

## Chapter 5 BUSINESSES\*

\*Cross references: Taxation, Ch. 29.

State law references: Authority to regulate and license businesses, G.S. 153A-134.

### ARTICLE I. IN GENERAL

#### Sec. 5-1. Purchasers of pine straw.

- (a) The provisions of this section are adopted pursuant to the authority contained in G.S. 153A-134 and G.S. 153A-121.
- (b) Every person, engaged in the purchase of pine straw in the county shall keep a book in which shall be legibly written, at the time of each transaction, the following information:
  - (1) An account of each transaction, including the quantity of pine straw purchased, which shall include the number of bales purchased if in that form or, if not, by truckload quantity or any other conveyance used for transporting the pine straw to the place of business of the purchaser.
  - (2) The amount of money paid for the pine straw.
  - (3) The date of the transaction.
  - (4) The name and place of business or residence of the person, firm or corporation selling the pine straw to the purchaser.
  - (5) The purchaser or his employee or agent shall require the person, firm or corporation selling such pine straw to present two forms of positive identification, identifying the person or the representatives of the firm or corporation as the case may be; provided, however, that the presentation of any one state or federal government issued identification containing a photographic representation imprinted thereon shall constitute compliance with the identification requirements of this paragraph. The purchaser or his employee or agent shall legibly record this identification information next to the person's name and residence in the book heretofore required to be kept.
  - (6) In addition, sellers of pine straw shall also be required to make available to the purchaser the license number and registration information of the vehicle used to transport such pine straw.
  - (7) Such book shall be a permanent record to be kept at all times on the premises of the place of business of the purchaser and shall be made available, during regular business hours, to any law enforcement officer who requests to inspect the book.

- (8) Any purchaser who fails to keep and maintain records as required by this ordinance shall be guilty of committing a misdemeanor and upon conviction, shall be punished by a fine of up to \$500.00 as provided by G.S. 14-4.

(Ord. of 12-7-1987(1))

**Secs. 5-2--5-30. Reserved.**

## **ARTICLE II. MESSAGE PARLORS, HEALTH SALONS AND RELATED BUSINESSES\***

### **Sec. 5-31. Purpose of article.**

- a) To protect public health, safety, welfare and morals, the following privilege license provisions and regulations are ordained for the privilege of carrying on the business, trade, or profession of massagist and for the operation or carrying on of the businesses, trades, or professions commonly known as massage parlors, bath parlors, health salons, physical culture studios, or similar establishments wherein massage or physical manipulation of the human body is carried on or practiced.
- b) The provisions of this article shall not apply to a regularly established and licensed hospital, sanitarium, nursing home, nor to an office or clinic operated and regularly used by a duly qualified and licensed medical practitioner, osteopath, or chiropractor in connection with the practice of medicine, chiropractic or osteopathy; nor will they apply to any treatment given in the residence of a patient if administered by a licensed physician, osteopath or registered physical therapist or chiropractor.

(Ord. of 4-6-1992, § 1)

### **Sec. 5-32. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business or profession of massage means the massage or treatment of any person for a fee or in expectation of a gratuity from the person massaged.

Massage means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

Massage and bodywork therapy means systems of activity applied to the soft tissues of the human body for therapeutic, educational, or relaxation purposes. The application may include:

- (1) Pressure, friction, stroking, rocking, kneading, percussion, or passive or active stretching within the normal anatomical range of movement.
- (2) Complementary methods, including the external application of water, heat, cold, lubricants, and other topical preparations.
- (3) The use of mechanical devices that mimic or enhance actions that may possibly be done by the hands.

Massage and bodywork therapist means a person licensed under this article.

Massage business means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, and massage parlors.

Massagist means any persons engaged in the business or profession of massage.

Practice of massage and bodywork therapy means the application of massage and bodywork therapy to any person for a fee or other consideration. The term "practice of massage and bodywork therapy" does not include the diagnosis of illness or disease, medical procedures, chiropractic adjustive procedures, electrical stimulation, ultrasound, prescription of medicines, or the use of modalities for which a license to practice medicine, chiropractic, nursing, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.

Private parts mean the penis, scrotum, mons veneris, vulva or vaginal area.

(Ord. of 4-6-1992, § 2; Ord. of 9-11-2000)

Cross references: Definitions generally, § 1-2.

### **Sec. 5-33. Prohibited acts.**

- (a) It shall be unlawful for any massage business to knowingly provide, allow or permit a massage or treatment to be given by a person to a person of the opposite sex.
- (b) It shall be unlawful for any massagist to massage or treat persons of the opposite sex.
- (c) It shall be unlawful for any person to massage or to offer to massage the private parts of another for hire.
- (d) It shall be unlawful for any person to practice or engage in massage or bodywork therapy for hire unless he is a licensed massage or bodywork therapist, pursuant to G.S. 90-620 et seq.
- (e) It shall be unlawful for any person to solicit business for him or her to perform massage or bodywork therapy unless (i) that person is a licensed massage or bodywork therapist, pursuant

to G.S. 90-620 et seq., and (ii) such solicitation complies with any regulations promulgated by the state board of massage and bodywork therapy.

