

TITLE 7

Licenses and Regulations

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CHAPTER 1

Licenses

State Law Reference: Authority of municipalities to impose license taxes on businesses, professions and occupations, Va. Code, Secs. 58.1-3700 et seq.

- § 7-1-1 Doing business, etc., without required license prohibited.
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Sec. 7-1-1 Doing business, etc., without required license prohibited.

It shall be unlawful for any person, within the town, to engage in any business, trade, occupation, calling, profession, vocation or activity for which a town license is required or upon which a town license or privilege tax is levied, assessed, imposed or defined in this chapter without having a currently valid town license so to do and without having paid to the town the license or privilege tax so levied, assessed or imposed.

Sec. 7-1-2 Application for license: tender of license tax.

- (a) Application for any license required by this chapter shall be made to the clerk-treasurer, unless otherwise provided therein, on a form provided by the town and which shall disclose among other things:
- (1) The name, business address within the town, and residence address of the applicant
 - (2) The type of license being applied for, and the locations within the town where the licensed activities will be conducted
 - (3) Such other information as may reasonably be necessary to determine whether the license being applied for should be granted, the amount of the license tax, and the conditions, if any, under which the licensed activity shall be conducted.

(b) Each application shall be verified under oath by the person seeking to be licensed; and if such person be a corporation or firm, by an officer thereof.

(c) At the time of applying for a license the applicant shall tender the full amount of the license tax imposed by this chapter.

Sec. 7-1-3 False statements.

It shall be unlawful for any person applying for a town license to knowingly make any false statement in his application, or for any licensee to knowingly make any false statement in any report or return required by state law or this chapter.

Sec. 7-1-4 License year.

Except as may be provided otherwise in this chapter as to any class of licenses, all licenses not issued for one day, one week or other specified period of time shall be for the period beginning with the date of issuance and expiring with the expiration of the next succeeding December 31 and renewals thereof shall be for one year beginning January 1 and expiring with the expiration of the next succeeding December 31.

Sec. 7-1-5 Prorating of license taxes.

The license tax for a license taken out after January 1 shall not be prorated, but the entire amount of the license tax shall be paid.

Sec. 7-1-6 Clerk-treasurer to keep record and make reports to council.

It shall be the duty of the clerk-treasurer to keep a classified record of all businesses and occupations upon which license taxes are imposed, the names of persons assessed, the periods for which licenses were issued, and the amount of the tax. This record shall be presented to the council at such times as may be required by the council or by any committee thereof.

Sec. 7-1-7 Failure to secure license for business, etc.

Any person who shall prosecute his business, occupation or profession without having paid the required license tax as is required by this chapter shall be punishable as a misdemeanor [as defined by Code of Virginia, § 18.2-11, pursuant to Code of Virginia, §3.1-796.128(A)(9)3.2-6587] in accordance with Section 1-1-8 of this Code.

Sec. 7-1-8 Continuing business, etc., without license.

If any person shall continue the business, employment or profession after the expiration of a license previously issued, without obtaining a new license by March 15 of the license year, such person shall, if such failure to obtain a new license be continued for one month, be subject to a penalty of ten percent of the amount of the license tax which was due and payable at the beginning of such month, in addition to the license tax imposed by this chapter; but this penalty shall in no case be less than two dollars. Such penalty shall be assessed and paid along with the license tax and shall become a part of the license tax; and shall be in addition to any other penalty which may be imposed upon conviction of continuing in any business, employment or profession without a currently valid town license so to do.

Sec. 7-1-9 Licenses to designate place of business; doing business elsewhere.

Every license granting authority to engage in or exercise any business, employment or profession, unless expressly authorized otherwise in this chapter, shall designate the place of such business, employment or profession at some specified house or other definite place within the town. Engaging in or exercising any such license, business, employment or profession elsewhere than at such house or definite place, unless expressly authorized otherwise by this chapter, shall be held to be without license. A license which does not specify such house or definite place where business, employment or profession is limited thereto by law shall be void.

