



Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Work Session
4:00 PM Monday, June 23, 2025
Train Depot, 614 Broad Street

Call To Order

Roll Call

Agenda Approval

Presentations

- [1.](#) Sunny Day Flooding Research Project Update - Dr. Miyuki Hino & Dr. Katharine Anarde
- [2.](#) Duke Engage Students- Gianna Rodriguez & Connor Ennis

Items for Discussion and Consideration

- [1.](#) The Periwinkle Event Application- Pride Parade R. Johnson
- [2.](#) Beaufort Waterfront Operations and Finance Committee
a. Fuel Farm Installation M. Zapp
i. Staff Seeks Authorization to Apply to the LGC for Funding
- [3.](#) Godette Hotel Update- 400 Pollock Street A. Grady
- [4.](#) Ordinance Review- Chapter 113. Itinerant Merchants M. Zapp

Staff Comments

Adjourn



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**Board of Commissioners
Work Session Meeting
4:00 PM Monday, June 23, 2025**

AGENDA CATEGORY: Presentation
SUBJECT: Sunny Day Flooding Research Project Update
Dr. Miyuki Hino and Dr. Katharine Anarde

BRIEF SUMMARY:

Since Spring of 2021, Dr. Miyuki Hino, her colleagues, and research teams have been monitoring flood events in Beaufort and other coastal areas as part of the Sunny Day Flooding Project. The area of Beaufort on Front Street near the intersection of Queen Street was chosen because of persistent sunny day flooding due to extreme high tides. The primary means of flood data collection consists of a water level sensor installed in a catch basin on Front St, a camera pointed at Front St to capture the spread of flooding across the roadway, and tidal data from NOAA. In Spring of 2023 the Town installed a backflow preventer in the stormwater outfall pipe. Prior to the installation of the backflow preventer, the frequency and intensity of the flooding made the road impassable and affected many businesses in the area. The project update will show the most recent tidal data collected from the project and analyze the effectiveness of the backflow preventer.

REQUESTED ACTION:

N/A

EXPECTED LENGTH OF PRESENTATION:

30 minutes

SUBMITTED BY:

Sam Bell, PE, Town Engineer

BUDGET AMENDMENT REQUIRED:

No



Research Update: Measuring the Incidence and Drivers of Coastal Flooding in Beaufort

Dr. Miyuki Hino, Assistant Professor, City and Regional Planning, UNC

Dr. Katherine Anarde, Assistant Professor, Civil & Environmental Engineering, NCSU

