

ARTICLE 721
License Fees

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CROSS REFERENCES

Authority to levy – see W. Va. Code 8-13-4
 Business franchise registration certificate tax – see W. Va. Code Art. 11-12
 Limitation on municipal tax – see W. Va. Code 11-12-4
 Collection of taxes – see W. Va. Code 8-13-15 et. seq.

721.01 DEFINITIONS.

(a) "Person" means and includes natural persons, partnerships, associations, corporations, and all other organizations or groups by means of which any of the hereinafter specified businesses, activities, trades or employments are engaged in or prosecuted.

(b) "Town Recorder" means the Belle Town Recorder.
 (Ord. 68. Passed 5-23-61.)

721.02 LICENSE TAXES LEVIED.

No person shall, without a license, engage in or prosecute, within the Town of Belle, West Virginia, any of the businesses, activities, trades or employments named in the following sections of this article. The license taxes hereinafter specified are hereby levied on every person engaging in or prosecuting within this Town, any such businesses, activities, trades or employments.
 (Ord. 68. Passed 5-23-61.)

(e) Except where the principal business of the operation of the store is the operation of such machines or devices, no license fee shall be required of persons keeping or maintaining such machines or devices owned by them in their own licensed stores; provided, however, that any person exempt from such license shall obtain from the Town Recorder, a license receipt, stamp, or other evidence of exemption, at a cost not to exceed fifty cents (\$.50) each, showing that he is so exempt, which shall be effective for the period as provided for annual licenses in this article; but to obtain such license receipt or other evidence of exemption, he shall make an affidavit and produce such other evidence as to the fact entitling him to such exemption as the Town Recorder, in his discretion, may require, which shall be on a form to be prescribed by the Town Recorder.
(Ord. 68. Passed 5-23-61.)

721.04 COIN OPERATED LAUNDRIES.

Notwithstanding all other provisions of this article, the owner or operator of a coin operated laundry shall not be required to obtain any license except a general store license, as provided in Section 731.02, and a stamp for each coin operated machine owned by the operator of such laundry. The stamp for each of the machines shall be obtained from the Town Recorder at a cost not exceeding fifty cents (\$.50).
(Ord. 72. Passed 5-23-61.)

721.05 CIRCUSES, CARNIVALS AND OTHER PUBLIC SHOWS.

(a) The license to exhibit a circus or menagerie, a circus and menagerie combined, wild west show, or other itinerant show not exhibited in a theatre, opera house or other permanent place for public show, shall be based upon the number of railroad cars or motor trucks used to transport the property or equipment of such shows, but not including railroad cars or motor trucks used to transport the personnel thereof. If railroad cars are used the fee shall be four dollars (\$4.00) for each car for each day which any performance is given; if motor trucks are used the fee shall be three dollars (\$3.00) for each truck for each day on which any performance is given.

(b) The license fee to exhibit a street or other carnival shall be five dollars (\$5.00) a week for each entertainment, performance or exhibition given at or in the vicinity of any such carnival. Each such entertainment, performance or exhibition shall require a separate license, whether or not shown under the same canvas and whether or not exhibited for additional compensation; and upon any such entertainment, performance or exhibition being concluded, so that an additional fee for admission is charged, an additional license fee shall be required for any further or additional entertainment, performance or exhibition. To operate any riding device of any kind at or in the vicinity of any street or carnival show, the fee shall be ten dollars (\$10.00) a week for each such device.

(c) To keep or maintain any concession stand selling service, goods, wares or merchandise, such as food, soft drinks, ice cream, candy floss and the like, at or in the vicinity of such street or carnival show, the fee shall be five dollars (\$5.00) a week for each such concession. To maintain any concession stand such as ball games, bingo, cane rack, penny pitch-till-you-win, striking machine, weighing machine, shooting gallery, artful dodger, bumper, fish pond, dart game, or other

(c) No corporation or firm shall engage in the business of junk dealer or junk dealer's agent in the Town unless the officers or agents of such corporation or firm who engage in the business of junk dealer or junk dealer's agent, in behalf of such corporation or firm shall be eligible to be duly licensed as resident junk dealers or junk dealer's agents in accordance with the provisions of this section.

