

Chapter 98BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSING

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Adopted by the Town Council of the Town of Front Royal 3-11-85 (*Chapter 15 of the 1965 Code including the following amendments: amended "Alcohol" 12-23-68; amended 98-7 "Failure to Obtain License" 11-13-72; 98-71(C) added 12-11-72; 98-39 "Buyers of Gold & Silver" Amended 2-9-81; Added "Yard Sales" 10-26-81; Ord. No. 3-84 Amended 98-61 "Peddlers" 4-23-84; Ord. No. 10-84 Amended "Contractors/Contracting 8-13-84). Amended former "Time for Payment of License Taxes;Extension"; former 98-20 "Abatement/Proration of License Tax"; 98-23 "Expiration of Licenses" and 98-26 "Records and Report of Gross Receipts" 9-30-85. Amended 98-61 "Solicitors" 7-28-86; 7-27-92 and 2-12-96. Ord. No. 13-96 amended 98-45 and 98-61 "Commercial Solicitors" 12-16-96. Ord. No. 4-98 amended 98-61 "Peddlers" 2-9-98. 98-61 (E-G) "Solicitors" was removed 3-21-16. 98-61 "Peddlers" was amended in its entirety 3-21-16. Other amendments noted where applicable.*

### GENERAL PROVISIONS

#### 98-1 OVERRIDING CONFLICTING ORDINANCES

Except as may be otherwise provided by the laws of the Commonwealth of Virginia, and notwithstanding any other current ordinances or resolutions enacted by the Town Council of the Town of Front Royal, Virginia, whether or not compiled in the Code of this jurisdiction, to the extent of any conflict, the following provisions shall be applicable to the levy, assessment, and

collection of licenses required and taxes imposed on businesses, trades, professions and callings and upon the persons, firms and corporations engaged therein within the Town of Front Royal, Virginia.

(Ord. No. 2-96 Added 2-12-96-Effective Upon Passage)

## 98-2 DEFINITIONS

For the purposes of this ordinance, unless otherwise required by the context:

**AFFILIATED GROUP** means:

1. One or more chains of corporations subject to inclusion connected through stock ownership with a common parent corporation which is a corporation subject to inclusion if:
  - a. Stock possessing at least eighty percent (80%) of the voting power of all classes of stock and at least eighty percent (80%) of each class of the nonvoting stock of each of the corporations subject to inclusion, except the common parent corporation, is owned directly by one or more of the other corporations subject to inclusion; and
  - b. The common parent corporation directly owns stock possessing at least eighty percent (80%) of the voting power of all classes of stock and at least eighty percent (80%) of each class of the nonvoting stock of at least one of the other subject to inclusion corporations. As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends; the phrase "corporation subject to inclusion" means any corporation within the affiliated group irrespective of the state or country of its incorporation; and the term "receipts" includes gross receipts and gross income.

(Ord. No. 13-96 Amended (1) 12-16-96-Effective Upon Passage)

2. Two or more corporations if five or fewer persons who are individuals, estates or trusts own stock possessing:
  - a. At least eighty percent (80%) of the total combined voting power of all classes of stock entitled to vote or at least eighty percent (80%) of the total value of shares of all classes of the stock of each corporation, and
  - b. More than fifty percent (50%) of the total combined voting power of all classes of stock entitled to vote or more than fifty percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

When one or more of the corporations subject to inclusion, including the common parent corporation, is a non-stock corporation, the term "stock" as used in this subsection shall refer to the non-stock corporation membership or membership voting rights, as is appropriate to the context. (Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

**ASSESSMENT** means a determination as to the proper rate of tax, the measure to which the tax rate is applied, and ultimately the amount of tax, including additional or omitted tax, that is due. An assessment shall include a written assessment made pursuant to notice by the assessing official or a self-assessment made by a taxpayer upon the filing of a return or otherwise not pursuant to notice. Assessment shall be deemed made by an assessing official when a written notice of assessment is delivered to the taxpayer by the assessing official or an employee of the assessing official, or mailed to the taxpayer at his last known address. Self-assessments shall be deemed made when a return is filed, or if no return is required, when the tax is paid. A return filed or tax paid before the last day prescribed by ordinance for the filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return or the payment of tax, as the case may be.

**ASSESSOR OR ASSESSING OFFICIAL** means the Finance Director of this jurisdiction.

**BASE YEAR** means the calendar year preceding the license year, except for contractors subject to the provisions of Section 58.1-3715 of the Code of Virginia, as amended. A business may use the same fiscal year as for federal income tax purposes, as the period for measuring the gross receipts of the business.

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

**BUSINESS** means a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one business. The following acts shall create a rebuttable presumption that a person is engaged in a business: (i) advertising or otherwise holding oneself out to the public as being engaged in a particular business; or (ii) filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.

**CONTRACTOR** shall have the meaning prescribed in Virginia Code Section 58.1-3714.B, whether such work is done or offered to be done by day labor, general contract or subcontract.

**DEFINITE PLACE OF BUSINESS** means an office or a location at which occurs a regular and continuous course of dealing for thirty (30) consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person on a temporary or seasonal basis; and real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere and the person is not licensable as a peddler or itinerant merchant.

**FINANCIAL SERVICES** means the buying, selling, handling, managing, investing, and providing of advice regarding money, credit, securities, or other investments.

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

**Broker** shall mean an agent of a buyer or a seller who buys or sells stocks, bonds, commodities, or services, usually on a commission basis.

**Commodity** shall mean staples such as wool, cotton, etc. which are traded on a commodity exchange and on which there is trading in futures.

**Dealer** for purposes of this ordinance shall mean any person engaged in the business of buying and selling securities for his own account, but does not include a bank, or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business

**Security** for purposes of this ordinance shall have the same meaning as in the Securities Act (Section 13.1-501, et seq.) of the Code of Virginia, or in similar laws of the United States regulating the sale of securities.

Those engaged in rendering financial services include, but without limitation, the following:

- Buying installment receivables
- Chattel mortgage financing
- Consumer financing
- Credit card services
- Credit Unions
- Factors
- Financing accounts receivable
- Industrial loan companies
- Installment financing
- Inventory financing
- Loan or mortgage brokers
- Loan or mortgage companies
- Safety deposit box companies
- Security and commodity brokers and services
- Stockbroker
- Working capital financing

**FUEL SALE OR FUEL SALES** shall mean retail sales of alternative fuel, blended fuel, diesel fuel, gasohol or gasoline as such terms are defined in Section 58.1-2201 of the Code of Virginia (1950), as amended.

(Ord. No. 06-06 Added 6-26-06-Effective 7-1-06)

**GAS RETAILER** means a person or entity engaged in business as a retailer offering to sell at retail on a daily basis alternative fuel, blended fuel, diesel fuel, gasohol or gasoline as such terms are defined in Section 58.1-2201 of the Code of Virginia (1950), as amended.

(Ord. No. 06-06 Added 6-26-06-Effective 7-1-06)

**GROSS RECEIPTS** means the whole, entire, total receipts, without deduction, except as may be limited by the provisions of Chapter 37 of Title 58.1 of the Code of Virginia.

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

**LICENSE YEAR** means the calendar year for which a license is issued for the privilege of engaging in business.

**PERSONAL SERVICES** shall mean rendering for compensation any repair, personal, business or other services not specifically classified as "financial, real estate or professional service" under this ordinance, or rendered in any other business or occupation not specifically classified in this ordinance unless exempted from local license tax by Title 58.1 of the Code of Virginia.

**PROFESSIONAL SERVICES** means services performed by architects, attorneys-at-law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations, and no others, as the Virginia Department of Taxation may list in the BPOL guidelines promulgated pursuant to Virginia Code Section 58.1-3700.1 and Section 58.1-3701. The word "profession" implies attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others rather than for personal profit.

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

**PURCHASES** means all goods, wares and merchandise received for sale at each definite place of business of a wholesale merchant. The term shall also include the cost of manufacture of all goods, wares and merchandise manufactured by any wholesale merchant and sold or offered for sale. A wholesale merchant may elect to report the gross receipts from the sale of manufactured goods, wares and merchandise if it cannot determine the cost of manufacture or chooses not to disclose the cost of manufacture.

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

**REAL ESTATE SERVICES** means providing a service with respect to the purchase, sale, lease, rental, or appraisal of real property. Unless the service is otherwise specifically provided for in this ordinance, such services include, but are not limited to, the following:

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

- Appraisers of real estate
- Escrow agents, real estate
- Fiduciaries, real estate
- Lessors of real property
- Real estate agents, brokers and managers
- Real estate selling agents
- Rental agents for real estate

**RETAILER OR RETAIL MERCHANT** shall mean any person or merchant who sells goods, wares and merchandise for use or consumption by the purchaser or for any purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial and industrial users.

