

**ADOPTED**

ORDINANCE NO. 16A-10

**DEC 2 1985**

**BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, SPECIFIC BUSINESSES AND ACTIVITIES, SECTION 9-28, ALCOHOLIC BEVERAGES; SECTION 9-41, BONDSMEN, PROFESSIONAL, AND THEIR AGENTS; SECTION 9-54, DANCE HALLS, ETC., OPEN TO PUBLIC; SECTION 9-55, DETECTIVE AGENCIES AND WATCHMEN; SECTION 9-72, PAWNBROKERS; SECTION 9-83, TATTOOING; SECTION 9-99, VENDORS, ITINERANT; AND ARTICLE IV, COIN-OPERATED MACHINES, DIVISION 1, SLOT MACHINES GENERALLY, SECTION 9-106, LICENSE TAXES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Licenses, is hereby amended and reordained by amending Section 9-28, Alcoholic beverages; Section 9-41, Bondsmen, professional, and their agents; Section 9-54, Dance halls, etc., open to public; Section 9-55, Detective agencies and watchmen; Section 9-72, Pawnbrokers; Section 9-83, Tattooing; Section 9-99, Vendors, itinerant; and Section 9-106, License taxes.

**Chapter 9. Licenses**

**Article II. Specific Businesses and Activities**

**Section 9-28. Alcoholic beverages.**

Every person engaged in dispensing alcoholic beverages shall become

liable for license taxes as follows:

(1) For each distiller's license, \$1,000 per annum; provided that no such local license shall be required for any person who shall manufacture not more than 5,000 gallons of alcohol or spirits or both during such license year;

(2) For each winery license, \$1,000 per annum;

(3) For each brewery license, \$1,000 per annum;

(4) For each bottler's license, \$500 per annum;

(5) For each wholesale beer license, \$75 per annum;

(6) For each wholesale wine distributor's license, \$50 per annum, and for each wholesale druggist license, \$10 per annum;

(7) For each retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each specialty shop and convenience grocery store license, \$37.50 per annum;

(8) For each retail on-premises beer license for a hotel, restaurant or club and for each retail off-premises beer license, \$25, per annum;

(9) Mixed alcoholic beverages.

(a) Persons operating restaurants, including restaurants located on premises of and operated by hotels and motels:

(i) Two hundred dollars per annum for each restaurant with a seating capacity at tables for 50 to 100 persons;

(ii) Three hundred fifty dollars per annum for each restaurant with a seating capacity at tables for more than 100 but not more than 150 persons;

(iii) Five hundred dollars per annum for each restaurant with a seating capacity at tables for more than 150 persons;

(iv) Five hundred dollars per annum for each caterer; and

(v) Mixed beverages special events licenses, ten dollars for each day of each event.

(b) A private, nonprofit club operating a restaurant located on the premises of such club, \$350 per annum.

The aforesaid licenses shall be as respectively defined by the act of the general assembly of Virginia, as heretofore and hereafter amended, known as "The Alcoholic Beverage Control Act" and the terms "alcoholic beverage,"

"alcohol," "spirits," "beer," "wine," and "mixed alcoholic beverage," wherever used in this section shall have the meanings respectively ascribed to them by that act.

No license shall be issued under this section to any person unless such person shall hold or shall secure simultaneously therewith the proper state license required by the "Alcoholic Beverage Control Act", which state license shall be exhibited to the commissioner of the revenue.

Any such license may be amended to show a change in the place of business within the county. Any such license may be transferred from one person to another, provided the person to whom transferred holds at the same time a similar license from the state alcoholic beverage control board. (Ord. No. 16A-7, 11-16-81)

State law reference—Alcoholic Beverage Control Act, Code of Virginia, Section 4-1 et seq. State license tax on alcoholic beverage dispensers, Code of Virginia, Sections 4-38, 4-98.19.

#### Section 9-41. Bondsmen, professional, and their agents.

Every person who shall, for compensation, become or furnish surety for any person or persons charged with a felony or misdemeanor or with violation of any county ordinance or state law, shall pay a license tax of thirty dollars (\$30.00) or thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts, whichever is the greater amount. Such license shall not be transferable.