Sec. 7-1-10 Persons engaged in more than one business to pay tax on each.

When any person is engaged in more than one business which is made by this chapter subject to taxation, such person shall pay the tax as provided by this chapter on each branch of the business.

Sec. 7-1-11 License a personal privilege.

Every license shall be held to confer a personal privilege to transact the business, employment or profession which may be the subject of the license and shall not be exercised except by the person licensed, unless specially authorized by this chapter to do so.

Sec. 7-1-12 Separate licenses for members of firm practicing profession or calling.

A separate license shall be obtained by each member of a firm or company of persons practicing any profession or calling which is regulated by the laws of this state, for the practicing of which profession or calling a license is required by this chapter.

Sec. 7-1-13 How license assignable; transfer upon assignment.

(a) A license other than to authorize the conduct of a profession may be assigned to any person to whom it might have been originally granted and, in the event of the death of the licensee, the licensee may be assigned by his personal representative in like effect as might have been done by the licensee himself. If the license was obtained, or had its validity by reason of a certificate of any court, or of any oath or bond, the assignment shall not be valid without a like certificate in favor of the assignee and a like oath of bond by the assignee as was required for the original grant. A license when assigned shall be a personal privilege to the assignee and shall not be exercised by any person other than the assignee, unless otherwise authorized by this chapter. If the license tax already paid by the assignor is less than the license tax which would be assessable against the assignee but for the assignment, an additional license tax shall be paid by the assignee equal to the difference between the tax paid on the assigned license and the license tax which would be otherwise assessable against the assignee.

(b) Upon presentation to the clerk-treasurer of any license issued under this chapter for the current license year, with an assignment endorsed thereon, such license shall be transferred to the assignee for the unexpired term of such license except when otherwise provided in this chapter; provided that the business, occupation or profession for which such license was originally issued shall be operated or conducted in the same building or structure as when such license was originally issued.

Sec 7-1-14 Return of information when payment of percentage on annual purchases, annual sales, etc., is required; generally.

(a) Wherever in this chapter it is provided that any person in addition to the specific tax shall pay a percentage on the annual purchases, annual sales or gross amounts of all orders or contracts accepted during the preceding year, the returns of such information shall be made to the clerk-treasurer, under oath, by the person on whom the assessment is made; provided, that in the case of a corporation, such oath shall be made by the chief officer or agent resident in the town or person in charge of the business of such company. The gross receipts figures reported to the town shall be substantiated by a copy of a certified audit and/or attachment of photocopy of the gross receipts portion only of the federal income tax return for the most recent fiscal year or other similar document which may be required by the town administrative officer. All such annual returns, except where otherwise provided, shall be made no later than May 1 of each calendar year based on the gross receipts for the calendar year next preceding that for which the license is obtained.

(b) A merchant beginning business shall estimate the sales to be made to December 31 of the year he begins business. Underestimates shall be of subject to correction at the end of the year and if it be found that additional license tax should have been paid the same shall be collected by the assessor as other taxes are collected.

Sec. 7-1-15 Effect of change in partners or name of firm.

No change in the name of a firm, nor the taking in of a new partner, nor the withdrawal of one or more of the firm, shall be considered as commencing business, but if any one or more of the partners remain in the firm, the business shall be regarded as continuing; and if they dissolve and one or more of the partners continue business, any tax on the purchases, sales or profits of the business, which might otherwise be chargeable to the firm, may be apportioned among them according to the justice of the case.

Sec. 7-1-16 License may be altered when place of business changed.

When a person has obtained a license to carry on any business, employment or profession at any definite place in the town and desires to remove to any other place in the town and wishes his license altered accordingly, the clerk-treasurer shall make such alteration.

Sec. 7-1-17 Display of license.