**SERVICES** shall mean things purchased by a customer which do not have physical characteristics, or which are not goods, wares, or merchandise.

**WHOLESALE OR WHOLESALE MERCHANT** shall mean any person or merchant who sells wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods and services for sale, and also includes sales to institutional, commercial, government and industrial users which because of the quantity, price, or other terms indicate that they are consistent with sales at wholesale.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

### **98-3 LICENSE REQUIREMENT**

Every person shall apply for a license for each business, trade, profession, occupation or calling (collectively hereinafter "a business"), unless otherwise exempted by law, when engaging in a business in the Town of Front Royal if **(i)** the person has a definite place of business in this jurisdiction; **(ii)** there is no definite place of business anywhere and the person resides in this jurisdiction; or **(iii)** there is no definite place of business in this jurisdiction but the person operates amusement machines or is classified as an itinerant merchant, peddler, carnival, circus, contractor subject to Virginia Code Section 58.1-3715, or public service corporation. A separate license shall be required for each definite place of business and for each business. A person engaged in two or more businesses or professions carried on at the same place of business may elect to obtain one license for all such businesses and professions if all of the following criteria are satisfied: **(i)** each business or profession is subject to licensure at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of the Town of Front Royal; **(ii)** all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and **(iii)** the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

Every person and business entity engaged in any business in the Town of Front Royal shall obtain a license from the Town of Front Royal Department of Finance before the commencement of such business, the minimum fee for which shall be ten dollars (\$10.00), unless exempt from licensing. Each year thereafter, such persons and entities shall pay an annual minimum license fee of ten dollars (\$10.00). In no instance shall this minimum fee create a refund.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

(Amended by adding minimum fee 7-13-15-Effective Upon Passage)

**98-3.5 DUE DATES AND PENALTIES**

A. Each person subject to a license tax shall apply for a license prior to beginning business if he was not subject to licensure in this jurisdiction on or before January 1 of the license year, or no later than March 1 of the license year if he has been issued a license for the preceding year. The application shall be on forms prescribed by the assessing official.

**(Ord. No. 13-96 Added New Section # & Amended from former (98-3) 12-16-96-Effective Upon Passage)**

B. The tax shall be paid with the application in the case of any license not based on gross receipts. If the tax is measured by the gross receipts of the business, the tax shall be paid on or before March 1; or thirty (30) days after beginning business for businesses not subject to licensure in this jurisdiction on or before January 1 of the license year.

**(Ord. No. 13-96 Added New Section # & Amended from former (98-3) 12-16-96-Effective Upon Passage)**  
**(Ord. No. 5-01 Amended 6-25-01-Effective Upon Passage)**

C. The assessing official may grant an extension of time in which to file an application for a license, for reasonable cause. The extension shall be conditioned upon the timely payment of a reasonable estimate of the appropriate tax; the tax is then subject to adjustment to the correct tax at the end of the extension, together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, with a penalty of ten percent of the portion paid after the due date.

**(Ord. No. 13-96 Added New Section # & Amended from former (98-3) 12-16-96-Effective Upon Passage)**

D. A penalty of ten percent of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within thirty days, the treasurer or Finance Director may impose a ten percent late payment penalty. If the failure to file or pay was not the fault of the taxpayer, the penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

**Acted Responsibly** means that: **(i)** the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business and **(ii)** the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.



**"Events Beyond the Taxpayer's Control"** include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

E. Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and penalty charged and collected on the amount of the assessment found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any license tax, assessed pursuant to this Chapter, from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under Virginia Code Section 58.1-3916.

No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, provided the refund or the late payment is made not more than thirty days from the date of the payment that created the refund or the due date of the tax, whichever is later.

(Ord. No. 2-96 had Amended Entire Section as (98-3) 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Added New Section # & Amended from former (98-3) 12-16-96-Effective Upon Passage)

#### **98-4 SITUS OF GROSS RECEIPTS**

A. General Rule. Whenever the tax imposed by this ordinance is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a privilege subject to licensure at a definite place of business within the Town of Front Royal. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one or more definite places of business or offices as follows:

1. The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of Virginia Code Section 58.1-3715;
2. The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled; however, a wholesaler or distribution house subject to a license tax measured by purchases shall determine the situs

of its purchases by the definite place of business at which or from which deliveries of the purchased goods, wares and merchandise are made to customers. Any wholesaler who is subject to license tax in two or more localities and who is subject to multiple taxation because the localities use different measures, may apply to the Virginia Department of Taxation for a determination as to the proper measure of purchases and gross receipts subject to license tax in each locality;

**(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)**

3. The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then to the definite place of business at which the rental of such property is managed; and
4. The gross receipts from the performance of services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then to the definite place of business from which the services are directed or controlled.

B. Apportionment. If the licensee has more than one definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule; and the affected jurisdictions are unable to reach an apportionment agreement, and except as to circumstances set forth in Virginia Code Section 58.1-3709; the gross receipts of the business shall be apportioned between the definite places of businesses in the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another jurisdiction shall not be attributed to this jurisdiction solely because the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.

**(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)**

C. Agreements. The assessor may enter into agreements with any other political subdivisions of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than 100 percent of its gross receipts from all locations in the affected jurisdictions, the assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved.

If an agreement cannot be reached, either the assessor or taxpayer may seek an advisory opinion from the Virginia Department of Taxation pursuant to Virginia Code Section 58.1-3701; notice of the request shall be given to the other party. Notwithstanding the provisions of Virginia Code

Section 58.1-3993, when a taxpayer has demonstrated to a court that two or more political subdivisions of Virginia have assessed taxes on gross receipts that may create a double assessment within the meaning of Virginia Code Section 58.1-3986, the court shall enter such orders pending resolution of the litigation as may be necessary to ensure that the taxpayer is not required to pay multiple assessments even though it is not then known which assessment is correct and which is erroneous.

(Ord. No. 9-85 Amended (former "Applicability") 9-30-85-Effective 7-1-86)

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Amended (C) by Adding 2<sup>nd</sup> Paragraph 12-16-96-Effective Upon Passage)

## 98-5 LIMITATIONS AND EXTENSIONS, APPEALS AND AUDITS

### A. Limitations and Extensions.

1. Where, before the expiration of the time prescribed for the assessment of any license tax imposed pursuant to this ordinance, both the assessing official and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.
2. Notwithstanding Virginia Code Section 58.1-3903, the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six preceding license years.
3. The period for collecting any local license tax shall not expire prior to the period specified in Virginia Code Section 58.1-3940, two years after the date of assessment if the period for assessment has been extended pursuant to this subdivision of the ordinance, two years after the final determination of an appeal for which collection has been stayed pursuant to subdivision B.2. or B.4. of Section 98-5 of this ordinance, or two years after the final decision in a court application pursuant to Virginia Code Section 58.1-3984 or similar law for which collection has been stayed, whichever is later.

### B. Appeals and rulings.

1. Any person assessed with a local license tax as a result of an audit may apply within ninety days from the date of such assessment to the assessor for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, audit period, remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The assessor may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, a further audit, or other evidence deemed necessary for a proper and equitable determination of the application. The assessment shall be deemed prima facie correct. The assessor shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth its position. Every assessment pursuant to an audit shall be accompanied by a

written explanation of the taxpayer's right to seek correction and the specific procedure to be followed (e.g., the name and address to which an application should be directed).

