operation thereof has been issued to some person. It shall be the duty of every person desiring to operate a poolroom to make written application to the City Council for a license, which application shall be in the form provided by the city.

('89 Code, § 7-301) Penalty, see § 7-390 *et seq.*

§ 7-302 INVESTIGATION.

The City Council, before granting any license provided for in this article, shall refer all applications to the Police Chief who shall investigate each application to determine whether the person making application is a fit person to operate a poolroom and whether or not the place to be used for the operation of such room is a proper place for the operation of such room and complies with the laws relative thereto.

('89 Code, § 7-302)

§ 7-303 LIMITATIONS ON ISSUANCE.

No license shall be issued for the operation of a poolroom if the premises in which the same is to be conducted do not comply with the laws of the state, the provisions of this Code and other ordinances of the city. No license shall be issued until after the expiration of seven days from the date of the filing of the application therefor.

('89 Code, § 7-303)

§ 7-304 DISQUALIFICATIONS.

(A) The City Council shall not approve the issuance of a poolroom license to:

(1) Any person who shall have been convicted of a second offense against the provisions of this section within the last two years preceding the filing of the application;

(2) Any partnership of which a member shall have been convicted as provided in the preceding subsection;

(3) Any person who has been convicted of a felony within three years or who has been convicted of a felony more than three years previously and he or she has not had his or her citizenship restored;

(4) Any partnership of which a member has been convicted of a felony within three years, or of which a member has been convicted of a felony more than three years previously and he or she has not had his or her citizenship restored;

(5) Any person who is of immoral character or who is an habitual user of intoxicating liquors or narcotic drugs;

(6) Any corporation of which any officer or director has been convicted of a second offense against the provisions of this section within two years preceding the filing of the application;

(7) Any corporation of which any officer or director has been convicted of a felony within three years or any corporation of which any officer or director has been convicted of a felony more than three years previously and he or she has not had his or her citizenship restored, or of which any officer or director is of immoral character or is an habitual user of intoxicating beverages or controlled substances;

(B) The City Council in any case may for cause refuse to approve the issuance of a license for the operation of a poolroom.
(‘89 Code, § 7-304) (Am. Ord. passed 11-16-99)

§ 7-305 ISSUANCE; SPECIFICATIONS.

Upon a majority vote of the City Council approving the issuance of a poolroom license, the Tax Collector shall issue it. The license shall specify the name of the licensee, the specific place where the business is to be carried on, the number of tables that are to be operated and the days on which the license shall become effective and expire.
(‘89 Code, § 7-305)

§ 7-306 PAYMENT OF FEE; REFUND.

At the time of filing application for a license in compliance with the provisions of this article, each applicant shall pay in cash or by certified check the entire amount of the license fee required for the year in which such application is made, but in the event that the application for a license is refused, the city shall immediately return to the applicant such payment.
(‘89 Code, § 7-306)

§ 7-307 NONTRANSFERABILITY.

The poolroom license shall not be transferable to any person nor to any place of business.
(‘89 Code, § 7-307)

§ 7-308 REVOCATION.

The City Council may at any time for cause and on such reasonable hearing as it may prescribe revoke a poolroom license, and if the license of any licensee is revoked no license shall be issued within one year thereafter to such licensee or the partnership or corporation of which such licensee is a member, officer or stockholder. When the City Council finds that the application for license, upon which a license was issued was materially false in any particular, such license shall be revoked. A conviction for violation of any of the provisions of this article shall, when such judgment becomes final, be sufficient grounds for the City Council to revoke the license.
(‘89 Code, § 7-308)

ARTICLE IX: TAXICABS AND OTHER VEHICLES FOR HIRE

Section

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- 7-326 Definitions
- 7-327 Compliance with article required
- 7-328 Vehicles to comply with legal requirements; specifications
- 7-329 Insurance required
- 7-330 Depot or terminal required; stopping on street to solicit passengers prohibited
- 7-331 Driver's obligation to transport passengers; passenger's obligation to pay fare; misleading calls prohibited
- 7-332 Hailing taxicab on public street
- 7-333 Cruising for employment prohibited
- 7-334 Passenger restrictions; receipt for fare
- 7-335 Information to be furnished to law enforcement personnel

Division 2 Driver's Permit

- 7-346 Required; display
- 7-347 Application
- 7-348 Grounds for denial
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Division 3 Certificate of Public Convenience and Necessity

