



TOWN OF FARMVILLE

CODE OF ORDINANCES

CHAPTER 13 – LICENSES, BUSINESS AND PERMITS

Section 1.0 GENERAL

1.1 Definitions

When used in this ordinance (unless the context requires a different meaning):

- 1.1.1 “Person” includes any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.
- 1.1.2 “Business” includes each trade, occupation, profession, business, and franchise taxed under this ordinance.
- 1.1.3 A business is “seasonal” in nature when it is conducted for profit six months out of the year or less.

1.2 Construction of this Ordinance

This ordinance is enacted for revenue purposes only. Therefore, it should be construed to require payment of the maximum tax permitted under its terms. In addition issuance of a license in accordance with this ordinance does not excuse a licensee from compliance with any other applicable ordinance or statute. This ordinance does not prevent the city from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax, or from regulating any business taxed.

Section 2 LEVY

2.1 Levy of Tax

An annual privilege license tax is hereby levied on each business conducted within this city listed in Section 5.0 of this ordinance in the amount set forth in those sections.

2.2 Who Must Pay Tax

Each person who conducts a business within this city is subject to this ordinance. A person “conducts business” when he engages in one act of business taxed under this ordinance. He conducts the business “within the city” if he maintains a business location within the city; or if, either personally or through agents, he (1) solicits business within the city limits or (2) picks up or delivers goods or services within the city limits.

2.3 Period of License; Due Date

2.3.1 Annual licenses. Unless the section of this ordinance levying the privilege license tax applicable to a particular business provides otherwise, a license issued in accordance with this ordinance is good for the twelve-month period beginning July 1 and ending June 30. The tax is due on July 1 of each year. However, if a person begins a business after July 1 of a year, the tax for that year is due before the business is begun.

2.3.2 Licenses for periods shorter than one year. If the section of this ordinance levying the privilege license tax applicable to a particular business so provides, a license may be issued for a period of one day, one week, or some comparable period of less than a full license year. A person may not commence a business conducted within the city and taxed under such a provision until the privilege license tax due is paid and may not continue such a business beyond the period for which the license is issued.

2.4 Prorating of Tax

If a business is begun after January 31 and before July 1, the amount of tax due is half the amount otherwise due. If a business is seasonal in nature and if the amount of tax is not based on gross receipts, the amount of tax due is half the amount otherwise due.

2.5 Refunds

If for any reason a licensee discontinues his or her business during the license year, he or she is not entitled to a refund.

2.6 Separate Businesses

A separate license is required and a separate privilege license tax must be paid for each place of business unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other, and are operated as a unit. In addition a separate privilege license tax must be paid for each business taxable under this ordinance conducted by the taxpayer at any one location; however, the tax collector may issue a single license for all taxable business conducted at one location by a single taxpayer.

2.7 Computation of Tax Based on Gross Receipts

2.7.1 Whenever this ordinance levies a privilege license tax computed on the basis of gross receipts, “gross receipts” means the amount reported as gross receipts on a business’s state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts

for the most recently completed tax year.

- 2.7.2 If a business has not been in operation long enough for the information required in section 2.7.1 to be available, the tax collector shall estimate gross receipts for the business on the basis of gross receipts of comparable businesses, or any other information that the tax collector considers useful.

On or before the July 31 immediately after license year, each licensee who paid the tax for the past license year based on estimated gross receipts shall submit to the tax collector a sworn final report showing the amount of gross receipts for the license year. If the amount shown is more than estimated gross receipts, the licensee shall pay the amount of additional tax that would have been due had the estimate been accurate. If the amount shown is less than estimated gross receipts, the city shall refund to the licensee the difference between the actual tax paid and the amount of tax that would have been due had the estimate been accurate.