2. Provided a timely and complete application is made, collection activity shall be suspended until a final determination is issued by the assessor, unless the assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of subdivision E. of Section 98-3.5, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" includes a finding that the application is frivolous, or that a taxpayer desires to **(i)** depart quickly from the locality, **(ii)** remove his property therefrom, **(iii)** conceal himself or his property therein, or **(iv)** do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.
3. Any person assessed with a license tax, pursuant to this Chapter, as a result of an audit may apply within ninety days of the determination by the assessing official on an application pursuant to subdivision B.1. of Section 98-5, to the Virginia Tax Commissioner for a correction of such assessment. The Virginia Tax Commissioner shall issue a determination to the taxpayer within ninety days of receipt of the taxpayer's application, unless the taxpayer and the assessing official are notified that a longer period will be required. The application shall be treated as an application pursuant to Virginia Code Section 58.1-1821, and the Virginia Tax Commissioner may issue an order correcting such assessment pursuant to Virginia Code Section 58.1-1822. Following such an order, either the taxpayer or the assessing official may apply to the appropriate circuit court pursuant to Virginia Code Section 58.1-3984. However, the burden shall be on the party making the application to show that the ruling of the Virginia Tax Commissioner is erroneous. Neither the Virginia Tax Commissioner nor the Virginia Department of Taxation shall be made a party to an application to correct an assessment merely because the Virginia Tax Commissioner has ruled on it.
4. On receipt of a notice of intent to file an appeal to the Virginia Tax Commissioner under subdivision B.) 3.) of Section 98-5, the assessing official shall further suspend collection activity until a final determination is issued by the Virginia Tax Commissioner, unless the assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of subdivision E. of Section 98-3.5, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" shall have the same meaning as set forth in subdivision B. 2. of Section 98-5 above.
5. Any taxpayer may request a written ruling regarding the application of a license tax to a specific situation from the assessor. Any person requesting such a ruling must provide all the relevant facts for the situation and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended

prospectively if (i) there is a change in the law, a court decision, or the guidelines issued by the Virginia Department of Taxation upon which the ruling was based or (ii) the assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

(Ord. No. 9-85 Amended (former "Levy of License Taxes") 9-30-85-Effective 7-1-86)

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Amended Entire Section 12-16-96-Effective Upon Passage)

## 98-6 RECORDKEEPING AND AUDITS

Every person who is assessable with a local license tax shall keep sufficient records to enable the assessor to verify the correctness of the tax paid for the license years assessable and to enable the assessor to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the assessor in order to allow the assessor to establish whether a particular receipt is directly attributable to the taxable privilege exercised within this jurisdiction. The assessor shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside this jurisdiction, copies of the appropriate books and records shall be sent to the assessor's office upon demand.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

## 98-7 EXCLUSIONS AND DEDUCTIONS FROM "GROSS RECEIPTS"

A. General Rule. Gross receipts for license tax purposes shall not include any amount not derived from the exercise of the licensed privilege to engage in a business or profession in the ordinary course of business.

B. The following items shall be excluded from gross receipts:

1. Amounts received and paid to the United States, the Commonwealth or any county, city or town for the Virginia retail sales or use tax, for any local sales tax or any local excise tax on cigarettes, for any federal or state excise taxes on motor fuels.
2. Any amount representing the liquidation of a debt or conversion of another asset to the extent that the amount is attributable to a transaction previously taxed (e.g., the factoring of accounts receivable created by sales which have been included in taxable receipts even though the creation of such debt and factoring are a regular part of its business).
3. Any amount representing returns and allowances granted by the business to its customer.
4. Receipts which are the proceeds of a loan transaction in which the licensee is the obligor.

5. Receipts representing the return of principal of a loan transaction in which the licensee is the creditor, or the return of principal or basis upon the sale of a capital asset.
6. Rebates and discounts taken or received on account of purchases by the licensee. A rebate or other incentive offered to induce the recipient to purchase certain goods or services from a person other than the offeror, and which the recipient assigns to the licensee in consideration of the sale of goods and services shall not be considered a rebate or discount to the licensee, but shall be included in the licensee's gross receipts together with any handling or other fees related to the incentive.
7. Withdrawals from inventory for purposes other than sale or distribution and for which no consideration is received and the occasional sale or exchange of assets other than inventory whether or not a gain or loss is recognized for federal income tax purposes.

**(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)**

8. Investment income not directly related to the privilege exercised by a business subject to licensure not classified as rendering financial services. This exclusion shall apply to interest on bank accounts of the business, and to interest, dividends and other income derived from the investment of its own funds in securities and other types of investments unrelated to the licensed privilege. This exclusion shall not apply to interest, late fees and similar income attributable to an installment sale or other transaction that occurred in the regular course of business.

**(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)**

C. The following shall be deducted from gross receipts or gross purchases that would otherwise be taxable:

1. Any amount paid for computer hardware and software that are sold to a United States federal or state government entity provided that such property was purchased within two years of the sale to said entity by the original purchaser who shall have been contractually obligated at the time of purchase to resell such property to a state or federal government entity. This deduction shall not occur until the time of resale and shall apply to only the original cost of the property and not to its resale price, and the deduction shall not apply to any of the tangible personal property which was the subject of the original resale contract if it is not resold to a state or federal government entity in accordance with the original contract obligation.
2. Any receipts attributable to business conducted in another state or foreign country in which the taxpayer is liable for an income or other tax based upon income.

**(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)**

**(Ord. No. 13-96 Added (C) 12-16-96-Effective Upon Passage)**

**98-8 TRANSITIONAL PROVISIONS**

1. March 1 of the calendar year is adopted as the due date for license applications. No license tax shall be required to be prorated to reflect a license year of less than twelve months, whether the tax is a flat amount or measured by gross receipts, provided that no change is made in the taxable year for measuring gross receipts.

2. The provisions of this Chapter relating to penalties, interest, and administrative and judicial review of an assessment shall be applicable to assessments made on and after January 1, 1997, even if for an earlier license year. The provisions relating to agreements extending the period for assessing tax shall be effective for agreements entered into on and after July 1, 1996. The provisions permitting an assessment of license tax for up to six preceding years in certain circumstances shall not be construed to permit the assessment of tax for a license year beginning before January 1, 1997.

(Ord. No. 2-96 (Reserved) Section 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Added Entire Section 12-16-96-Effective Upon Passage)

**98-9 REFUSAL TO PERMIT RECORD EXAMINATION, FAILURE TO PRODUCE RECORDS; REFUSAL TO PERMIT AUDIT.**

A. Any person who shall refuse to permit the assessing official or his authorized agent to examine and audit his or its records, books and papers pertaining to the gross receipts of such person shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in Chapter 1, Article II, Penalties, of this Code.

(Ord. No. 9-85 Amended (former "Tax Based on Estimated Gross Receipts for Businesses Begun after Jan 1")  
9-30-85-Effective 7-1-86)

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

B. Any person who shall fail to appear before the proper enforcement officer of the town and produce his records, books and papers pertinent to license tax assessments, when duly summoned, or shall refuse to permit such proper enforcement officer to make or cause to be made such other and further investigation and audit of such books and papers shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in Chapter 1, Article II, Penalties, of this Code.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

**98-10 INTERROGATORIES TO BE ANSWERED BY APPLICANT**

A. As one of the means of ascertaining the amount of any license tax, the assessing official may propound interrogatories of an applicant for a license under this chapter and may use such other evidence as he may procure. Such interrogatories shall be answered under oath.

B. Any applicant refusing to answer an interrogatory under oath, as required by Subsection A of this section shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in Chapter 1, Article II, Penalties, of this Code.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

### **98-11 FALSE INFORMATION IN SUBMISSION**

If any person required to file an application, statement or interrogatory; or maintain a record; as provided in Sections 98-3, 98-6 or 98-10, shall give false information in such application, statement, interrogatory, or record he shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in Chapter 1, Article II, Penalties, of this Code.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

### **98-12 ASSESSMENT AND PENALTY FOR REPORTING INCORRECT INFORMATION, REPORTS OR RETURNS.**

If it shall appear that the gross receipts or other matters pertinent to license tax assessment have been willfully reported incorrectly or returned incorrectly to the assessing official, the person making such report or return shall pay, in addition to the increase license tax assessed as provided in Section 98-3.5, a penalty of twenty-five percent (25%) of such increased assessment; provided, further, that any incorrect report or return shall be deemed prima facia willful.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Amended by adding 98-3.5 12-16-96-Effective Upon Passage)

### **98-13 ZONING COMPLIANCE REQUIRED**

The assessing official shall not issue, under the provisions of this Chapter, a license for conducting any business, trade or occupation at a location where the conduct of such business, trade or occupation at such location is prohibited by Chapter 175, relative to zoning.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

### **98-14 WHEN CERTIFICATE OR PERMIT REQUIRED**

If a business, trade, profession, occupation or calling for which a license is required is one which can be granted only on the certificate of a court or other official, or the granting of a permit, then such license shall not be valid or effective until such certificate or permit shall be obtained. It is the responsibility of the person applying for such license to determine is any such certificate or permit is otherwise required by law.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)



**98-15 KEEPING AND EXHIBITING OF LICENSE**

Every person or business required to obtain a license shall keep the license in a place where it may be exhibited immediately upon demand of any representative of the Town. No license measured by volume of business shall be required to be publicly displayed. Failure to obtain or to exhibit the license upon demand of a Town representative or failing to display properly any license tag required under this chapter or Chapter 37 of the Code of Virginia, 1950, as amended, shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in Chapter 1, Article II, Penalties, of this Code.