- 7-366 Required
- 7-367 Application
- 7-368 Investigation and hearing
- 7-369 Notice of findings; vehicle information required
- 7-370 Issuance; transfer
- 7-371 Entitlement of present owners
- 7-372 Fee; term; transfer
- 7-373 Issuance of license
- 7-374 Revocation

Statutory reference:

Age of driver of public passenger-carrying vehicle, see G.S. § 20-10

Authority of town to regulate taxicabs and the drivers and operators thereof, see G.S. §§ 20-37, 160A-304

Financial responsibility, see G.S. § 20-280

Marking of vehicles for hire, see G.S. § 20-101

Taxicab registration fees, see G.S. § 20-87

Transporting alcoholic beverages in taxicabs, see G.S. § 18B-401

DIVISION 1 GENERALLY**§ 7-326 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:

OWNER. The purchaser of any vehicle under reserve title contract or the legal or equitable owner of any motor vehicle.

TAXICAB and **VEHICLE FOR HIRE.** Any public motor-driven vehicle used for the transportation of passengers for compensation, except buses operated under franchises and over fixed routes and between fixed termini and interurban buses operated under franchises granted by the state utility commission.

('89 Code, § 7-326)

§ 7-327 COMPLIANCE WITH ARTICLE REQUIRED.

The operation of taxicabs and vehicles for hire upon the streets of the city shall be subject to the conditions, regulations and restrictions set forth in this article. It shall be unlawful to operate or cause to be operated within the city any taxicab or vehicle for hire unless a certificate of public convenience and necessity has been issued to the owner thereof and unless the conditions, regulations and restrictions set forth and prescribed in this article have been complied with.

('89 Code, § 7-327) Penalty, see § 7-390 *et seq.*

§ 7-328 VEHICLES TO COMPLY WITH LEGAL REQUIREMENTS; SPECIFICATIONS.

Every taxicab and vehicle for hire operated within the city shall meet all requirements of the state law and ordinances of the city and must be kept in good, clean, neat and safe condition and appearance. It shall be the duty of the Chief of Police to make inspections of such vehicles and report his findings

to the Council. Such vehicles shall be sedans with at least four doors and with a passenger capacity of not less than five persons.

('89 Code, § 7-328) Penalty, see § 7-390 *et seq.*

§ 7-329 INSURANCE REQUIRED.

No taxicab or vehicle for hire shall be operated on the streets of the city unless the owner and driver thereof are protected by liability insurance issued by a company authorized to do business in the state which policy shall be in the sum required by state law. Such policy shall carry a rider requiring ten days' notice to the city prior to cancellation of the policy, and satisfactory evidence shall be filed with the City Council showing that such insurance is in effect.

('89 Code, § 7-329) Penalty, see § 7-390 *et seq.*

§ 7-330 DEPOT OR TERMINAL REQUIRED; STOPPING ON STREET TO SOLICIT PASSENGERS PROHIBITED.

No taxicab shall operate on the streets of the city unless it shall have a depot or terminal on private property. No taxicab shall be permitted to park on or stop on the streets of the city for the purpose of soliciting passengers or patronage, provided that nothing contained in this article shall prohibit a taxi driver from parking on the side of the street for the purpose of waiting for passengers who have already engaged such taxi service.

('89 Code, § 7-330) Penalty, see § 7-390 *et seq.*

§ 7-331 DRIVER'S OBLIGATION TO TRANSPORT PASSENGERS; PASSENGER'S OBLIGATION TO PAY FARE; MISLEADING CALLS PROHIBITED.

(A) Drivers may refuse to carry passengers unless the legal fare is prepaid, but no driver shall otherwise refuse to carry an orderly person anywhere within the city unless previously engaged or unable to do so.

(B) It shall be unlawful for a person to engage or ride in a taxicab or vehicle for hire without paying the legal fare thereof or to make improper, misleading or unauthorized calls.

('89 Code, § 7-331) Penalty, see § 7-390 *et seq.*

§ 7-332 HAILING TAXICAB ON PUBLIC STREET.

No person shall solicit patronage for any taxicab or vehicle for hire by word, signal or otherwise on any public street other than at its stands or garages.

('89 Code, § 7-332) Penalty, see § 7-390 *et seq.*

§ 7-333 CRUISING FOR EMPLOYMENT PROHIBITED.

Taxicabs and vehicles for hire shall not cruise seeking employment.
(‘89 Code, § 7-333) Penalty, see § 7-390 *et seq.*

§ 7-334 PASSENGER RESTRICTIONS; RECEIPT FOR FARE.