2.8 Exemptions

- 2.8.1 Generally. Except as otherwise provided in this section or by state law, no person is exempt from the payment of a privilege license tax levied by this ordinance.
- 2.8.2 Charitable organizations. A person, who operates a business for a religious, educational, civic, patriotic, charitable, or fraternal purpose, when the entire income of the business is used for such a purpose, is exempt from paying any privilege license tax levied by this ordinance.
- 2.8.3 Blind persons. Blind persons are exempt from paying any privilege license tax levied by this ordinance to the extent provided by G.S. 105-249.
- 2.8.4 Members of the armed forces and merchant marine. Persons who serve in the United States armed forces or the merchant marine are exempt from paying any privilege license tax levied by this ordinance, during the period of such service, to the extent provided by G.S. 105-249.1.
- 2.8.5 Must obtain license. A person exempt from paying a privilege license tax levied by this ordinance shall nevertheless obtain a license from the tax collector. The license shall state that the licensee is exempt from paying the privilege license tax.

Section 3 LICENSES

3.1 Application

A person shall apply to the tax collector for each license required by this ordinance no less than thirty days before the date the tax is due. The application, which shall be submitted on forms provided by the tax collector, shall contain;

- 3.1.1 The name of the applicant and whether the applicant is an individual, a partnership, a corporation, or some other entity.
- 3.1.2 The nature of the business.
- 3.1.3 Where the business is conducted.
- 3.1.4 An address where notices and statements may be mailed to as required by this ordinance.
- 3.1.5 Whether the business is regulated by a state occupational licensing board subject to G.S. Chapter 93B, and if so, the serial number of the state license the applicant currently holds.
- 3.1.6 Any other information the tax collector determines to be necessary to compute the amount of tax due.

3.2 Reasons for Refusal or Revocation of a License

The tax collector shall refuse to issue a license or shall revoke a license for either of the following reasons:

- 3.2.1 The applicant misrepresents a fact relevant to the amount of tax due or his or her qualifications for a license.
- 3.2.2 The applicant refuses to provide information necessary to compute the amount of tax due.
- 3.2.3 The business activity is not a permitted use within the zoning district of the location or proposed location of the business.

3.3 Unqualified Applicants; Right to a Conference

After receipt of the completed application, if the tax collector believes that a reason exists for refusing a license under Section 3.2 of this ordinance, the tax collector shall refuse to accept payment of the tax and shall not issue the license. At the applicant's request the tax collector shall, in accordance with Section 3.12 of this ordinance, give the applicant a written statement of the reason for refusing the license. The applicant may, within ten days after the day the statement is received, request a conference to discuss the refusal. In the request the applicant shall specify why the application for a license should not be refused. The tax collector shall arrange the conference within a reasonable time.

If the collector refuses to issue license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and

if no other reason exists for refusing to issue a license, the tax collector shall issue the license in compliance with Section 3.4 of this ordinance.

3.4 Tax Collector to Issue License; Payment of Tax Prerequisite

After receipt of the completed application, if the tax collector believes that no reason exists for refusal of a license under Section 3.2 of this ordinance, the tax collector shall determine the amount of tax due and notify the applicant of that amount. The tax collector shall not issue a license until the tax is paid.

3.5 Amount of Tax Disputed

If disputes arise over the amount the tax collector determines to be due, the applicant may either refuse to pay and request a conference with the tax collector to discuss the determination or pay the amount and request a conference to discuss the right to a refund. If a conference is requested, the tax collector shall arrange it within a reasonable time.

3.6 Revocation

The tax collector shall revoke a license if a reason exists to revoke it as set forth in Section 3.2 of this ordinance. Before revoking a license, the tax collector shall give the licensee written notice of the grounds for revocation, in accordance with Section 3.12 of this ordinance. The licensee may within ten days after the day on which notice is served request a conference with the tax collector in writing. The request shall specify the reasons why the license should not be revoked. The tax collector shall arrange the conference within a reasonable time.

If the licensee fails to request a conference within ten days after the day on which notice is served, the tax collector shall revoke the license. If the licensee requests a conference, the tax collector may not revoke the license until after the conference.

If the tax collector revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists and if no other reason exists for refusing to issue a license, the tax collector shall issue the license in accordance with Section 3.4 of this ordinance.