(d) The annual license fee to act as a resident junk dealer shall be twenty-five dollars (\$25.00); to act as a junk dealer's agent, ten dollars (\$10.00); to act as a non-resident junk dealer or his agent who buys or solicits for the purchase of junk within the Town, one hundred fifty dollars (\$150.00); to act as an itinerant junk collector, two dollars (\$2.00). Such licenses shall be coextensive with the Town, but no nonresident licensee shall be permitted to maintain a fixed place of business within the Town. However, any nonresident junk dealer may purchase junk from any resident junk dealer without complying with the provisions of this section, but if the nonresident junk dealer comes into the Town in any motor vehicle or horse drawn vehicle, the nonresident junk dealer shall not be permitted to transport from the Town in such vehicle or horse drawn wagon junk purchased from resident junk dealer, unless there is a compliance with this section.

(e) Every resident junk dealer shall certify to the Town Recorder the name or names of the agents for whom he desires a license certificate and shall give to each agent so engaged by him a certificate of authority, which certificate the agent shall at all times keep with his license and no such junk dealer's agent's license shall be valid and effective without such certificate of authority. The Town Recorder shall give to each license certificate a numerically designated permit, and such permit so given shall be plainly stenciled or printed as "Dealer's Permit No.," "Agent's Permit No.," "Itinerant Collector's Permit No.," "Nonresident Permit No.," as the case may be, upon both sides of all trucks or other vehicles used in the collecting and transporting of junk. But the Town Recorder shall not issue a junk dealer's agent's license until the applicant therefor shall first have presented a certificate from a duly licensed junk dealer showing such authorization, and no license shall be issued to a junk dealer's agent or, itinerant junk collector unless he shall file with the Town Recorder an affidavit setting forth that such applicant has not been convicted of a felony; that he has not been convicted of a misdemeanor in connection with junk business within a five year period prior to the time of his application, and that in the event the application is for a resident dealer's license that he has resided in the Town for a period of one year next preceding the date of his application, which the certificate and affidavit shall be filed by the Town Recorder issuing the license in his office.

(f) No license hereunder shall be transferable.

(g) No one who has been convicted of a felony shall be licensed as a junk dealer, junk dealer's agent or itinerant junk collector, and no one convicted of a misdemeanor in connection with the junk business within a five year period prior to the passage of this article shall be licensed as a junk dealer, junk dealer's agent or itinerant junk collector.

- (3) Any wholesaler or jobber selling soft drinks or nonintoxicating beer for which he is duly licensed under other provisions of the Town law;
- (4) Any person who sells petroleum products, ice, wood, meat, milk, ice cream, bread, cakes, pies, and other bakery products, butter and eggs, manufactured, grown or produced by any such person and not purchased by him for resale;
- (5) Any sales by societies, groups or organizations acting for charitable, religious or benevolent purposes;
- (6) Any agent or salesman selling manufactured products, except green groceries and canned or bottled fruit products, produced by his employer, and who sells the same to retail dealers for the purpose of resale;
- (7) Any firm, corporation, or individual having a stock of goods, or merchandise, or manufacturing or processing plant or plants kept or operating at a fixed situs in the Town, and declared for taxation in the Town, and using a vehicle, or vehicles over a fixed route or routes, for the purpose of selling or distributing, at wholesale, their merchandise, stock of goods or plant products; provided, however, that any person exempt from the license as above provided, shall obtain from the Town Recorder a license receipt, without cost, showing that he is so exempt, which shall be effective for the period as provided for annual licenses in this article and shall be coextensive with the entire Town; but to obtain such license receipt he shall make an affidavit and produce such other evidence as to the fact entitling him to such exemption as the Town Recorder, in his discretion, may require, which shall be on a form to be prescribed by the Town Recorder.
(Ord. 68. Passed 5-23-61.)

721.09 PAWNBROKERS.

The annual license fee to engage in the business of pawnbroker shall be one hundred dollars (\$100.00). The term pawnbroker shall include any person, firm, partnership, association or corporation engaged in the business of lending money on deposit or pledge of personal property or other valuable thing, other than securities or printed evidence of indebtedness, or in the business of purchasing personal property, such as articles made of or containing gold, silver, platinum or other precious metals or jewels of any description for the purpose of reducing or smelting them into any form different from their condition or construction when purchased and reselling or marketing the product.
(Ord. 68. Passed 5-23-61.)

721.10 ITINERANT VENDORS.

(a) When used in this section the term "itinerant vendor" means and includes all persons who engage or conduct within this Town, either in one locality, or in traveling from place to place, a temporary or transient business of selling goods, wares and merchandise; and who, for the purpose of carrying on such business, use, lease or occupy either in whole or in part, a room, building or other structure, or who use, lease or occupy for such purposes a room or rooms in any hotel or lodging house, for the exhibition and sale of such goods, wares and merchandise;

(f) Every itinerant vendor who sells or exhibits for sale at public or private sale, any goods, wares or merchandise without first obtaining a license therefor, and in all other respects complying with the provisions of this article, or who makes any false statement in reference to the matter set out in subsection (b) hereof, or who fails to comply with the requirements of any of the sections of this article, and every person, whether principal or agent, who, by circular, handbills, newspaper, or in any manner advertises such sale, as herein described, before proper licenses are issued to the vendor, and before he has complied with the provisions of this article, shall be guilty of a violation of this article, and shall be punished accordingly. (Ord. 68. Passed 5-23-61.)