(Amended 7-13-15 by adding “to obtain or”-Effective Upon Passage)

**98-16 (RESERVED)**

(Ord. No. 2-96 Reserved Section 2-12-96-Effective Upon Passage)

**98-17 LIMITATION ON GROSS RECEIPTS**

Gross receipts of real estate brokers for license tax purposes, under Chapter 37 (Section 58.1-3700, et seq.) of Title 58.1 of the Code of Virginia and this Chapter, shall not include amounts received by any broker which arise from real estate sales transactions to the extent that such amounts are paid to a real estate agent as a commission on any real estate sales transaction and the agent is subject to the business license tax on such receipts. The broker claiming the exclusion shall identify on its license application each agent to whom the excluded receipts have been paid, and the jurisdiction in the Commonwealth of Virginia to which the agent is subject to business license taxes.

(Ord. No. 2-96 Amended by Reserving Section 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Added Entire Section 12-16-96-Effective Upon Passage)

**98-18 BUSINESSES EXEMPT FROM LICENSE TAX**

No license fee or license tax is imposed or levied on any of the following businesses:

1. On any public service corporation except as provided in Virginia Code Section 58.1-3731 or as permitted by other provisions of law;
2. For selling farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, outside of the regular market houses and sheds of this Town; provided, such products are grown or produced by the person offering such products for sale;
3. Upon the privilege or right of printing or publishing any newspaper, magazine, newsletter or other publication issued daily or regularly at average intervals not exceeding three months, provided the publication's subscription sales are exempt from state sales tax, or for the privilege or right of operating or conducting any radio or television broadcasting station or service;

4. On a manufacturer for the privilege of manufacturing and selling goods, wares and merchandise at wholesale at the place of manufacture;
5. On a person engaged in the business of severing minerals from the earth for the privilege of selling the severed mineral at wholesale at the place of severance, except as provided in Virginia Code Section 58.1-3712 and Section 58.1-3713;
6. Upon a wholesaler for the privilege of selling goods, wares and merchandise to other persons for resale unless such wholesaler has a definite place of business or store in the Town. This subdivision shall not be construed as prohibiting the Town from imposing a local license tax on a peddler at wholesale pursuant to Virginia Code Section 58.1-3718;
7. Upon any person, firm or corporation for engaging in the business of renting, as the owner of such property, real property other than hotels, motels, motor lodges, auto courts, tourist courts, travel trailer parks, lodging houses, rooming houses and boardinghouses; however, if the Town was imposing such a license tax on January 1, 1974, the Town shall not be precluded from the levy of such tax by the provisions of this subdivision;
8. Upon a wholesaler or retailer for the privilege of selling bicentennial medals on a nonprofit basis for the benefit of the Virginia Independence Bicentennial Commission or any local bicentennial commission;
9. On or measured by receipts for management, accounting, or administrative services provided on a group basis under a nonprofit cost-sharing agreement by a corporation which is an agricultural cooperative association under the provisions of Chapter 3, Article 2 (Section 13.1-312, et seq.), Title 13.1, of the Code of Virginia or a member or subsidiary or affiliated association thereof, to other members of the same group. This exemption shall not exempt any such corporation from such license or other tax measured by receipts from outside the group;
10. On or measured by receipts or purchases by a corporation which is a member of an affiliated group of corporations from other members of the same affiliated group. This exclusion shall not exempt affiliated corporations from such license or other tax measured by receipts or purchases from outside the affiliated group. This exclusion also shall not preclude the Town from levying a wholesale merchant's license tax on an affiliated corporation on those sales by the affiliated corporation to a non-affiliated person, company, or corporation, notwithstanding the fact that the wholesale merchant's license tax would be based upon purchases from an affiliated corporation. Such tax shall be based on the purchase price of the goods sold to the non-affiliated person, company, or corporation. As used in this subdivision the term "sales by the affiliated corporation to a non-affiliated person, company or corporation" shall mean sales by the affiliated corporation to a non-affiliated person, company or corporation where goods sold by the affiliated corporation or its agent are manufactured or stored in the Commonwealth prior to their delivery to the non-affiliated person, company or corporation;
11. On any insurance company subject to taxation under Chapter 25 (Section 58.1-2500, et seq.) of Title 58.1 of the Code of Virginia or on any agent of such company;

12. On any bank or trust company subject to taxation in Chapter 12 (Section 58.1-1200, et seq.) of Title 58.1 of the Code of Virginia;
13. Upon a taxicab driver, if the Town has imposed a license tax upon the taxicab company for which the taxicab driver operates;
14. On any blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Visually Handicapped, or a nominee of the Department, as set forth in Virginia Code Section 63.1-164;
15. On any hospital, college, university, or other institution of learning not organized or conducted for pecuniary profit which by reason of its purposes or activities is exempt from income tax under the laws of the United States unless such tax was enacted by the Town prior to January 15, 1991. The provisions of this subdivision shall expire on July 1, 1997;
16. On an accredited religious practitioner in the practice of the religious tenets of any church or religious denomination. "Accredited religious practitioner" shall be defined as one who is engaged solely in praying for others upon accreditation by such church or religious denomination;
17.
  - a. On or measured by receipts of a charitable nonprofit organization except to the extent the organization has receipts from an unrelated trade or business the income of which is taxable under Internal Revenue Code Section 511, et seq. For the purpose of this subdivision, "charitable nonprofit organization" means an organization which is described in Internal Revenue Code Section 501 (c) (3) and to which contributions are deductible by the contributor under Internal Revenue Code Section 170, except that educational institutions shall be limited to schools, colleges and other similar institutions of learning.
  - b. On or measured by gifts, contributions, and membership dues of a nonprofit organization. Activities conducted for consideration which are similar to activities conducted for consideration by for-profit businesses shall be presumed to be activities that are part of a business subject to licensure. For the purpose of this subdivision, "nonprofit organization" means an organization exempt from federal income tax under Internal Revenue Code Section 501 other than charitable nonprofit organizations; or
18. On any venture capital fund or other investment fund, except commissions and fees of such funds. Gross receipts from the sale and rental of real estate and buildings located in the Town remain taxable by the Town provided the Town is otherwise authorized to tax such businesses and rental of real estate.

**(Ord. No. 2-96 Amended by Reserving Section 2-12-96-Effective Upon Passage)**

**(Ord. No. 13-96 Added Entire Section 12-16-96-Effective Upon Passage)**

**98-19 COMBINATION OF SERVICE OCCUPATIONS**

Those businesses described in this Chapter as Business Service Occupations, Section 98-64; Personal Service Occupations, Section 98-68; and Repair Service Occupations, Section 98-70 are combined for licensing and taxing purposes pursuant to this Chapter and for administrative purposes into a single Service Occupations category.

(Ord. No. 2-96 Amended by Reserving Section 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Added Entire Section 12-16-96-Effective Upon Passage)

**98-20 THROUGH 27 (RESERVED)**

(Ord. No. 2-96 Reserved Sections 2-12-96-Effective Upon Passage)

**98-28 FAILURE TO OBTAIN LICENSE**

Any person conducting a business, profession, trade, calling or occupation; or doing other things for which a license tax is required under this chapter; without first having obtained the requisite license or without having obtained any tag or sign required under this chapter, shall be guilty of a misdemeanor and punished as provided in Chapter 1, Article II, Penalties, of this Code. Such conviction shall not relieve any such person from the payment of any license tax imposed by this chapter.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

**98-29 TRANSFERABILITY; VIOLATIONS AND PENALTIES**

A. Licenses issued under this chapter shall be transferable, except where otherwise provided, but in no case shall any transfer of license be legal or valid unless and until notice, in writing, of such transfer shall have been given to the assessing official, who shall have approved such transfer, in writing, on such license. Such notice shall state the time of the transfer and the place of business and name of the person to whom transferred.

B. The assessing official shall keep a record of such transfers and shall submit a copy of each such transfer to the proper enforcement officer.

C. Any person transferring or attempting to transfer any license contrary to the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in Chapter 1, Article II, Penalties, of this Code.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

**98-30 TAX COLLECTED HELD IN TRUST**

A motor vehicle dealer who, pursuant to Virginia Code Section 58.1-3734, 1950, as amended, separately states the amount of tax applicable to each sale of a motor vehicle and adds such tax to

the sales price of the motor vehicle, shall be deemed to have collected such tax on behalf of the Town and such tax shall be held in trust for the Town. Any tax collected by the motor vehicle dealer in excess of the tax due shall be returned to the purchaser of the motor vehicle or if not returned forthwith, remitted to the Town. The failure of such merchant to recover the tax from the purchaser shall not relieve such merchant from the obligation to pay the tax to the Town.