(A) Not more than one passenger shall be transported at one time without the consent of the person first engaging the vehicle, and nonpaying passengers shall not be transported with paying passengers.

(B) The driver in charge of the taxicab shall upon request deliver to the person paying the fare a receipt in legible type or writing showing the date and amount of fare paid, the date of payment, the name of the owner and driver and the city license number. Such form may be prescribed by the City Council.

(‘89 Code, § 7-334) Penalty, see § 7-390 *et seq.*

§ 7-335 INFORMATION TO BE FURNISHED TO LAW ENFORCEMENT PERSONNEL.

Each owner and driver shall upon the request of the Chief of Police or Sheriff’s Department, furnish them with any information he may require as to persons transported in such taxicabs or vehicles for hire.

(‘89 Code, § 7-335) Penalty, see § 7-390 *et seq.*

DIVISION 2 DRIVER'S PERMIT**§ 7-346 REQUIRED; DISPLAY.**

Every operator or driver of a taxicab or vehicle for hire which engages in transportation of the public for compensation over the streets of the city shall before operating or driving such vehicle first obtain from the city a driver's permit, which shall certify that such person is licensed to operate or drive such vehicle. Each operator or driver shall keep such permit in the vehicle which he operates, and the permit shall be displayed in plain view of the passengers.

(‘89 Code, § 7-346) Penalty, see § 7-390 *et seq.*

§ 7-347 APPLICATION.

Any person desiring a driver's permit shall apply for it upon an application approved by the City Council and secured from the Police Department, which shall contain the following information: date of application, name of applicant, color, address, nationality, height, weight, age, Class C License number and date of issuance, number of years lived in county, present occupation, previous place

of residence, driving experience, record of accidents or collisions for past three years if any, court records, names and addresses of three reputable references and such other information as the Council may require.

('89 Code, § 7-347) (Am. Ord. passed 11-16-99)

§ 7-348 GROUNDS FOR DENIAL.

No driver's permit shall be issued to any person who:

(A) Is unable to read, write or understand the English language;

(B) Has been convicted of a crime involving moral turpitude;

(C) Has in the five-year period immediately preceding the application for a permit, been convicted of driving while impaired;

(D) Has been convicted of a felony involving the use of a vehicle;

(E) Has had his driver's license revoked for any reason in the five-year period immediately preceding the application for a permit;

(F) Does not have a valid state driver's license for the operation of a passenger vehicle for hire;

(G) Fails to fully complete the application provided for in § 7-347;

(H) Submits an application containing false, inaccurate or incorrect information; or

(I) Refuses to be photographed by the Police Department.

('89 Code, § 7-348) (Ord. passed 5-19-87)

§ 7-349 GROUNDS FOR REVOCATION.

The driver's permit of any person who is convicted of a crime involving moral turpitude, driving while impaired, a felony involving the use of a vehicle or who has had his driver's license suspended or revoked, or who fails to maintain a valid state driver's license for the operation of a vehicle for hire, shall be revoked. A person whose permit is revoked under a provision of this section shall not be issued a new permit until such person is eligible for a driver's permit.

('89 Code, § 7-349) (Ord. passed 5-19-87)

Statutory reference:

Additional grounds for denial, see G.S. § 160A-304

§ 7-350 INVESTIGATION; ISSUANCE.

(A) Upon receipt of a fully completed application, the Police Chief shall conduct an investigation to determine the correctness, accuracy and truthfulness of the information contained in the application and shall photograph the applicant.

(B) Upon completion of its investigation and after it has been determined that the applicant is entitled to a permit under the provisions of this chapter, the Police Department shall issue to the applicant a permit to operate a taxi, which shall be validated by the Tax Collector of the city before it is effective. The permit shall be in card form and shall have affixed to it a photograph of the applicant.
(‘89 Code, § 7-350)

§ 7-351 FEE; TEMPORARY PERMIT.

(A) The applicant shall present the permit to the Tax Collector and shall pay the city a \$5 fee for the issuance of the permit. The Tax Collector shall validate the permit by signing the same.

(B) Notwithstanding any other provisions of this chapter, a temporary driver's permit may be issued by the Chief of Police upon receipt of a completed application for a permit and upon payment of the \$5 fee, provided that prior to the issuance of a temporary permit, the Chief of Police shall determine that the applicant is duly licensed to operate a taxicab by the state and that there is no valid reason not to issue the temporary permit. Any person issued a temporary permit shall immediately surrender the same upon issuance of a permanent permit or upon notification that such person has been denied a permanent permit. If a permanent permit is issued, no additional fee shall be required.
(‘89 Code, § 7-351)

DIVISION 3 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**§ 7-366 REQUIRED.**

No license for the operation of public vehicles shall be issued, nor shall any public vehicle be operated on the streets of the city, unless and until the City Council has issued a certificate that public convenience and necessity require the operation thereof.
(‘89 Code, § 7-366) Penalty, see § 7-390 *et seq.*

§ 7-367 APPLICATION.