721.11 THEATRES AND PUBLIC SHOWS.

A theatre, opera house or other permanent place for public shows, may be kept or maintained upon the payment of the license fee hereinafter specified. For three months, the fee shall be ten dollars (\$10.00); for six months, fifteen dollars (\$15.00); and for one year, twenty dollars (\$20.00). However, any theatre, opera house or other permanent place for public shows, including drive-in theatres, kept, maintained or operated in such a location as to be exempt from the foregoing provisions of this section shall pay an annual license fee of fifty dollars (\$50.00). (Ord. 68. Passed 5-23-61.)

721.12 COLLECTION AGENCIES.

The annual license fee to engage in the business of a collection agency within this Town shall be one hundred dollars (\$100.00). For purposes of this section, solicitation or collection by or through an agent operating within this Town shall be considered to be engaging in the business of a collection agency within this Town. Before such certificate or license is issued, the person applying for the same shall execute a continuing bond in the form prescribed by the Town Recorder with satisfactory corporate surety in the penalty of two thousand dollars (\$2,000), conditioned that such person will pay all damages resulting from any unlawful act or action by such person or his or its agent in connection with the conduct of the business of the collection agency. This bond shall be filed with the Town Recorder. (Ord. 68. Passed 5-23-61.)

721.13 BOWLING ALLEYS, BILLIARD, POOL OR BAGATELLE TABLES.

(a) The annual license fee to keep or maintain a bowling alley, a billiard, pool or bagatelle table, or table of like kind, for public use, where any charge is made for the use of the same, shall be twenty-five dollars (\$25.00); but, if more than one of such alleys or tables be kept or maintained in the same building by the same person, the fee shall be twenty-five dollars (\$25.00) for the first one and fifteen dollars (\$15.00) for each additional one.

(b) The licensee, his agents or employees shall not permit any person in any manner to bet or wager anything of value upon any game played upon such alleys or tables. Such licensee, his agents or employees shall not permit any one to bring any intoxicating liquors of any kind into such building or other place where such alleys or tables are located.

721.19 EXHIBITION OF LICENSES.

(a) Every person to whom a certificate of license shall be issued under the provisions of this article shall keep such certificate posted in a conspicuous position in the place where the privileges of such license are exercised, except as otherwise specifically provided for in this article.

(b) Such certificate of license shall be produced for inspection whenever required by the Town Recorder or police or by the prosecuting attorney or Sheriff of Kanawha County.

(Ord. 68. Passed 5-23-61.)

721.20 LICENSES NOT ASSIGNABLE.

Every license issued under the provisions of this article shall confer a personal privilege only to transact the business, activity, trade or employment which may be the subject of the license and shall not be exercised except by the person holding the same and shall not be assignable.

(Ord. 68. Passed 5-23-61.)

721.21 CHANGE OF NAME.

No changes in the name of the firm, nor the taking in of one or more new partners, nor the withdrawal of one or more members of the firm, so long as at least one member remains the same, shall be considered as terminating the privileges of any license granted to such partners or firm.

(Ord. 68. Passed 5-23-61.)

721.22 COLLECTION BY DISTRAINT.

The Town Recorder, or his agents, may distraint upon any person delinquent in the payment of taxes any personal property, including intangibles, of and penalties accrued and unpaid under the provisions of this article and may require the assistance of the Sheriff of Kanawha County in levying such distress in Kanawha County. The Sheriff so collecting taxes due hereunder shall be entitled to compensation in the amount of all penalties collected over and above the principal amount of tax due, but in no case shall such compensation exceed twenty-five dollars (\$25.00). All taxes and penalties so collected, less the compensation above, shall be remitted within ten days after the collection to the Town Recorder. The Town Recorder shall prescribe by general regulation the manner of remittance of such funds and of allowing the collecting officer the compensation due him under this section. The Sheriff shall be authorized to distraint immediately upon request, as aforesaid, for the amount with which any person may have been assessed under the provisions of this article, and to sell upon ten days' notice so much of such person's personal property, subject to such distress, as may be necessary to pay the tax so assessed, including penalties.

(Ord. 68. Passed 5-23-61.)