(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)

### **98-31 THROUGH 34 (RESERVED)**

#### **FLAT RATES**

### **98-35 AGRICULTURAL FAIRS**

For every license to operate an agricultural fair in the Town for the benefit of the Town and surrounding territory and not operated for profit for the owners or stockholders thereof, there shall be paid a license tax of twenty-five dollars (\$25.) per day for each day such fair is held.

### **98-36 DOG KENNELS**

A. Every person who maintains a kennel within the Town of Front Royal annually between January 1st and January 31st shall pay a license tax of fifty dollars (\$50.00).

B. For the purpose of this section a kennel shall include and mean any establishment in which ten (10) or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

(Ord. No. 13-96 Amended by Reserving Section 12-16-96-Effective Upon Passage)

(Ord. No. 1-03 Added Entire Section 4-14-03-Effective Upon Passage)

### **98-37 THROUGH 98-38 (RESERVED)**

(Ord. No. 13-96 Amended by Reserving Sections 12-16-96-Effective Upon Passage)

### **98-39 BUYERS OF OLD GOLD AND SILVER**

A. Every person, with a definite place of business in the Town of Front Royal, conducting, operating or engaging in the buying of gold or silver shall pay an annual license tax of ten dollars (\$10.00).

B. Every itinerant buyer of gold or silver, which shall mean any person, whether principal, agent or employee, who engages in temporary or transient business in the Town of Front Royal and who, for the purpose of carrying out such business, hires, leases, or occupies any building, structure, site, vehicle, or railroad car on a single-day, day-to-day, or week-to-week basis, shall pay a license tax in the amount of thirty dollars (\$30.00) per day.

(Ord. No. 2-96 Amended Amount 2-12-96-Effective Upon Passage)

(Ord. No. 4-98 Amended 2-9-98-Effective Upon Passage)

**98-40 (RESERVED)**

(Ord. No. 13-96 Reserved Section 12-16-96-Effective Upon Passage)

**98-41 FINANCE COMPANIES**

For every license to do business as a finance company charging a rate of interest not exceeding six percent (6%) per annum, there shall be paid a license tax of thirty dollars (\$30.).

(Ord. No. 2-96 Amended Amount 2-12-96-Effective Upon Passage)

**98-42 FORTUNETELLERS AND SIMILAR BUSINESSES**

For every license for a person engaged in business as a fortuneteller, clairvoyant, phrenologist, spirit medium, astrologist, hypnotist or palmist, there shall be paid a license tax of four hundred dollars (\$400.) a year. Such license tax shall not be proratable. A license for a fortuneteller, clairvoyant, phrenologist, spirit medium, astrologist, hypnotist or palmist shall not be transferable.

**98-43 (RESERVED)**

(Ord. No. 2-96 Reserved Section 2-12-96-Effective Upon Passage)

**98-44 INDUSTRIAL LOAN ASSOCIATIONS**

For every license for conducting an industrial loan association, there shall be paid a license tax of sixteen cents (\$0.16) per \$100.00 of actual deposits. Such license tax shall not exceed \$500.00 nor be prorated.

(Ord. No. 2-96 Amended by Adding "\$500.00" 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Amended Flat Rate Amount 12-16-96-Effective Upon Passage)

(Ord. No. 4-98 Removed Flat Rate Amount 2-9-98-Effective Upon Passage)

**98-45 LICENSING – COMMERCIAL SOLICITORS**

Any commercial solicitor as defined by Town Code Chapter 138 shall be subject to the following license taxes:

**A. Commercial Solicitor License Tax**

1. All Commercial Solicitors - \$50.00 per week, up to a maximum of \$200.00 per calendar year.
2. Any non-profit civic, charitable, or educational organization may receive a waiver of license tax upon application to and approval of the Front Royal Town Council.

**B. Violation**

Any commercial solicitor who shall solicit sales without a license shall be guilty of a Class I Misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than two thousand five hundred dollars (\$2,500.00) for each offense, and in addition, shall be required to obtain the appropriate license from the Town.

**C. Enforcement**

It shall be the duty of the police officers and other officers of the Town to enforce the provisions of this section and to have warrants issued against any person committing a violation.

(Added Entire Section/Repealed "Itinerant Vendors" 7-28-86-Effective Upon Passage)

(Amended (C) 2-9-98-Effective Upon Passage)

(Amended Entire Section "A-C" 3-14-16-Effective Upon Passage)

**98-46 FLEA MARKETS**

A. As used in this section, the following terms shall have the meanings indicated:

**FLEA MARKET** - An assembly of vendors, selling new or used goods in the open air or within temporary structures, who display and sell their wares on the lands of another for a consideration.

B. The proprietor of any flea market shall be required to purchase a license and display the license in a prominent place visible to the public. For such license, there shall be paid a license tax of \$500.00 per calendar year. Every vendor of new goods at the flea market shall be deemed a peddler or itinerant merchant and shall pay such license tax as is applicable to peddlers under the provisions of Section 98-61. Such license taxes shall not be prorated. Upon application to and approval by the Town Council, no license shall be required of a nonprofit organization that sells or displays goods at a flea market so long as the proceeds of sale are retained by the nonprofit organization and not shared with other persons, businesses or organizations. The following regulations shall govern the conduct of flea markets:

(Ord. No. 12-86 Added "Peddler" 7-28-86-Effective Upon Passage)

(Ord. No. 13-96 Added "Itinerant Merchant" 12-16-96-Effective Upon Passage)

(Amended to add \$500.00 10-10-17-Effective Upon Passage)

1. Goods and wares may be left on premises on Friday and Saturday nights only and on Sunday night if Monday is a holiday.

(Added "Friday" 10-10-17-Effective Upon Passage)

2. A night watchman may be allowed on weekends.
3. No overnight trailers are allowed.

4. The owner or lessee of the premises shall keep the flea market grounds clean and free of refuse and shall provide trash containers in sufficient numbers to serve the customers and vendors on the flea market site.
5. The owner or lessee of the premises shall rent no space to any flea market vendor, except those representing nonprofit organizations, unless the vendor first produces a valid and current license issued by the Town of Front Royal or a daily license permit for the sale and display of goods at a flea market.

(Ord. No. 6-2-82 Added Entire Section 6-28-82-Effective Upon Passage)

#### **98-47 TRADING IN SECONDHAND ARTICLES**

A. For every license for trading in any kind of secondhand articles, junk, old metal, rags or other like commodities, there shall be paid a license tax of thirty dollars (\$30.).

(Ord. No. 2-96 Amended Amount 2-12-96-Effective Upon Passage)

B. On every license for a canvasser or agent canvassing the Town for the purpose of buying junk or other matter, for junk dealers or for themselves, there shall be paid a license tax of twenty-five dollars (\$25.). Any person doing business under this section shall give bond in the penalty of two hundred dollars (\$200.) for his faithful compliance with the law, and such bond shall be delivered to the Assessor upon issuance of the license.

#### **98-48 MANUFACTURERS' SALES AGENTS**

For every license for acting or doing business as a manufacturer's sales agent, there shall be paid a license tax of fifty dollars (\$50.). Such license tax shall not be prorated. No such license tax shall be collected from a "peddler at wholesale" as defined in Virginia Code Section 58.1-3718, contrary to the terms of Section 58.1-3718. The tax levied on a "peddler at wholesale" shall not be greater than the tax imposed on a wholesale merchant, as defined in Chapter 37 of Title 58.1 of the Code of Virginia, selling similar goods, wares or merchandise at a definite place of business.

(Ord. No. 2-96 Amended 2-12-96-Effective Upon Passage)

#### **98-49 THROUGH 51 (RESERVED)**

(Ord. No. 13-96 Reserved Sections 12-16-96-Effective Upon Passage)

#### **98-52 PAWNBROKERS**

A. No person shall engage in the business of a pawnbroker within the Town of Front Royal without a valid license issued by the Town, nor in any location other than the one designated within his license. Any person who violates the provisions of this section shall be guilty of a Class I Misdemeanor.



B. No person shall be licensed as a pawnbroker without having in existence a bond with surety in the minimum amount of \$50,000.00 to secure the payment of any judgment recovered under the provisions of Section 54.1-4003(B) of the Code of Virginia.

C. For every license for engaging in business as a pawnbroker there shall be paid a license tax of thirty dollars (\$30.00). Such license tax shall not be prorated.