3.7 Form and Contents of License

A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of the business licensed, the period for which the license is issued, and the amount of tax paid. In addition if a machine is licensed, the license shall show the serial number of the machine. The tax collector shall keep a copy of each license issued.

3.8 Assignments

A license may be assigned if (1) a business licensed under this ordinance and carried on at a fixed place is sold as a unit to any person, and (2) the purchaser is to carry on the same business at the same place. Such a change shall be reported to the tax collector in accordance with Section 3.9 of this ordinance. Otherwise, each license issued under this ordinance is a personal privilege and is not assignable.

3.9 Changes in the Business Conducted by Licensee During the Tax Year

A licensee or an assignee shall report a change in the information contained in the license application to the tax collector within ten days after the change occurs. If information shown on the license itself is affected, the licensee or assignee shall surrender the license to the tax collector when reporting the change.

- 3.9.1 Changes affecting the amount of tax due. If there are no reasons for revoking the license under Section 3.2 of this ordinance and the change results in the imposition of a separate or additional tax, the tax collector shall reissue a license reflecting the change upon payment of the separate or additional tax.
- 3.9.2 Changes not affecting the amount of tax due. If there are no reasons for revoking the license under Section 3.2 of this ordinance and the change does not result in an imposition of a separate or additional tax, the tax collector shall reissue a license at no additional charge.
- 3.9.3 Change requiring refusal of a license. If there is a reason for revoking the license under Section 3.2 of this ordinance, the tax collector shall refuse to reissue a license and shall instead begin proceedings to revoke the license in accordance with Section 3.6 of this ordinance.

3.10 Tax Collector to Furnish Duplicates

Upon satisfactory proof that a license has been lost or destroyed, the tax collector shall furnish a duplicate for a fee of \$3.

3.11 Record of Conferences

The tax collector shall maintain for three years a record of each conference held in accordance with this section. The record shall contain the applicant's or licensee's name, the date of the conference, and a brief statement of the issues discussed and the result reached. After three years, the tax collector shall dispose of the record in accordance with G.S. 121-5.

3.12 Providing Notice to an Applicant or Licensee

Whenever this ordinance requires the tax collector to give a written statement or notice to an applicant or licensee, the tax collector may do so in one of three ways;

- 3.12.1 By personally delivering the statement or notice to the applicant or licensee;
- 3.12.2 By mailing the statement or notice by registered or certified mail and returning the receipt requested to the address specified for that purpose in the license application; or
- 3.12.3 By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for the service of process under Rule 4, North Carolina Rules of Civil Procedure.

Section 4 ENFORCEMENT AND COLLECTION

4.1 Duty to Determine Whether Tax Due

Each person has the duty to determine whether the business he or she conducts is taxed under this ordinance and if so, whether that tax has been paid for the current tax year.

4.2 Tax Collector to Investigate

If the tax collector has reason to believe that a person is conducting a business in the city in violation of this ordinance, the tax collector shall conduct an investigation to determine the person's tax liability.

4.3 Duty to Keep Books

Each person who conducts a business taxed under this ordinance shall keep all records and books necessary to compute the tax liability. If a person fails to keep books and records as required, the tax collector shall make a determination of that person's tax liability from the information available.

4.4 Duty to Permit Inspection

Each person who conducts business in the city shall permit the tax collector to inspect the business premises during normal business hours to determine the nature of the business conducted there and to examine the books and records to determine the nature and amount of business transacted.

4.5 Duty to Post License

A licensee shall post the license or licenses conspicuously in the place of business licensed. If the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. If a machine is licensed, the license shall be affixed to the machine.

4.6 Notice of Deficiency

If the tax collector determines that a person has not paid the full amount of tax due

under this ordinance, either for the current license year or for a prior license year, the tax collector shall give the person written notice of the deficiency, in accordance with Section 3.12 of this ordinance. The notice of deficiency shall specify the total amount of tax due; the section of this ordinance upon which the tax is based; the amount of tax paid; any interest due; the balance owed; the manner and time period in which the person may respond to the notice of the deficiency; and the consequences of failing to respond as specified.