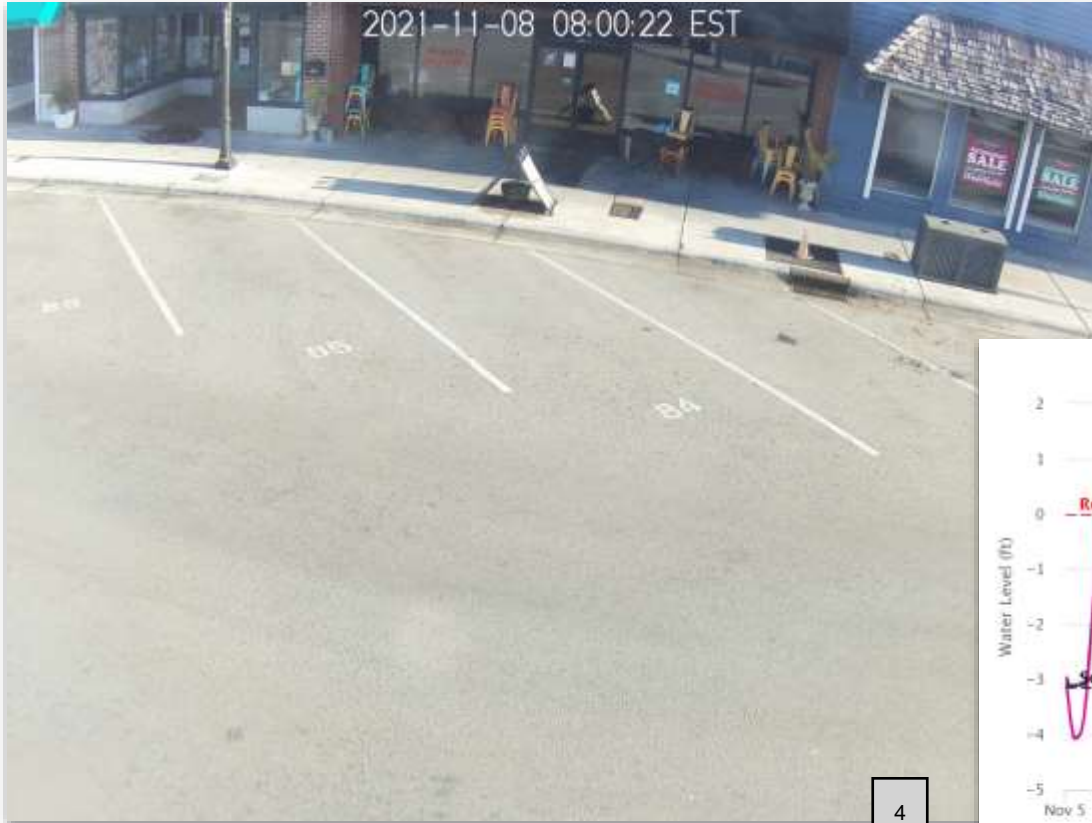


THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

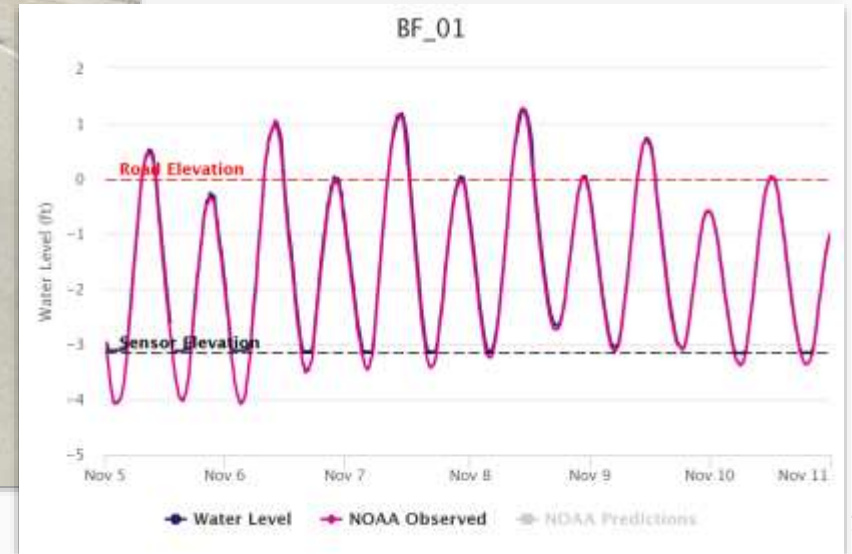


Sensor and camera have been deployed on Front St. Since spring 2021

1.