**(Ord. No. 2-96 Amended Amount 2-12-96-Effective Upon Passage)**

D. No license shall be granted to any person to operate or conduct more than one (1) pawnshop or pawnbroker's sales store in the Town of Front Royal; provided, however, this provision shall not apply to any person who owns and is licensed to operate or conduct more than one (1) pawnshop or pawnbroker's sales store in the Town of Front Royal on the date this ordinance becomes effective but no license shall be granted after the effective date of this ordinance to any such person to operate or conduct any additional pawnshop or pawnbroker's sales store in excess of the number of pawnshops or pawnbroker's sales store operated or conducted by such person on the date this ordinance becomes effective.

**(Ord. No. 12-2001 Amended Entire Section/Added "A,B,D" 9-24-01-Effective Upon Passage)**

### **98-53 THROUGH 98-55 (RESERVED)**

**(Ord. No. 13-96 Reserved Sections 12-16-96-Effective Upon Passage)**

### **98-56 SAVINGS INSTITUTIONS AND CREDIT UNIONS**

Every savings institution and credit union having their main office in the Town shall pay a license tax of fifty dollars (\$50.).

**(Ord. No. 2-96 Amended Entire Section 2-12-96-Effective Upon Passage)**

**(Ord. No. 13-96 Amended to "Credit Union" 12-16-96-Effective Upon Passage)**

### **98-57 SHOWS, CIRCUSES AND CARNIVALS**

A. For every license to operate a show, circus or other like performance, when the price charged for general admission thereto is more than twenty-five cents (\$.25) for adults, there shall be paid a license tax of fifty dollars (\$50.) per day, and when the price charged for general admission thereto is twenty-five cents (\$.25) or less, there shall be paid a license tax of twenty-five dollars (\$25.) per day. In addition, there shall be paid a license tax of five dollars (\$5.) on each sideshow under a separate tent or enclosure or for admission to which a separate charge is made.

B. For every license to operate a carnival or other similar organization, there shall be paid a license tax of fifty dollars (\$50.) for each day an exhibition is given in the Town; provided, however, that when a license is taken out for a week or six (6) days and the amount required is paid in advance of proper officials, the tax for the same shall be two hundred dollars (\$200.).

C. For the purpose of this section, the following terms shall have the meanings indicated:

**CARNIVAL** - Includes any lawful business performance or amusement to be given in the tents or enclosed grounds occupied by the management of the carnival in question.

### **98-58 SMALL LOAN COMPANIES**

For every license to do business under Code of Virginia Section 6-274 to 6-338, there shall be paid a license tax of thirty dollars (\$30.). Such license tax shall not be prorated.

**(Ord. No. 2-96 Amended Amount 2-12-96-Effective Upon Passage)**

### **98-59 YARD SALES**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**PARCEL** – A taxable lot of real estate, of record in the Clerk’s Office of the Circuit Court of Warren County, Virginia.

**(Added 11-13-12-Effective Upon Passage)**

**YARD SALE** - A sale of personal property, which has been used generally in the household of the vendor and has not been acquired for resale, conducted at the personal residence of the vendor. For licensure of sales of this material and other items by churches or non-profit institutions, see Chapter 72 of the Code.

**(Ord. No. 11-11 Amended 7-11-11-Effective Upon Passage)**

B. A business license shall be required to operate a yard sale in the Town of Front Royal. A separate license is required for each day a yard sale is conducted at a parcel.

**(Amended 11-13-12-Effective Upon Passage)**

C. No more than six (6) days of yard sales shall be allowed in any given calendar year at a parcel. On an annual basis, for the first two (2) business licenses of the year to operate a yard sale at a parcel, there shall be no license tax required. Thereafter, for each business license there shall be paid a license tax of five dollars (\$5.).

**(Ord. No. 3-99 Amended (C) 3-22-99-Effective Upon Passage)**

**(Amended 11-13-12-Effective Upon Passage)**

D. The license tax shall be computed annually based on the number of licenses issued to a particular parcel, regardless of the applicant, unless satisfactory evidence is produced by the applicant showing that title to the residence has been changed by valid deed.

**(Amended 11-13-12-Effective Upon Passage)**

E. Applications to operate a yard sale for Two-Family, Condominiums, and Multi-Family dwellings shall include written consent from the owner. **(Added (E) 11-13-12-Effective Upon Passage)**

F. There shall be no license tax required for the first two (2) business licenses obtained for a yard sale during the calendar year. Thereafter, for each additional yard sale, up to the maximum number allowed, as specified above under subsection C, there shall be paid a license tax of five dollars (\$5.00).

**(Added (F) 11-13-12-Effective Upon Passage)**

### **98-60 COIN-OPERATED VENDING OR SLOT MACHINES**

#### **A. Tax on coin-operated machines or devices.**

1. Any person having anywhere in the Town a coin-operated machine or device of any description into which is inserted coins to dispose of articles of merchandise or for the purpose of operating devices that operate in the coin-in-slot principle, used for gain, shall pay for every such coin-operated machine or device, as the case may be, a license tax of twenty-five dollars (\$25.) per year, which license shall not be prorated or transferable, except that:
  - a. On each coin-operated music machine, unit or device, the tax shall be ten dollars (\$10.).
  - b. On each coin-operated pinball machine, unit or device, the tax shall be twenty-five dollars (\$25.).
  - c. On each coin-operated radio or television machine, the tax shall be five dollars (\$5.).

**(Ord. No. 2-96 Amended (1) 2-12-96-Effective Upon Passage)**

2. This section shall not apply to coin-operated machines that are used solely for the purpose of selling individual sanitary drinking cups or sanitary drinking cups and natural water; or to machines vending sanitary napkins; or for the delivery of newspapers; or weighing machines; or automatic baggage or parcel checking machines or receptacles; or to vending machines that vend only goods, wares, or merchandise; or postage stamps machines; or machines that provide service only; or viewing machines; or photomat machines; or machines affording rides to children.
3. No license tax shall be imposed by the Town on or on account of any candy vending machine under the ownership and supervision of any state commission or state agency.
4. Regularly licensed retail merchants paying retail merchant's license tax on their sales at retail shall not be required to have any separate vending machine license on such coin-operated machines which are located on the premises of their place of business.

#### **B. Amusement operations. (Ord. No. 12-13-82 Added 12-13-82-Effective Upon Passage)**

1. Definitions. As used in this section, the following terms shall have the meanings indicated:

**AMUSEMENT OPERATOR** - Any person, selling, leasing, renting or otherwise furnishing or providing a coin-operated amusement machine in the Town; however, the term amusement operator shall not include any person owning less than three (3) such machines and operating such machines on property owned or leased by such person.

**AMUSEMENT MACHINE** - Any coin-operated machine not listed in Section 58.1-3721, Code of Virginia 1950, as amended.

2. A license tax in the amount of two hundred dollars (\$200.) per year is hereby imposed on any amusement operator for the operation of ten (10) or more coin-operated amusement machines in the Town of Front Royal.
3. An annual license tax of twenty dollars (\$20.) per machine is hereby imposed on any amusement operator for the operation of fewer than ten (10) coin-operated amusement machines in the Town of Front Royal.
4. In addition, the share of gross receipts actually received by any amusement operator from coin-operated amusement machines operated within the Town of Front Royal shall be subject to a gross receipts tax as provided in Section 98-62 of the Code of the Town of Front Royal, Virginia.

#### **98-61 LICENSING – PEDDLERS AND ITINERANT MERCHANTS**

Any peddler or itinerant vendor as defined by Town Code Chapter 138 shall be subject to the following license taxes:

##### **A. Itinerant Merchant License Tax**

1. Christmas Tree and Fireworks Vendors - \$100.00 per calendar year.
2. Fresh Farm Product Vendors – farm grown by merchant exempt per Va. Code § 58.1-3717; if product is purchased by merchant and resold, merchant is considered an Itinerant Merchant.
3. All Other Itinerant Merchants - \$250.00 per calendar year. The tax shall be pro-rated based upon the date of issuance.
4. Any non-profit civic, charitable, or bona-fide educational organization may receive a waiver of license tax upon application to and approval of the Front Royal Town Council.
5. Merchants selling food and merchandise during a Special Event that has been issued a permit by the Town shall be exempt from the license tax.

## B. Peddler License Tax

1. Fresh Farm Product Vendors – farm grown by merchant exempt per Va. Code §58.1-3717; if product is purchased by merchant and resold, merchant is considered a peddler.
2. All Other Peddlers - \$500.00 per calendar year.
3. Any non-profit civic, charitable, or bona-fide educational organization may receive a waiver of license tax upon application to and approval of the Front Royal Town Council
4. The license tax authorized by this subsection shall not apply to a peddler who sells to licensed dealers or retailers only; a regular wholesaler dealer who shall at the same time sell or deliver merchandise to retail merchants; a distributor or vendor of motor fuels and petroleum products or seafood; or a manufacturer who is subject to Virginia tax on intangible personal property and who peddles only the goods, wares, or merchandise manufactured by him at a plant whose intangible personal property is taxed by the Commonwealth of Virginia.
5. Delivery of food or merchandise ordered by phone, internet, or mail from a fixed place of business issued a business license for operation shall be exempt from the license tax.