4.7 Request for a Conference

The person may, within ten (10) days after the day on which notice is served, request a conference in writing. The request shall specify the person's objection to the notice of deficiency. By way of illustration but not limitation, a person who received notice of a deficiency may object on the following grounds:

- 4.7.1 That the tax due has already been paid;
- 4.7.2 That the tax collector miscalculated the amount of tax due;
- 4.7.3 That the tax collector based his calculation on incorrect or insufficient information concerning either the nature or the amount of business conducted; or
- 4.7.4 That the tax collector based the determination on an erroneous interpretation of a section of this ordinance that establishes a category of business subject to a particular tax.

4.8 Deficiency to Become Final

If the taxpayer fails to request a conference under Section 4.7 of this ordinance, the deficiency becomes final and the tax collector shall proceed to collect the deficiency.

4.9 Conference Held

If the taxpayer requests a conference, the tax collector shall not proceed to collect the deficiency until hearing the taxpayer's objections and determining that the deficiency should become final. The tax collector shall maintain a record of each conference held for three years in accordance with Section 4.7 of this ordinance. The record shall contain the name of the taxpayer, the date of the conference, a brief statement of the issues discussed, and the results of the discussion. After three years, the tax collector shall dispose of the records in compliance with G.S. 121-5.

4.10 Collection of Deficiency

- 4.10.1 The tax collector may use any of the following methods to collect a deficiency:
 - 4.10.1.1 Criminal prosecution in accordance with Section 4.11.1 of this ordinance;
 - 4.10.1.2 Equitable relief in accordance with Section 4.11.2 of this ordinance; or

4.10.1.3 The remedies of levy, sale, attachment and garnishment in accordance with G.S. 160A-207; or

4.10.1.4 The remedies of levy and sale of real and personal property of the taxpayer within the city in accordance with the provisions of G.S. 105-109.

4.10.2 Any person who continues to conduct a business taxed under this ordinance without payment of the tax is liable for the additional tax of 5 percent (5%) every thirty days as imposed by G.S. 105-109, not to exceed twenty-five percent (25%) of the amount so prescribed, but in any event shall not be less than five dollars (\$5.00).

4.11 Enforcement of Ordinance

4.11.1 Criminal Remedies. Conducting business within this city without having paid the privilege license tax imposed by this ordinance, or without a valid license issued in accordance with this ordinance, or without posting a license in compliance with Section 4.5 of this ordinance is a misdemeanor, punishable as provided in G.S. §105-109 or §14-4. Each day that a person conducts business in violation of this ordinance is a separate offense. Payment of a fine imposed in criminal proceedings in accordance with this section does not relieve a person of the liability for taxes imposed under this ordinance.

4.11.2 Equitable Remedies. In addition to the criminal remedies set forth in Section 4.11.1 of this ordinance and in compliance with G.S. 160A-175(d), the city may seek an injunction against any person who conducts a business in violation of this ordinance.

Section 5 SCHEDULE OF LICENSE TAXES

A license tax shall be levied and collected for the privilege of engaging in the following businesses:

5.1 City License Taxes Restricted by Law

Businesses for which maximum license fees are set by Schedule B (Article 2, G.S. 105-33 through 105-113) of Chapter 105 and Section 211 of Chapter 160A, North Carolina General Statutes shall be charged the maximum rates allowed for municipalities the size of the Town of Farmville and that schedule is hereby adopted by reference.

5.2 Other Limited License Taxes

Businesses for which license fees are limited by other provisions of the General Statutes shall be charged the maximum rates allowed for municipalities the size of the Town of

Farmville and that schedule is hereby adopted by reference.