(Ord. of 4-6-1992, § 3; Ord. of 9-11-2000)

**Sec. 5-34. Licensing.**

(a) No person shall operate a massage or bodywork therapy business unless such person shall have first applied for and received a privilege license from the city-county tax collector.

(b) No person shall engage in the business or profession of massage or bodywork therapy unless such person shall have first applied for and received a privilege license from the city-county tax collector. Each application shall be accompanied by a medical certificate signed by a physician that the applicant was examined by the physician and that the applicant is free of any communicable disease. A new medical certificate shall be required with each application for renewal of the privilege license.

(Ord. of 4-6-1992, § 4; Ord. of 9-11-2000)

**Sec. 5-35. Restriction on licensees.**

No person licensed under section 5-34 shall permit any person to practice massage or bodywork therapy or treat any person upon the premises operated by the licensee unless the person giving such massage, therapy, or treatment has been issued a license as required by this article and a massage or bodywork therapy license pursuant to G.S. 90-620 et seq.

(Ord. of 4-6-1992, § 5; Ord. of 9-11-2000)

**Sec. 5-36. Penalties and enforcement.**

Violation of this article will constitute a misdemeanor punishable by a fine of \$500.00 as provided in G.S. 14-4. This article may be enforced by an appropriate equitable remedy issuing from the state general court of justice as provided by G.S. 153A-123.

(Ord. of 4-6-1992, § 6)

**Secs. 5-36--5-50. Reserved.**

## **ARTICLE III. YARD SALES AND FLEA MARKETS**

**Sec. 5-51. Purpose of Article**

To define and differentiate between normal home and neighborhood yard sales and flea markets. In addition to set standards, frequency, and location of such activity within the jurisdiction of Richmond County. The regulations found within this section do not purport to regulate those sales or activities already regulated by other State or County laws or regulations.

### **Sec. 5-52. Definitions**

**Flea Market.** An open-air market for the sale of new and/or second-hand articles and goods by one or more merchants, which is conducted on an open non-residential lot

**Yard Sale (Garage Sale, Attic Sale, Rummage Sale).** An occasional sale conducted by a household or a group of households, or by a nonprofit organization on its own premise, at which surplus and primarily used household goods and/or clothing are sold. Yard sales conducted by a household or group of households shall be those conducted on residential premises of one or more of those households.

### **Sec. 5-53. Standards – Yard Sales**

1. Yard sales shall be a permitted use in zoning districts defined as residential by the Richmond County Zoning Ordinance, so long as they are conducted on a tract of land that has an occupied dwelling.
2. Each yard sale shall be limited to the daylight hours of 2 consecutive days.
3. Yard sales shall be limited to a maximum of 6 per calendar year per property with an interval of at least 2 months between sales.
4. The yard sale operator shall provide parking for his or her yard sales so as to not impede the normal flow of traffic the roadways in the area around the yard sale.
5. Yard sales shall not include items purchased elsewhere expressly for resale.
6. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day(s) of the sale.
7. Commercial outdoor sales activities are prohibited at yard sales.

### **Sec. 5-54. Standards – Flea Markets**

1. Flea markets shall be permitted uses only in non-residential zoning districts or as conditional uses in the Commercial Overlay Districts as defined by the Richmond County Zoning Ordinance.
2. Flea market operators must have the appropriate business licenses and permits from the Office of the Richmond County Tax Collector.
3. Flea market operators shall provide sanitary conditions at all times and must comply with the requirements of the Richmond County health Department.

4. Flea market operators shall maintain at all times a current list of vendors that are renting space within the Flea Market area. Such list shall include name, address and telephone number of the vendor, location (or booth) at which vendor is located, and type of products or material being sold by vendor. Such information shall be kept by the flea market operator for a period of 1 one year. The flea market operator shall make such list available to inspection by the Code Enforcement Administrator as well as law enforcement agencies at any time during hours of operation.
5. Flea markets are allowed to operate only 3 days a week.
6. Flea markets shall comply at al times with all other state and local laws and regulations, including (but not limited to) Health Department regulations.

**Sec. 5-55. Penalties and enforcement.**

Violation of this article will constitute a misdemeanor punishable by a fine of \$500.00 as provided in G.S. 14-4. This article may be enforced by an appropriate equitable remedy issuing from the state general court of justice as provided by G.S. 153A-123. Furthermore, any act constituting a violation of the provisions of this Article or a failure to comply with any of its requirements shall also subject the offender to a civil penalty as authorized in Sec 1-6 of this Code and GS 153A-123.

The County has the right to enjoin immediately any flea market or yard sale operating in violation of this ordinance.

(Ord. of 10/2/2006)

**Secs. 5-56--5-60. Reserved.**

State law references: Adult establishments, G.S. 14-202.10 et seq.; massage therapy, G.S. 90-620 et seq