## C. Violation

Any peddler or itinerant merchant who shall offer for sale or sell or barter without a license shall be guilty of a Class I Misdemeanor and shall be fined not less than fifty dollars (\$50.00) no more than two thousand five hundred dollars (\$2,500.00) for each offense, and in addition, shall be required to purchase the appropriate license from the Town.

## D. Enforcement

It shall be the duty of the police officers and the officers of the Town to enforce the provisions of the section and to have warrants issued against any person committing a violation.

(Amended Entire Section 3-14-16-Effective Upon Passage)

**GROSS RECEIPTS BASIS****98-62 AMUSEMENTS**

A. Every person conducting, operating or engaging regularly in any of the businesses, trades or occupations enumerated in this section shall pay an annual license tax equal to twenty four cents (\$0.24) per \$100.00 of his gross receipts, in such business, trade or occupation for the preceding calendar year. This license tax shall be in addition to any other tax imposed by the town.

(Ord. No. 2-96 Amended Amount 2-12-96-Effective Upon Passage)

(Ord. No. 4-98 Amended by Removing Amount 2-9-98-Effective Upon Passage)

B. The businesses, trades or occupations referred to in Subsection A of this section shall be as follows:

- Arcade or building devoted to general amusement or entertaining
- Auditorium
- Coliseum
- Dance hall
- Gardens, display or amusement
- Golf driving range
- Miniature golf courses
- Movie Theater
- Parks; athletic fields (operated for profit)
- Pool and billiard tables
- Skating rink
- Theater
- Other amusements and entertainments

**(Ord. No. 4-98 Removed “Bowling Alleys” 2-9-98-Effective Upon Passage)**

C. The license tax on any permanent coliseum having a maximum seating capacity in excess of 10,000 persons and open to the public shall be no greater than \$1,000 per year.

**(Ord. No. 2-96 Added (C) 2-12-96-Effective Upon Passage)**

### **98-63 (RESERVED)**

**(Ord. No. 4-98 Reserved Section 2-9-98-Effective Upon Passage)**

### **98-64 BUSINESS SERVICE OCCUPATIONS**

Any person conducting, operating, or engaging in any service occupation shall pay an annual license tax equal to twenty cents (\$0.20) per \$100.00 of his gross receipts, in such occupation during the preceding year; provided, however, that business licenses for photographers shall not exceed thirty dollars (\$30.00) per year.

**(Ord. No. 2-96 Amended 2-12-96-Effective Upon Passage)**

**(Ord. No. 13-96 Amended Entire Section 12-16-96-Effective Upon Passage)**

**(Ord. No. 4-98 Amended Entire Section 2-9-98-Effective Upon Passage)**

### **98-65 CONTRACTORS AND CONTRACTING**

A. Any person conducting, operating, or engaging in the business of contracting or the occupation of contractor shall pay an annual license tax equal to eight cents (\$0.08) per \$100.00 of his gross receipts, in such business, trade or occupation during the preceding calendar year.

**(Ord. No. 4-98 Amended (A) 2-9-98-Effective Upon Passage)**

B. Prior to the issuance of a business license for the purpose of engaging in the business of home improvement, electrical, plumbing, heating or air-conditioning contracting or the business of constructing single- or multi-family dwellings in the Town of Front Royal, each applicant shall first be required to obtain a certificate of competency in accordance with the provisions of Chapter 60 of the Town Code, unless otherwise exempt under said section.

(Ord. No. 13-96 Amended (B) 12-16-96-Effective Upon Passage)

### **98-66 HEAT, LIGHT AND POWER COMPANIES**

Any person, firm or corporation who shall engage in the business of furnishing heat, light or power, whether by means of electricity or gas in the Town, shall pay a license tax equal to 40 cents per \$100.00 of the gross annual receipts accruing to such person, firm or corporation from such business in the Town; provided, however, that there shall be deducted any sum or sums paid by such person, firm or corporation to the Town as a merchant's license tax and license taxes, except motor vehicle license taxes.

(Ord. No. 8-14-72 Added Entire Section 8-14-72-Effective Upon Passage)

(Ord. No. 13-96 Amended Amount 12-16-96-Effective Upon Passage)

### **98-67 TELEPHONE AND TELEGRAPH COMPANIES**

A. Every incorporated telephone or telegraph company owning or operating telephone or telegraph lines within the Town shall pay a license tax equal to 50 cents per \$100.00 of the gross receipts of such business accruing to such corporation from business within the Town, provided that charges for long distance telephone calls shall not be considered receipts of business in the Town.

(Ord. No. 13-96 Amended Amount 12-16-96-Effective Upon Passage)

B. The license tax required under this section shall be due and payable on or before October 1, 1972, and each year thereafter it shall be due and payable as provided in this Chapter.

(Ord. No. 8-14-72 Added Entire Section 8-14-72-Effective Upon Passage)

(Ord. No. 2-96 Amended 2-12-96-Effective Upon Passage)

### **98-67.1 CABLE TELEVISION COMPANIES**

Any person, firm or corporation who shall engage in the business of furnishing cable television service in the Town shall pay a license tax equal to 36 cents per \$100.00 of the gross annual receipts accruing to such person, firm or corporation from its business conducted in the Town.

(Ord. No. 18-90 Added Entire Section 9-24-90-Effective 1-1-91)

(Ord. No. 2-96 Amended Amount 2-12-96-Effective Upon Passage)

**98-68 PERSONAL SERVICE OCCUPATIONS**

Any person conducting, operating or engaging in a service occupation shall pay an annual license tax equal to twenty cents (\$0.20) per \$100.00 of his gross receipts, in such business, trade or occupation during the preceding year.

(Ord. No. 2-96 Amended 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Amended Entire Section 12-16-96-Effective Upon Passage)

(Ord. No. 4-98 Amended Entire Section 2-9-98-Effective Upon Passage)

**98-69 PROFESSIONAL SERVICES**

Any person conducting, operating, or engaging in any professional service shall pay an annual license tax equal to thirty six cents (\$0.36) per \$100.00 of his gross receipts, in such business, trade or occupation during the preceding year.

(Ord. No. 2-96 Amended 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Amended Entire Section 12-16-96-Effective Upon Passage)

(Ord. No. 4-98 Amended Entire Section 2-9-98-Effective Upon Passage)

**98-70 REPAIR SERVICE OCCUPATIONS**

Any person conducting, operating, or engaging in any service occupation shall pay an annual license tax equal to twenty cents (\$0.20) per \$100.00 of his gross receipts in such business, trade or occupation during the preceding year.

(Ord. No. 2-96 Amended 2-12-96-Effective Upon Passage)

(Ord. No. 13-96 Amended Entire Section 12-16-96-Effective Upon Passage)

(Ord. No. 4-98 Amended Entire Section 2-9-98-Effective Upon Passage)

**98-71 RETAIL MERCHANTS**

A. Any person conducting, operating, or engaging in any of the businesses of a retail merchant shall pay an annual license tax equal to twelve cents (\$0.12) per \$100.00 of his gross receipts in such business, trade or occupation for the preceding year. However, no such license tax shall be collected from a "direct seller" as defined in Virginia Code Section 58.1-3719.1, contrary to the terms of Virginia Code Section 58.1-3719.1. The tax shall be levied on a "direct seller" whose total sales exceed \$4,000 per year.

(Ord. No. 2-96 Amended 2-12-96-Effective Upon Passage)

(Ord. No. 4-98 Amended (A) & Removed "Exemptions" in Title 2-9-98-Effective Upon Passage)

B. Any person who shall sell upon his own premises property of his own, not purchased for that purpose, for less than ten (10) days per year shall, upon application to the Assessor, be granted an exemption from purchasing a retail merchant's license. Any person violating the provisions of this section shall, upon conviction thereof, be punished as provided in Chapter 1, Article II, Penalties, of this Code, and each day's violation hereof shall constitute a separate offense.