Beer (G.S. 105-113.73 and -113.79)	
Retail, On-Premises Consumption	\$15.00
Retail, Off-Premises Consumption	5.00
Wholesale, Beer Only	37.50
Wholesale, Beer and Wine	62.50
Wine (G.S. 105-113.73 and -113.79)	
Retail, On-Premises Consumption	\$15.00
Retail, Off-Premises Consumption	10.00
Wholesale, Wine Only	37.50
Wholesale, Wine and Beer	62.50

Taxicabs (G.S. 20-97), per vehicle, per year \$15.00

5.3 All Other License Taxes

Businesses license fees not limited or prohibited by other provisions of the General Statutes shall be computed on the basis of gross receipts based on the current Schedule of Privilege License Fees adopted by the Town of Farmville Board of Commissioners.

Section 6 PEDDLING AND SOLICITING

6.1 Commercial Peddling and Vending

- 6.1.1 **Applicability.** This ordinance shall apply to all peddlers, solicitors, hawkers, itinerant merchants, or transient vendors who seek to do business at the private residences or along the residential street of the town. This ordinance shall not restrict or apply to the sale or soliciting of orders for milk or dairy products or similar regular sales businesses that are properly licensed.
- 6.1.2 **Permits Required.** Any person, firm, or corporation desiring to go door-to-door among the private residences of this town, without prior invitation from the occupants of each residence, for the purpose of selling goods, wares, merchandise, or services or soliciting orders for same shall first obtain a permit from the town manager for this purpose and pay the applicable privilege license fee.
- 6.1.3 **Applications and Investigations.** Such a permit shall be issued by the town manager after investigation of the identity and reputability of the person, firm and/or corporation and a finding that the applicant is apparently a legitimate and reputable

business. This investigation shall include obtaining any relevant information from agencies such as the police department, chamber of commerce, and better business bureau, and obtaining positive identification of any proposed salesmen or solicitors. The town manager shall employ application forms, permit cards, or other procedures deemed necessary to the administration of this ordinance and is authorized to place reasonable conditions upon the issuance of a permit which act to protect the public welfare.

6.2 Non-Commercial Fund-Raising

- 6.2.1 Applicability. This ordinance shall apply to all organizations seeking to go door-to-door among the residences and businesses of the town for allegedly non-profit fund-raising, including but not limited to civic organizations, churches, veterans organizations, charitable organizations, scouting groups, and the like. This section is enacted for the purpose of protecting the fund-raising rights of legitimate and reputable non-profit organizations.
- 6.2.2 Permits Required. Any non-profit organization desiring to raise funds by selling merchandise or services or soliciting donations within the Town of Farmville shall first obtain a permit from the town manager for this purpose. No permit fee shall be charged.
- 6.2.3 Applications, Investigations, Publicity. Such a permit shall be issued by the town manager after investigation and finding that the organization is apparently a legitimate and reputable non-profit organization. This investigation shall include obtaining any available and relevant information concerning whether the organization has tax-exempt status, whether it has a state solicitation permit, what portions of its funds are used for administration and other activities, and who the principal officers of the organization are. Tax-exempt status and state solicitation permits shall not be pre-requisites or sole tests of non-profit status. The town manager shall employ application forms, permit cards, or other procedures deemed necessary for administration of this ordinance and is authorized to place reasonable conditions upon the issuance of a permit which act to protect the public welfare. Whenever time allows, the town manager shall public is the media the issuance of any permits for non-profit fund-raising.
- 6.2.4 Additional Approval by Town Board of Commissioners. In addition to meeting the requirements set forth in Sections 6.2.1, 6.2.2, and 6.2.3 above, all departments of the Town of Farmville

and organizations operating under the budgetary control of the Town of Farmville must receive approval from the Town Board of Commissioners prior to commencing with fund-raising activities. Requests for approval by the Town Board of Commissioners shall state the nature of the fund-raising activity, as well as the percentage of funds to be used for promotion and administration.

Section 7 CARNIVALS, TENT SHOWS, EXHIBITIONS

7.1 Purpose

This ordinance is for the purpose of regulating temporary shows and exhibitions in order to protect the health and safety of citizens, preserve peaceful enjoyment of property and residence within the town, and prevent public nuisances.