No professional bondsman licensed under the provisions of this section shall designate any person, association, firm, partnership or corporation as his agent to act in his behalf in furnishing surety for any person or persons.

Nothing in this section shall be construed to conflict with regulatory laws governing conduct, practice or fees of professional bondsmen.

No license shall be issued hereunder for any professional bondsman unless and until there is presented to the commissioner of the revenue a certificate from a judge of the circuit court of James City County permitting the operation of this business and that the professional bondsman is entitled to be so licensed. (Ord. No. 16A-7, 11-16-81)

State law reference—State licenses for bondsmen, Code of Virginia, Section 58.1-3724.

#### Section 9-54. Dance halls, etc., open to public.

Every person engaged in the operation of a dance hall or any commercial hall open to the general public where dancing is permitted, to which an admission fee is charged or for which compensation is in any manner received,

either directly or indirectly, by cover charge or otherwise, shall pay a license tax of thirty dollars (\$30.00) or thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts, whichever is the greater amount.

No license shall be issued hereunder unless and until there is presented to the commissioner of the revenue a permit issued pursuant to Chapter 4A, Dance Halls, from the county administrator permitting or authorizing the operation of this business. (Ord. No. 16A-7, 11-16-81)

Section 9-55. Detective agencies and watchmen.

(a) Every person operating a detective agency, or engaged in a business as a detective, shall pay an annual license tax of thirty dollars (\$30.00) or thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts, whichever is the greater amount.

No license shall be issued hereunder unless and until there is presented to the commissioner of revenue a certificate or permit from the sheriff of this county, recommending the applicant as a person of good moral character with no police record.

(b) Every person operating a business or agency furnishing watchmen, including ship watching for compensation, shall pay an annual license tax of thirty dollars (\$30.00) or thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts, whichever is the greater amount. (Ord. No. 16A-7, 11-16-81)

Section 9-72. Pawnbrokers.

Every person engaging in the business of a pawnbroker shall pay an annual license tax of thirty dollars (\$30.00) or thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts, whichever is the greater amount.

For the purpose of this section a pawnbroker shall be deemed to mean any person who shall in any manner lend or advance money or other things or profit on the pledge and possession of personal property or other valuable things other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Every person displaying to the public by painted, or otherwise, the three balls commonly used to designate the pawnbroker's business shall be deemed a pawnbroker and be subject to the license tax required in this section.

No license shall be issued hereunder unless and until there is presented to the commissioner of the revenue a certificate from the circuit court permitting the operation of this business.

No license issued under this section shall be proratable or transferable. (Ord. No. 16A-7, 11-16-81)

Section 9-83. Tattooing.

Every person engaged in the business of tattooing in this county shall pay an annual license tax of thirty dollars (\$30.00) or thirty-six cents (\$.36) per one hundred dollars (\$100.00) of gross receipts whichever is the greater, which license shall not be proratable.

No license shall be issued hereunder unless and until there is presented to the commissioner of the revenue a certificate from the county administrator permitting the operation of this business. (Ord. No. 16A-7, 11-16-81)

Section 9-99. Vendors, itinerant.

Every person who shall engage in, do or transact any temporary or transient business in this county for the sale of goods, wares and merchandise and who, for the purpose of carrying on such business shall hire, lease, use or occupy any building or structure, motor vehicle, tent, car, boat or public room, or any part hereof, including rooms in hotels, lodging houses or houses or private establishments or in any street, alley or other public place, for a period of less than one year, for the exhibition of or sale of such goods, wares or merchandise, shall pay for such privilege, in addition to a merchant's license tax, a specific license tax of five hundred dollars (\$500.00).

Every person who has not been licensed for at least one year to sell or offer for sale goods, wares or merchandise under this chapter and who shall apply for a license to offer or sell goods, wares or merchandise within this county shall file with such application an affidavit from the owner of the building, structure, etc., to be used by such applicant, showing for what period of time the property to be used by such applicant has been hired or leased by such applicant, and no license shall be issued unless and until such affidavit is attached to the application; provided, that the commissioner of the revenue may, in lieu of the foregoing affidavit, issue a regular merchant's or regular auctioneer's license to any applicant upon the giving of a bond or security in such amount as will equal the specific tax required by this chapter for a period of one year from the date of the application of such license, and such bond or security shall provide that such amount shall be paid to James City County in the event and at any time during any such year that the commissioner of the revenue shall receive sufficient evidence showing that it was the applicant's intention to engage in or transact a temporary or transient business in this county.