(Ord. No. 13-96 Amended (B) 12-16-96-Effective Upon Passage)



C. In any case in which the Department of Mines, Minerals and Energy determines that the weekly U.S. Retail Gasoline price (regular grade) for PADD 1C (Petroleum Administration for Defense District - Lower Atlantic Region) has increased by 20% or greater in any one-week period over the immediately preceding one-week period and does not fall below the increased rate for at least 28 consecutive days immediately following the week of such increase, then, notwithstanding any tax rate on retailers imposed by the local ordinance, the gross receipts taxes on fuel sales of a gas retailer made in the following license year shall not exceed 110% of the gross receipts taxes on fuel sales made by such retailer in the license year of such increase. For license years beginning on or after January 1, 2006, every gas retailer shall maintain separate records for fuel sales and nonfuel sales and shall make such records available upon request by the local tax official.

The provisions of this subsection shall not apply to any person or entity **(i)** not conducting business as a gas retailer in the Town for the entire license year immediately preceding the license year of such increase or **(ii)** that was subject to a license fee in the Town pursuant to 58.1-3703 of the Code of Virginia (1950), as amended for the license year immediately preceding the license year of such increase.

**(Ord. No. 13-96 Removed (C) 12-16-96-Effective Upon Passage)**

**(Ord. No. 06-06 Added (C) 6-26-06-Effective 7-1-06)**

## **98-72 TAXICABS**

For every license for the privilege of transporting baggage or passengers for hire along the public streets and highways of the Town by means of wagons, carts, drays, trucks, automobiles or other wheeled vehicles, not operated over fixed routes or by schedules, there shall be paid a license tax of ten dollars (\$10.) for each vehicle used for passengers or baggage.

**(Ord. No. 2-96 Amended by Removing (B) 2-12-96-Effective Upon Passage)**

## **98-73 WHOLESALE MERCHANTS**

A. Any person conducting, operating or engaging in any of the businesses of a wholesale merchant shall pay an annual license tax equal to eight cents (\$0.08) per \$100.00 of his gross receipts in such business, trade or occupation during the preceding year.

**(Ord. No. 4-98 Amended (A) 2-9-98-Effective Upon Passage)**

B. The businesses, trades or occupations referred to in Subsection A of this section shall include the distribution of the following:

Alcohol **(Ord. No. 4-98 Added "Alcohol" 2-9-98-Effective Upon Passage)**

Automotive parts and supplies

Chemicals

Clothing and furnishings

Coal and coke

Commission merchants who take title (others are classed as brokers)

Drugs

Dry goods  
 Electrical and plumbing goods  
 Farm products or supplies  
 Furniture and house furnishings  
 Groceries and foods  
 Hardware  
 Jewelry  
 Lumber, paint and construction materials  
 Machinery, equipment and supplies  
 Metals and metal work  
 Paper and paper products  
 Petroleum and petroleum products  
 Seafood  
 Soft drinks  
 Sporting goods  
 Tobacco and tobacco products, except leaf tobacco  
 Waste materials  
 Other goods, wares and merchandise  
 Other wholesale merchants

#### 98-74 ALCOHOLIC BEVERAGES

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**BEER** - Includes porter, ale, stout and other like beverages, but not vinous beverages.

B. Bottling business. For each license to a person to do a bottling business as defined in Title 4.1, Code of Virginia, the license tax shall be one hundred sixty dollars (\$160.), plus two dollars (\$2.) per one hundred thousand dollars (\$100,000.) of gross receipts in excess of one hundred thousand dollars (\$100,000.), not to exceed a license tax of \$500.

**(Ord. No. 2-96 Amended State Code Section 2-12-96-Effective Upon Passage)**

C. Selling beer at wholesale. For each license to a person to sell beer by wholesale, in the manner prescribed in Title 4.1, Code of Virginia, the license tax shall be seventy-five dollars (\$75.).

**(Ord. No. 2-96 Amended State Code Section 2-12-96-Effective Upon Passage)**

D. Distributing wine at wholesale. For each wholesale wine distributor's license authorizing a person to distribute wine, in accordance with the terms of Title 4.1, Code of Virginia, the license tax shall be fifty dollars (\$50.).

**(Ord. No. 2-96 Amended State Code Section 2-12-96-Effective Upon Passage)**

E. Selling wine for consumption on and off premises by persons conducting hotel, etc. For each license to a person conducting a hotel, restaurant or club to sell wine for consumption both on

and off the premises, as defined and regulated by Title 4.1, Code of Virginia, the license tax shall be ten dollars (\$10.), plus twelve-hundredths of one percent (12/100 of 1%) of gross receipts, not to exceed a license tax of \$37.50.

**(Ord. No. 2-96 Amended State Code Section 2-12-96-Effective Upon Passage)**

F. Selling beer for consumption on and off premises by person conducting hotel, etc. For each license to a person conducting a hotel, restaurant or club to sell beer for the consumption both on and off the premises, in the manner defined and regulated by Section 4-25, Code of Virginia, the license tax shall be ten dollars (\$10.), plus twelve-hundredths of one percent (12/100 of 1%) of gross receipts, not to exceed a license tax of \$37.50.

**(Ord. No. 2-96 Amended 2-12-96-Effective Upon Passage)**

G. State license prerequisite to issuance of license. No license shall be issued to any person, the license tax for which is set out in this section, unless the applicant therefor holds at the same time or simultaneously procures a state license from the Alcoholic Beverage Control Board.

H. Inspection of premises. All dining rooms, restaurants, lunch rooms and club rooms, wherein the beverages referred to in this section are sold for consumption on the premises, shall at all times be open to inspection by the State Police and the police powers of the county and of the town. Any storeroom or other building from which deliveries are made, either at wholesale or retail by bottlers, wholesalers or retailers, shall at all times be open to like inspection by such police powers. Any violation of the terms of this subsection shall be sufficient grounds for the revocation of the license issued relative to the premises in question.

I. Expiration date of licenses. All licenses, the license taxes for which are set out in this section, shall expire on the 30th day of June.

J. Mixed-beverage restaurant license required; rates and proration of tax.

1. Every person holding a state mixed-beverage restaurant license for an establishment located within the Town shall pay a license tax to the town in the following sums:
  - a. Persons operating restaurants, including restaurants located on premises of and operated by hotels or motels:
    - [1] One hundred dollars (\$100.) per annum for each restaurant with a seating capacity at tables for fifty (50) to one hundred (100) persons.
    - [2] One hundred seventy-five dollars (\$175.) per annum for each restaurant with a seating capacity at tables for more than one hundred (100) but not more than one hundred fifty (150) persons.
    - [3] Two hundred fifty dollars (\$250.) per annum for each restaurant with a seating capacity at tables for more than one hundred fifty (150) persons.

- b. Private nonprofit club operating a restaurant located on the premises of such club: one hundred seventy-five (\$175.) per annum.
2. Expiration date. All licenses shall expire on the 31st day of December next following the date on which they are issued.
3. Proration of tax. The tax on each such license shall be subject to proration to the following extent: If the license issued in the second quarter of any year, the tax shall be decreased by one-fourth (1/4); if issued in the third quarter of any year, the tax shall be decreased by one-half (1/2); and if issued in the fourth quarter of any year, the tax be decreased by three-fourths (3/4).
4. Tax additional to other taxes. The license tax herein imposed shall be in addition to every other tax imposed by this Code.
5. State license required. Before any person shall sell or serve any mixed beverage in the town, he shall make application to the Assessor for the license required by the subsection and pay the tax imposed thereby.

#### **98-75 GOING OUT OF BUSINESS SALES**

A. It shall be unlawful for any person to advertise, or conduct, a sale for the purpose of discontinuing a retail business, or to modify the word "sale" in any advertisement with the words "going out of business" or any other words which tend to insinuate that the retail business is to be discontinued and the merchandise liquidated, unless such person obtains a permit to conduct such sale from the Town of Front Royal Finance Department.

1. All applications for special sale permits shall be accompanied by an inventory, including the kind and quantity of all goods which are to be offered for sale during the sale, and only the goods specified in the inventory list may be advertised or sold during the sale period.
2. Goods not included on the inventory of special sale goods shall not be commingled with or added to the special sale goods. The Town shall have the right to revoke a special sale permit upon proof that goods not appearing on the original inventory of special sale goods have been commingled with or added to the special sale goods.
3. Each special sale permit shall be valid for a period of no longer than sixty days, and any extension of that time shall constitute a new special sale and shall require an additional permit and inventory. A maximum of one permit beyond the initial sixty-day permit may be granted solely for the purpose of liquidating only those goods contained in the initial inventory list which remain unsold.
4. Any person who advertises such sale shall conspicuously include in the advertisement the permit number assigned for the sale by the Town and the effective dates of the sale as authorized in the permit.

(Ord. No. 4-98 Added Entire Section 2-9-98-Effective Upon Passage)