4



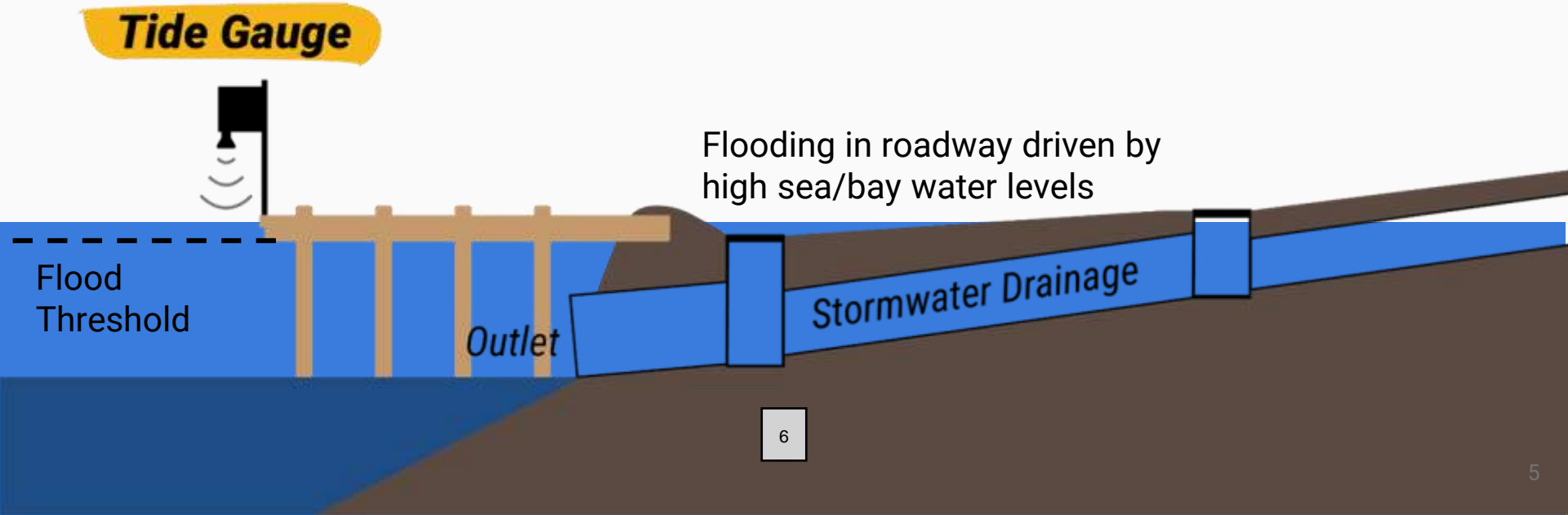
2

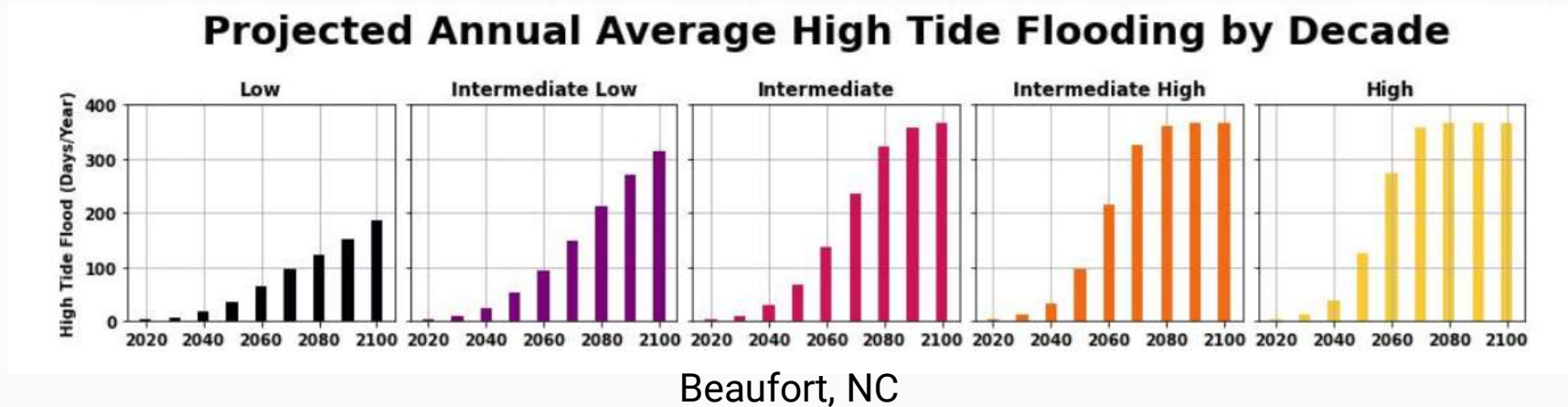
1

Updated flood data from 2023-2024 and comparison against tide gauge records

2

Analysis of backflow preventer effectiveness





The water level thresholds used to classify high-tide floods “provide more consistent national coastal flood metrics,” but are not intended to “supplant knowledge about local flood risk.”

Tide gauges are sparse – located in more urban, developed areas

1.