No person shall be exempt from the payment of the license tax imposed by this section by reason of association temporarily with any local merchant, dealer, trader or auctioneer, or by reason of conducting such temporary or transient business in connection with or as a part of the business in the name of any local merchant, dealer, trader or auctioneer.

The provisions of this section shall not apply to the sale at auction of any wagon, carriage, automobile, mechanics tools, used farming implements, livestock, poultry (dressed or undressed), seafood, vegetables, fruits,

melons, berries, flowers, leaf tobacco, or for sale of used household furniture and used household effects when being sold at the residence of the housekeeper desiring to dispose of the same; nor to sales made to dealers by commercial travelers or selling agents to regularly established merchants or of manufacturers selling to the trade by sample for future delivery from their established place of business, not to the sale of products raised upon lands leased or owned by the seller nor the sale of vegetables, fruits or other farm products, not to hawkers on the streets nor to the sales of any goods by an assignee, trustee, executor, fiduciary, officer in bankruptcy or other officer appointed by any court of this commonwealth or of the United States, nor to peddlers for whom licenses are otherwise provided by this chapter. (Ord. No. 16A-7, 11-16-81)

State law reference—Code of Virginia, Sections 58.1-3717, 58.1-3719.

#### ARTICLE IV. COIN-OPERATED MACHINES\*

##### DIVISION 1. SLOT MACHINES GENERALLY\*\*

###### Section 9-106. License taxes.

The license tax imposed on any amusement operator, as defined herein, may be imposed in any amount not exceeding the sum of two hundred dollars (\$200.00). The term "amusement operator" means any person leasing, renting or otherwise furnishing or providing a coin-operated amusement machine or device operated on the coin-in-the-slot principle; provided, however, the term "amusement operator" shall not include a person owning less than three (3) coin machines and operating such machines on property owned or leased by such person. Notwithstanding the situs requirements of Code of Virginia, Section 58.1-3707, this license tax is imposed on the amusement operator when any such coin-operated machine or device operated on the coin-in-the-slot principle of such amusement operator is located therein.

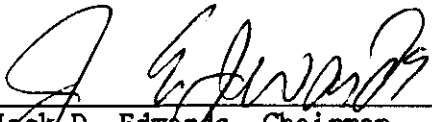
Any person having anywhere in this county a machine of any description into which are inserted nickels or coins of larger denominations to dispose of articles of merchandise or for the purpose of operating devices that operate on the coin-in-the-slot principle, used for gain except a telephone, shall pay for every such machine or device, a license tax of twenty-five dollars (\$25.00) per year, except that for each coin-operated musical machine, the license tax shall be ten dollars (\$10.00) per year.

This section shall not be applicable to operators of weighing machines, automatic baggage or parcel checking machines or receptacles, nor to operators of vending machines which are so constructed as to do nothing but vend goods, wares and merchandise or postage stamps or provide service only, nor to operators of viewing machines or photomat machines, nor operators of devices or machines affording rides to children or for the delivery of newspapers.

No license shall be imposed on any vending machine under the ownership or supervision of any state commission or state agency. (Ord. No. 16A-7, 11-16-81)

\*Editor's note—Ord. No. 16A-7, amended Article IV to read as herein set out. Prior to such amendment, Article IV was derived from Ord. of Dec. 31, 1971, Sections 105—112.

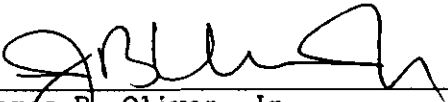
\*\*State law reference—State licensing of slot machines generally, Code of Virginia, Sections 58.1-3720—58.1-3723.



---

Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:



---

James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,  
this 2nd day of December, 1985.

0146U

<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
DEPUE	AYE
EDWARDS	AYE
MAHONE	NAY
TAYLOR	NAY