Each license tax receipt or other certificate showing the payment of a license tax imposed by this chapter is to be displayed in a conspicuous place at the licensee's regular place of business or profession, in order that any police officer of the town may inspect it at any and all reasonable times. All agents, solicitors, vendors, truck drivers, drivers of cars for hire and, in short, all licensees who have or maintain no regular place of business shall either carry with them on their person or have affixed or attached to their truck, automobile or other vehicle, such license receipt or certificate, and promptly display it when called upon by any police officer of the town to do so. Any agent, servant or employee of such agents, solicitors, vendors, truck owner or owners of any automobile for hire shall, when transacting the business of his or their principal or principals, either display or have on his person such license receipt or certificate so that it can and will be shown to any police officer of the town when called upon to exhibit same. No license based on volume of business shall be required to be publicly displayed.

Sec. 7-1-18 Suspension and revocation of licenses.

(a) Any license issued pursuant to this code, except as may be otherwise provided, may be revoked or suspended by the council, or may be suspended by the issuing officer for not more than 30 days at any one time, for good cause and, if so requested by the licensee, after a public hearing at which the licensee may be present with counsel and may have process for the attendance of witnesses and the production of books and papers.

(b) Good cause, within the meaning of this section, shall include but not be limited to:

- (1) Suspension or revocation by the state of the licensee's corresponding state license.
- (2) Any condition which, if existing at the time of issuance of the license, would have been a bar to the issuance of the license.
- (3) Any violation of a requirement, condition or limitation of the statute or ordinance under which the license was issued or as contained in the license.
- (4) Any fraud perpetrated or attempted by the licensee in the conduct of his licensed business.
- (5) Failure of the premises to which the license related to meet the requirements of the applicable state or town building regulations or regulations governing the health, sanitation or safety of such premises.

Sec. 7-1-19 License taxes.

Business license taxes shall be as fixed annually by the council and set out in the annual town budget ordinance.

CHAPTER 2

Other Regulations

§ 7-2-1 House to house solicitors.

Sec. 7-2-1 House to house solicitors.

(a) It shall be unlawful for any person, firm or corporation to go in upon any private residence, apartment or premises in the town for the purpose of soliciting from the occupant thereof, or to canvass for orders for goods, wares, merchandise or services of any character or description, or for the purpose of offering to give or furnish, or giving or furnishing goods, wares, merchandise or services to any such occupants to induce or invite such orders, without first applying for and receiving from the chief of police or such other member of the police department as shall be designated by the mayor to issue said permit, a solicitor's permit.

(b) Any person desiring to secure such a solicitor's permit shall apply therefor in writing over his or her signature to the chief of police or other person designated on forms provided by the town, and such application shall state;

- (1) The name, address, age and social security number of the applicant
- (2) The name and address of the person, firm or corporation by whom employed
- (3) The length of services of such applicant with such employer
- (4) The place of residence and nature of employment of applicant during the last five preceding years
- (5) The nature or character of the goods, wares, merchandise or services to be offered by the applicant
- (6) Make, model and license registration number of any vehicle used in connection with house to house solicitation

(c) The application shall be accompanied by such credentials and other evidence of good moral character and identity of the applicant as may be deemed reasonable by the chief of police or other person designated.

(d) If the chief of police or other person designated shall determine, after reasonable investigation, that the applicant is of good moral character, he shall then issue the permit applied for, which permit shall expire on the last day of the second full month succeeding the month in which the permit was issued. Such permit shall be carried at all times by the applicant to whom issued when soliciting or canvassing in this town, and shall be exhibited by any such applicant whenever he or she shall be requested to do so by any person solicited.

(e) Any such permit may be revoked by the chief of police, or other person designated, for any violation by the holder thereof of any of the provisions of this code or whenever the holder of such permit shall furnish false information on the application or violate the terms thereof.

(f) A permit fee of \$25 shall be charged to and paid by the applicant or someone on behalf of the applicant, to the clerk-treasurer of the town, prior to issuance of the permit.

(g) Any person, firm or corporation violating any of the provisions of this section shall upon conviction be guilty of a class 4 misdemeanor.