Application for a certificate of public convenience and necessity, referred to throughout this article as the certificate, shall be made to the City Council and shall set forth:

- (A) The name and address of the applicant;
- (B) The trade name under which the applicant does or proposes to do business;
- (C) Where the proposed stands and garages are to be located;
- (D) The number of vehicles the applicant desires to operate;
- (E) The class, seating capacity, design and color scheme of each vehicle;
- (F) The lettering and marks to be used thereon;
- (G) Whether the applicant has been convicted of the violation of any state or municipal law;
- (H) An agreement or stipulation that the applicant will operate and continue to operate during the bona fide time the certificate shall remain in effect; and
- (I) Any other information required by the City Council.
(‘89 Code, § 7-367)

§ 7-368 INVESTIGATION AND HEARING.

The City Council shall make or cause to be made an investigation, including any hearing deemed desirable, of each applicant for a certificate and shall determine whether or not public convenience and necessity require the operation of the vehicles the applicant desires to operate and whether or not the applicant is a person of suitable character and qualifications to conduct such business. In determining this latter question, the Council may investigate the fitness of the officers and stockholders of any firm or corporation making such application.
(‘89 Code, § 7-368)

§ 7-369 NOTICE OF FINDINGS; VEHICLE INFORMATION REQUIRED.

(A) If the City Council finds that the public convenience and necessity require the operation of the vehicles or a greater or lesser number of vehicles than those for which a certificate has been applied and that the applicant is a person of suitable character and qualifications to conduct such business, it shall notify the applicant of its finding. If it finds that public convenience and necessity do not require the operation of such vehicle or that the applicant is not a person of suitable character and qualifications to conduct such business, it shall forthwith notify such applicant of its findings, and no certificate of public convenience and necessity shall be issued.

(B) If the City Council shall find that public convenience and necessity required the operation of the vehicles for which a certificate has been applied and that the applicant is a person of suitable character and qualifications to conduct such business, the applicant shall within 30 days after receipt of notice of such finding furnish the Council with information as to the particular vehicles for which

the certificate is granted, including the make, state license number, the length of time the vehicle has been in use, the motive power thereof, the name and address of the person from whom each vehicle was purchased and any other information required by the City Council.
(‘89 Code, § 7-369)

§ 7-370 ISSUANCE; TRANSFER.

If the City Council finds that the applicant is the owner of the vehicles for which a certificate has been applied and that such vehicles are fit and safe for the transportation of passengers and conform to the requirements of this article and to such other requirements as the City Council may make under authority conferred on it by this chapter, it may issue the applicant the certificate provided for in this article. Such certificate shall not be transferable unless its transfer shall have first been approved by the City Council, but the person to whom the certificate is issued may, by an appropriate endorsement made thereon by the City Council, substitute another vehicle in the place of that for which the certificate is granted; provided, however, that should the City Council find that public convenience and necessity require additional taxicabs or vehicles for hire, preference may be given to operators operating existing service, should they be in a position to furnish it.
(‘89 Code, § 7-370)

§ 7-371 ENTITLEMENT OF PRESENT OWNERS.

Any person owning and operating one or more taxicabs or vehicles for hire in the city on the date of the adoption of the ordinance from which this section derives who can comply with the requirements of this article shall, upon application therefore, be entitled to a certificate for the number of such vehicles as such person shall be actually operating on such date without further proof of public convenience and necessity. No additional certificate, however, shall be issued unless the City Council determines that the public convenience and necessity require such additional service.
(‘89 Code, § 7-371)

§ 7-372 FEE; TERM; TRANSFER.

(A) For each certificate granted pursuant to this article, there shall be paid to the city a certificate fee of \$3 for each vehicle for which a certificate shall be granted. No additional fee shall be charged for renewal of any certificate granted.

(B) Certificates shall be issued until May 31, following the date of issue and shall be good annually thereafter until May 31 of each year, unless revoked by the City Council. Such certificates shall be transferable with approval of the City Council.
(‘89 Code, § 7-372)

§ 7-373 ISSUANCE OF LICENSE.