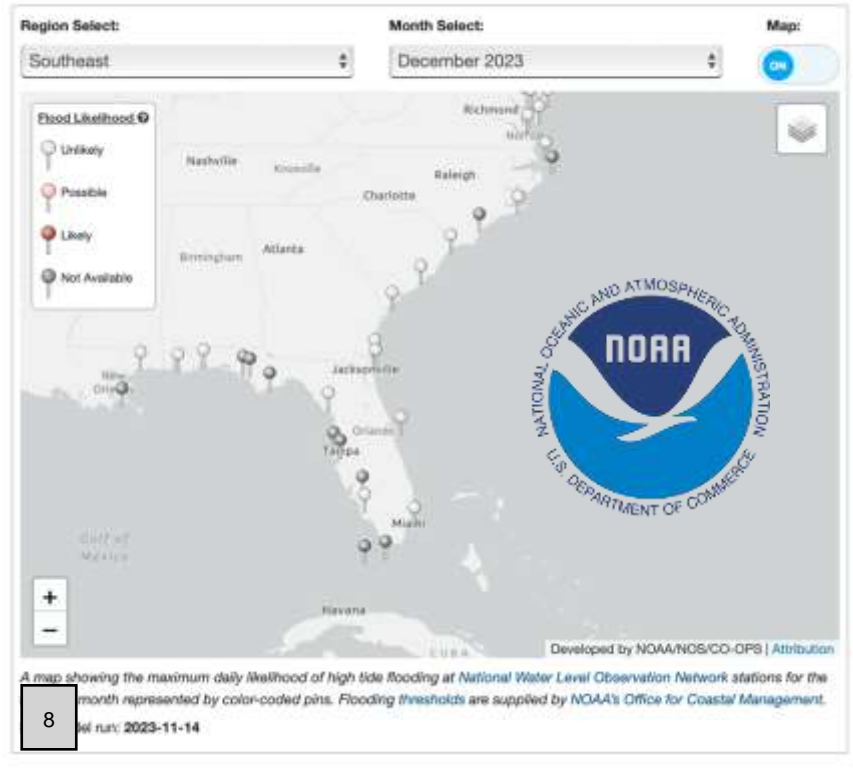
Tide Gauge



Flood
Threshold

Outlet

Monthly High Tide Flooding Outlook



8

Tide gauges are not intended to capture all sources of flooding

1.

Tide gauges *do not* capture:

- **Flooding from rainfall**
- **Flooding from high groundwater**



Tide Gauge

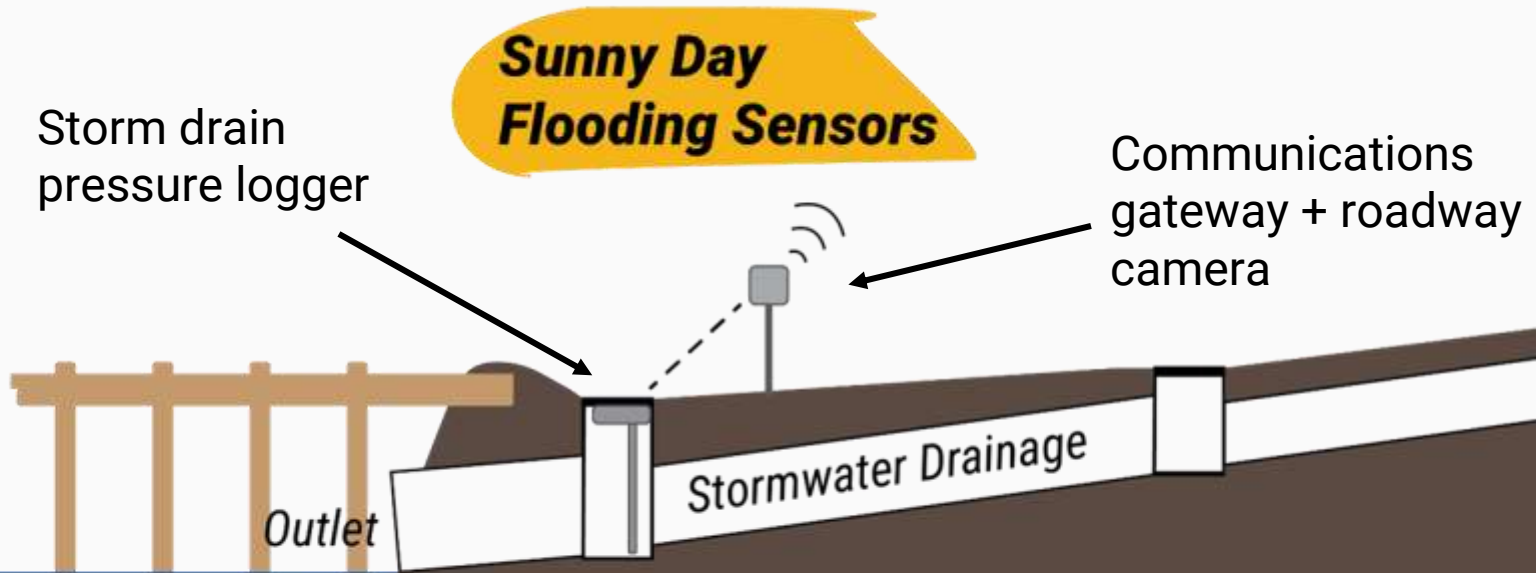


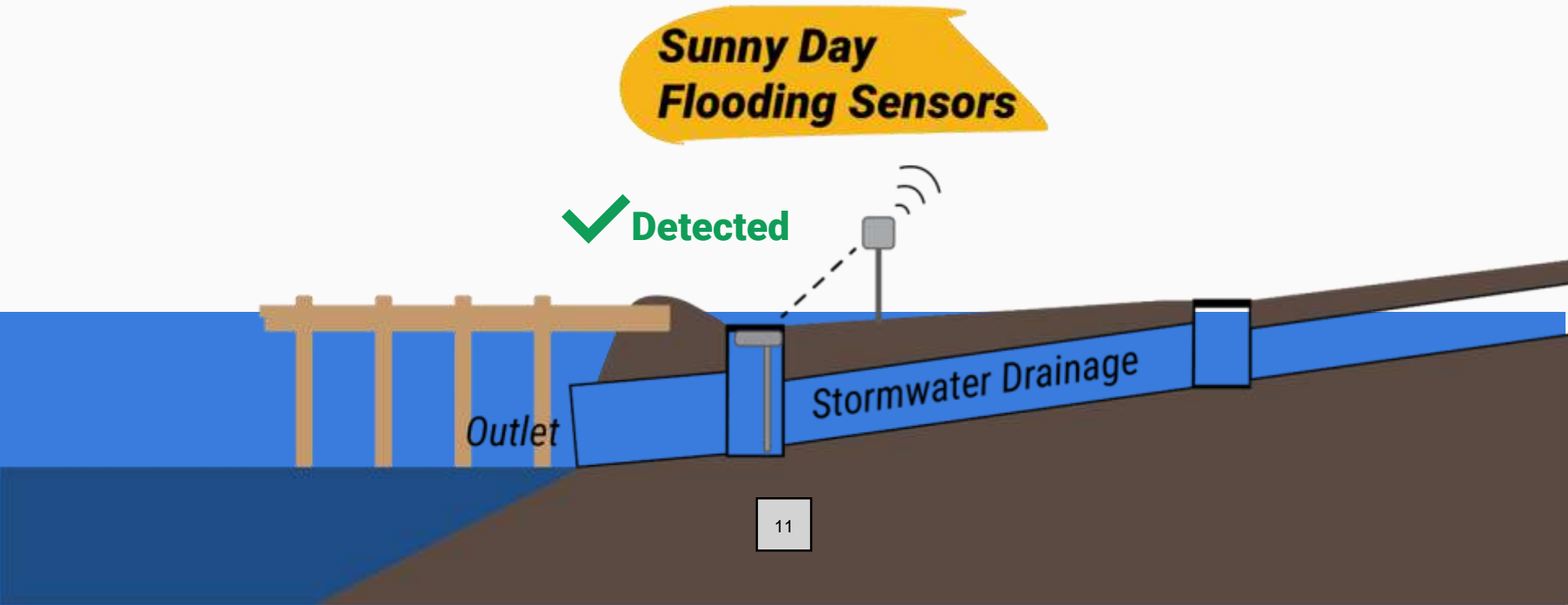
Flood