7.2 Permits Required

Any person, firm, or corporation proposing to operate or cause to be operated any carnival, tent show, outdoor exhibition, minstrel show, or show of like kind shall first obtain a permit for operation of same.

7.3 Findings Required

A permit shall be issued upon a finding by the town manager that:

- 7.3.1 The chief building inspector has inspected the premises and found them to be generally safe for public entry and use on the day of inspection;
- 7.3.2 The zoning administrator has confirmed that the site is located in an area zoned for the proposed use;
- 7.3.3 The police chief and the streets superintendent has found that the site has adequate provision for parking and traffic flow;
- 7.3.4 A deposit has been submitted by the carnival company or other show affected by this ordinance in the form of cash, certified check, or money order payable to the Town in the amount considered adequate by the manager to cover costs of cleaning the site if the site is not left in clean condition or of any damage to public property.

7.4 Temporary Permits

A permit for operation may be revoked by the town manager at any time that he finds that unsafe conditions, inadequate parking or traffic flow, improper zoning, or

conditions constituting a public nuisance exist.

Section 8 TAXICABS

8.1 Rates Approval

It shall be unlawful for any person, firm, or corporation to operate any taxi cab within the Town unless the Town be a point of destination from some other place or that the Town of Farmville be en route from two other places, until the rates of such taxi have been approved by the Board of Commissioners of the Town of Farmville.

8.2 Taxi Identification

It shall be unlawful for any person, firm, or corporation to operate, after having had the rates of such taxi approved by the board, any taxi in the Town without displaying prominently on the side or back of such vehicle, the name of owner or company of said taxi or cab, and the number of the taxi if said person, firm, or corporation owns or operates more than one taxi in the Town of Farmville.

Section 9 PRACTICE OF PHRENOLOGY, PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE PROHIBITED.

9.1 Prohibition

It shall be unlawful for any person to practice the arts of phrenology, palmistry, clairvoyance, fortune-telling and other crafts of a similar kind within the Town of Farmville.

9.2 Exceptions

This ordinance shall not prohibit the amateur practice of phrenology, palmistry, clairvoyance, or fortune-telling in connection with school or church socials, provided such socials are held in school or church buildings.

9.3 Enforcement

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred (\$500) dollars or imprisonment for not more than six (6) months or both; such fine and imprisonment is in the discretion of the court. Each day's continuing violation of this ordinance shall be a separate and distinct offense.

Section 10 DISPLAY OF MERCHANDISE FOR THE MARKETS, ANTIQUE SALES, YARD SALES, AND AUCTION SALES.

10.1 Prohibition

It shall be unlawful for any flea market, antique sale, yard sale or auction sale to display and/or store merchandise, material, and display fixtures outside of a building between the hours of 6:00 p.m. and 6:00 a.m.

10.2 Conditions

Persons or groups shall be allowed to hold 4 yard sales per year within the Town of Farmville at no charge.

10.3 Penalties

Any person violating the requirements of this ordinance shall be guilty of a misdemeanor, punishable according to the limits set by the General Statutes. Each violation of a separate provision and each day’s continuing violation of a single provision shall constitute a separate offense. This provision shall not prevent the Town from proceeding in other action as provided in G.S. 14-4.

**TOWN OF FARMVILLE
SCHEDULE OF PRIVILEGE LICENSE FEES
ADOPTED MAY 7, 2002**

Annual Gross Receipts	FY 2003 Tax	FY 2004 Tax
\$0 - \$249,999	\$25.00	\$50.00
\$250,000 - \$999,999	\$50.00	\$100.00
\$1,000,000 - \$4,999,999	\$100.00	\$200.00
\$5,000,000 - \$9,999,999	\$150.00	\$300.00
\$10,000,000 - \$10,999,999	\$250.00	\$500.00
\$11,000,000 - \$11,999,999	\$350.00	\$700.00
\$12,000,000 - \$12,999,999	\$450.00	\$900.00
\$13,000,000 - \$13,999,999	\$550.00	\$1,100.00
\$14,000,000 - \$14,999,999	\$650.00	\$1,300.00
\$15,000,000+	\$750.00	\$1,500.00