Upon presentation of a certificate within 30 days of its date and satisfactory evidence that all license fees have been paid to the City Treasurer and that the insurance policy required by this article has been duly filed, the Clerk shall issue to the applicant a license for each and every vehicle specified in such certificate; provided, however, that any certificate issued pursuant to this article shall be effective until cancelled, and that no additional certificate shall be required for the purpose of obtaining licenses so long as the original certificate remains in effect.

('89 Code, § 7-373)

§ 7-374 REVOCATION.

(A) Any certificate issued under the provisions of this article may be revoked or suspended by the City Council for any of the following causes:

- (1) Failure to operate the taxicab or vehicle for hire specified in the certificate;
- (2) Failure to maintain the taxicab or vehicle for hire in good order and repair;
- (3) Failure to pay the personal property taxes or other taxes due the city or state on such vehicle;
- (4) Failure to maintain insurance as required by this article;
- (5) Failure to report any accident as required by law;
- (6) Failure of the driver to stay neat in appearance;
- (7) Failure of the driver to be courteous at all times;
- (8) Failure of the driver of a taxicab or vehicle for hire to have and exhibit a chauffeur's license and picture in the cab. Duplicate information must be on hand at the police station before a taxicab driver can operate on the streets of the city;
- (9) Repeated and persistent violations of traffic and safety ordinances by a driver;
- (10) If a cab driver is convicted a third time of a state, city or federal offense, no cab owner can knowingly hire the driver under the penalty of having his license revoked;
- (11) Purchase by a driver of alcoholic beverages of any description for his passenger, toleration of a driver of any disorderly conduct in his cab, transportation by a driver or having in his possession in a vehicle operated for hire any intoxicating beverage of any kind;
- (12) Willful or continued failure to comply with the provisions of this article or any other law regulating the operation of taxicabs and vehicles for hire within the city;

(13) Willful neglect to render service;

(14) Failure to operate under a franchise for six consecutive months.

(B) The City Council is authorized from time to time to increase or decrease such certificates as the public convenience may require, and in the event of a decrease, those certificates granted last shall be the first revoked.

('89 Code, § 7-374)

ARTICLE X: FIREWORKS DISPLAYS

Section

Division 1 Generally

- 7-381 Definitions
- 7-382 Authority
- 7-383 Compliance with article required
- 7-384 Permitted event
- 7-385 Application for permit
- 7-386 Investigation by Fire Marshal
- 7-387 Issuance
- 7-388 Revocation

§ 7-381 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:

Pyrotechnics. Any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes: provided, however, that nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosives or signaling flares used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms. This Article shall not apply to the sale, use, or possession of the following:

- (1) Explosive caps designed to be fired in toy pistols, provided that the explosive mixture of the explosive caps shall not exceed twenty-five hundredths (.25) of a gram for each cap.
- (2) Snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large, snake-like ash when burning.
- (3) Smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke.
- (4) Trick noisemakers which produce a small report designed to surprise the user and which include:
 - a. A party popper, which is a small plastic or paper item containing not in excess of 16 milligrams of explosive mixture. A string protruding from the device is pulled to ignite the device, expelling paper streamers and producing a small report.

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b. A string popper, which is a small tube containing not in excess of 16 milligrams of explosive mixture with string protruding from both ends. The strings are pulled to ignite the friction-sensitive mixture, producing a small report.

c. A snapper or drop pop, which is a small, paper-wrapped item containing no more than 16 milligrams of explosive mixture coated on small bits of sand. When dropped, the device produces a small report.

(5) Wire sparklers consisting of wire or stick coated with nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition. These items must not exceed 100 grams of mixture per item.

(6) Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, do not spin, are hand-held or ground-based, cannot propel themselves through the air, and contain not more than 75 grams of chemical compound per tube, or not more than a total of 200 grams if multiple tubes are used.

(Ord. passed 6-15-10)

§ 7-382 AUTHORITY.

Pursuant to N.C.G.S. § 14-413 (a1), the Rockingham County Board of Commissioners has granted the City of Eden the authority to issue permits for pyrotechnics to be exhibited, used or discharged within the corporate limits of the city for use in connection with the conduct of concerts or public exhibitions by a Resolution dated May 10, 2010.

(Ord. passed 6-15-10)

§ 7-383 COMPLIANCE WITH ARTICLE REQUIRED.

The use of pyrotechnics within the corporate limits of the city shall be subject to the conditions, regulations and restrictions set forth in this article. It shall be unlawful for any person or organization to exhibit, use, or discharge pyrotechnics within the corporate limits of the city unless a permit has been issued and unless the conditions, regulations and restrictions set forth and prescribed in this article have been complied with.