Threshold

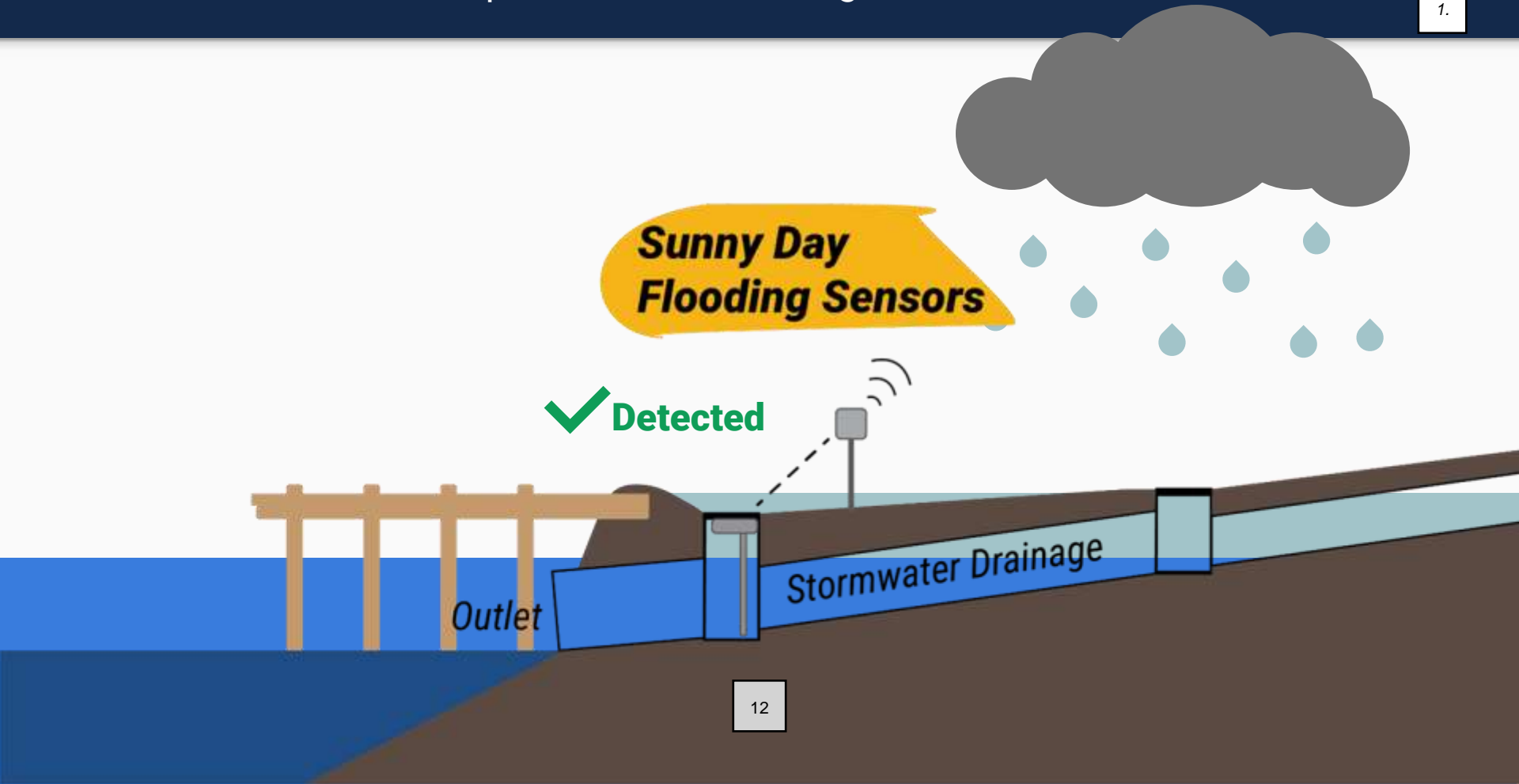
Outlet

Stormwater Drainage

9







Reality check: it is flooding (on land) more than (sparse) tide gauges suggest

1.