Section 11 CRIMINAL HISTORY CHECKS

11.1 Purpose

In order to protect the citizens of the city and their properties, the Town of Farmville deems it a necessary use of its police powers to obtain criminal history checks in evaluating certain applications, including, but not limited to: applications for regular full and part-time employment with the Town of Farmville; applications for coaches, assistant coaches or other volunteers working directly with children participating in Town of Farmville activities and events; and applications for permits or licenses for adult establishment, dance hall, game room, massage business, pawn broker, peddler, charitable solicitor, magazine solicitor, itinerant merchant, or taxi driver.

11.2 Authority

The Town Manager, or a designee, is authorized to conduct an investigation of an individual's criminal history when required by the Town Ordinance. The individual shall upon request provide all necessary personal identification, including a birth certificate, social security number, and drivers license, if available, so the town manager or designee, may cause a thorough search to be made of local and state criminal records to determine if the individual has a history of criminal convictions by use of the Division of Criminal Information Network (DCIN). The Town of Farmville police department shall provide the findings from the use of the DCIN to the town manager, provided that all necessary agreements with the State Bureau of Investigation Criminal Information and Identification Section have been executed

11.3 Evaluation

If the Criminal History Record Inquiry (CHRI) received from the Town of Farmville Police Department indicates the existence of a possible record, the Town Manager or designee shall verify existence of a record by obtaining a certified public record or by submitting a fingerprint card of the individual to the CIIS for verification that the criminal record belongs to the individual. If any criminal history check verifies a prior record for the individual, the applicable clerk of court shall be contacted to obtain the record. The individual shall pay said cost for a criminal history check through the clerk of court and any cost for fingerprint identification.

11.4 Confidentiality

The information provided by the individual and the information obtained by the criminal history check is sensitive information, and parties handling the information shall comply with all laws and regulations concerning non-public confidential information. Any information obtained during the criminal history

check or driving record will be maintained in that individual's personnel file and not disseminated to anyone other than the town manager.

11.5 Employment

All persons expressing interest in employment with the town shall be given the opportunity to file an application for employment for positions which are vacant. As part of the application process, each person shall provide a criminal history check under Chapter 13, Section 11 of the Town of Farmville Ordinances.

Section 12 ABC PERMIT CHECKS

12.1 Purpose

The purpose of this ordinance is to authorize the Farmville Police Department to seek state access to SBI/DCI Criminal Record information for use in making recommendations on the suitability of a person or of a location for an ABC Permit.

12.2 Body

North Carolina General Statute §18B-904(f) provides that the governing body of a town may designate an official of the town, by name or position, to make recommendations to the State ABC Commission on behalf of the town concerning the suitability of a person or of a location for an ABC permit when the proposed location is within the Town; and

The Chief of Police is designated as the official authorized to make recommendations on behalf of the governing body, Town of Farmville concerning the suitability of a person or of a location for an ABC permit within the town of Farmville jurisdiction pursuant to North Carolina General Statute §18B-904(f); and

In order to make said recommendations, the Farmville Police Department desires State access to the SBI/DCI Criminal History Record Information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the Town of Farmville; and

The Farmville Police Department will obtain said criminal history information on each applicant based on identification information regarding the applicant contained in the notice of permit application received from the State ABC Commission; and

If said criminal history information reveals that an applicant has been convicted of any felony, a misdemeanor involving drugs or alcohol, or any offense in violation of Article 26 of Chapter 14 of the North Carolina

General Statutes, the Farmville Police Department will file a written objection to the issuance of the permit; and

The State ABC Commission is the government agency responsible for the issuance of all ABC permits.

12.3 Authority

The police department shall be authorized to seek state access to SBI/DCI Criminal History Record Information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the Town of Farmville, North Carolina.

Effective: June 1, 2002
Amended February 3, 2009
October 6, 2009