Penalty, see § 17-390 *et seq.*

(Ord. passed 6-15-10)

§ 7-384 PERMITTED EVENT.

No Permit shall be issued for the exhibition, use, or discharge of pyrotechnics unless the use is in connection with the conduct of concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations.

(Ord. passed 6-15-10)

§ 7-385 APPLICATION FOR PERMIT.

The applicant for such permit shall make application with the City Clerk which shall be upon a form approved by the City Manager and filed with the Clerk. The application shall be filed with the Clerk no less than ten (10) calendar days before the meeting at which the application for permit will be voted on by the City Council, unless such requirement is waived by the City Manager. Every such application shall be made under

oath, shall be accompanied by the required fee as set forth in the schedule of taxes adopted annually by the City Council, and shall contain the following information:

- (A) The applicant's full name and address.
- (B) The organization, if any, that is responsible for the concert or public exhibition where the pyrotechnics will be displayed.
- (C) The date of the event at which the pyrotechnics will be displayed.
- (D) The type of event at which the pyrotechnics will be displayed.
- (E) Whether the event will be held indoors or outdoors.
- (F) Proof of insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the North Carolina State Building Code pursuant to N.C.G.S. § 143-138(e), whichever is greater.

(Ord. passed 6-15-10)

§ 7-386 INVESTIGATION BY FIRE MARSHAL.

(A) The Clerk shall immediately transmit a copy of the application to the Fire Marshal for an investigative report.

(B) Upon receipt of a copy of an application for a permit from the Clerk, the Fire Marshal shall conduct an investigation of the applicant and application to verify the following and shall make a report to Council certifying the following:

- (1) For any indoor use of pyrotechnics at a concert or public exhibition:
 - a. There will be adequate fire suppression used at the site.
 - b. The structure is safe for the use of such pyrotechnics with the type of fire suppression to be used.
 - c. Adequate egress from the building is available based on the size of the expected crowd.
- (2) Satisfactory evidence has been produced to the effect that the pyrotechnics will be used in connection with the conduct of concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations.

(Ord. passed 6-15-10)

§ 7-387 ISSUANCE.

If the City Council finds that the applicant has provided the required proof of insurance listed in § 7-385(F) of this Article, that the Fire Marshal has made the required certifications listed in § 7-386 (B) of this Article, and satisfactory evidence has been produced to the effect that the pyrotechnics will be used in connection with the conduct of concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations and for no other purpose, it may issue the applicant the permit provided for in this Article.

(Ord. passed 6-15-10)

§ 7-388 REVOCATION.

Any permit issued under the provisions of this Article may be revoked or suspended by the City Council for failure to maintain the required proof of insurance listed in § 7-385(F) of this Article and for any action that allows the Fire Marshal to revoke any certification under § 7-386(B) of this Article.
(Ord. passed 6-15-10)

ARTICLE XI: BEGGING

Section

7-389 Begging or soliciting alms

§ 7-389 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 aggressively accosting another, or forcing oneself 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 the purposes of this section, **AGGRESSIVELY ACCOSTING** shall be defined as approaching or speaking to someone in such 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.

(3) For purposes of this section, **FORCING ONESELF UPON THE COMPANY OF ANOTHER** shall be defined as 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 blocking the passage of the person addressed; or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(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.

(Ord. passed 10-27-92) Penalty, see § 7-390 *et seq.*

ARTICLE XII: ENFORCEMENT

Section

- 7-390 Enforcement
- 7-391 General penalty for violation of Chapter 7
- 7-392 Civil penalty; nonexclusive

§ 7-390 ENFORCEMENT.

In addition to any remedies hereinbefore specifically authorized by this chapter, the provisions of this chapter may be enforced by the city by any appropriate legal or equitable remedy authorized by § 1-16 of the City Code.

(Ord. passed 6-20-96)

§ 7-391 GENERAL PENALTY FOR VIOLATION OF CHAPTER 7.

The general penalty for violations of Chapter 7 shall be as provided by § 1-16.1 which penalties shall be nonexclusive.

(Ord. passed 6-20-96)

§ 7-392 CIVIL PENALTY; NONEXCLUSIVE.

Violations of this chapter may also be punished by a civil penalty in the amount of \$100 for each violation which penalty shall be enforced as provided by § 1-16.2 of the City Code which remedy shall be nonexclusive.

(Ord. passed 6-20-96)