May 1, 2023 – April 30, 2024

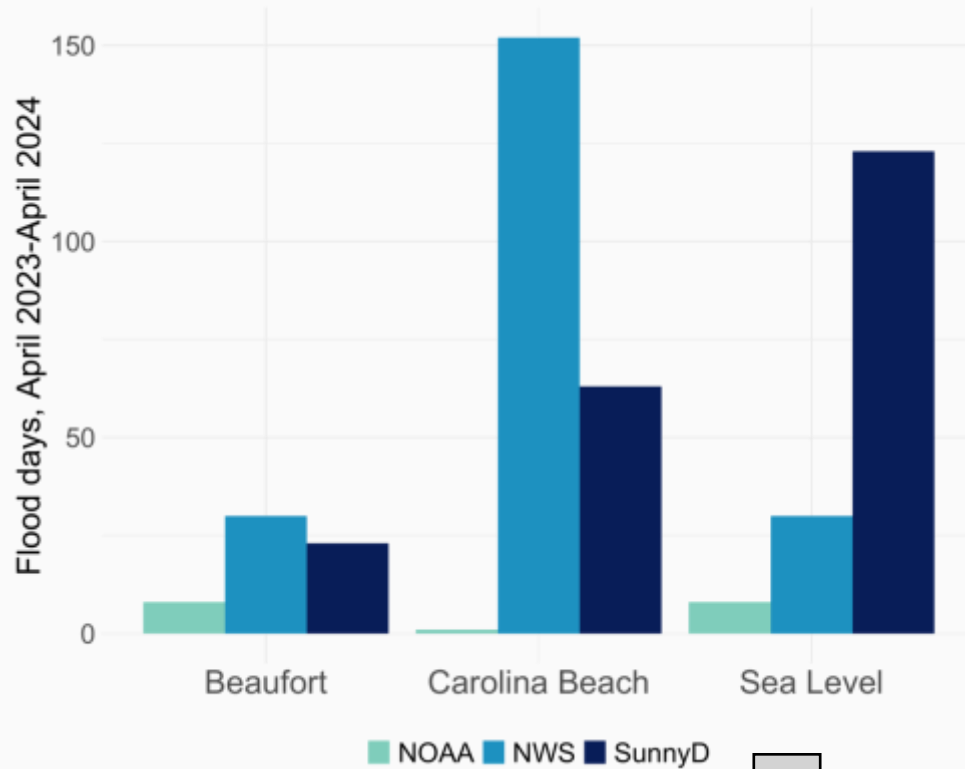
13

Flood: any amount of (salt) water on road outside of extreme storm event

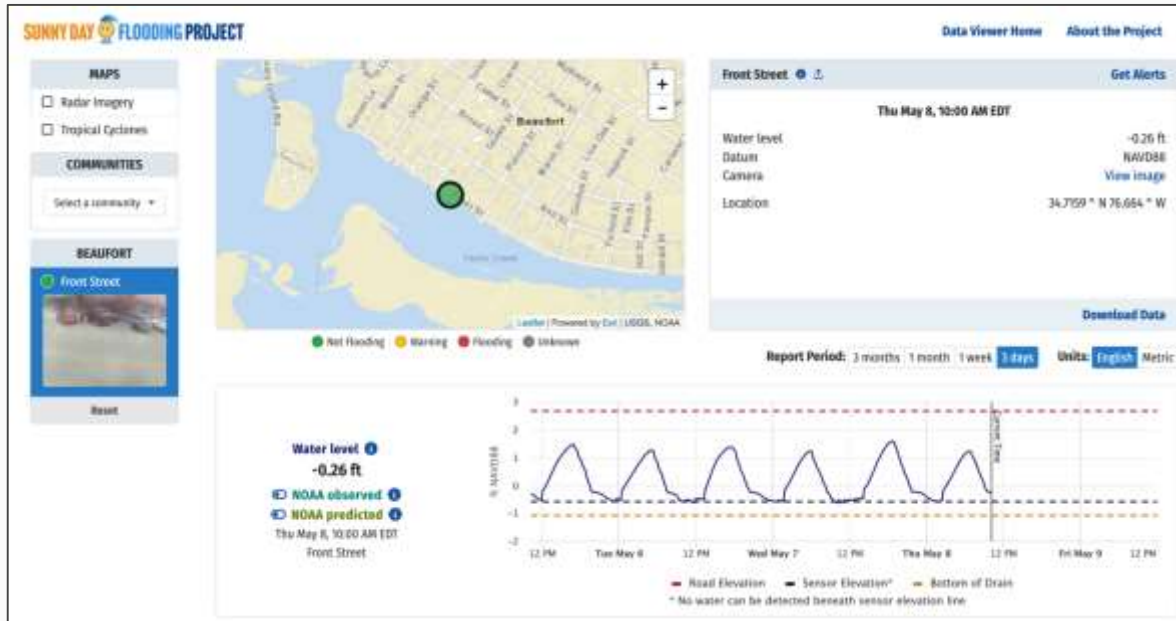
(Source: flood cameras)

Tide gauge-based proxies do not accurately capture flood frequency on land

1.



NOAA and NWS estimates are based on the NOAA Beaufort gauge for Beaufort and Sea Level, and the NOAA Wilmington gauge for Carolina Beach.



1

Updated flood data from 2023-2024 and comparison against tide gauge records

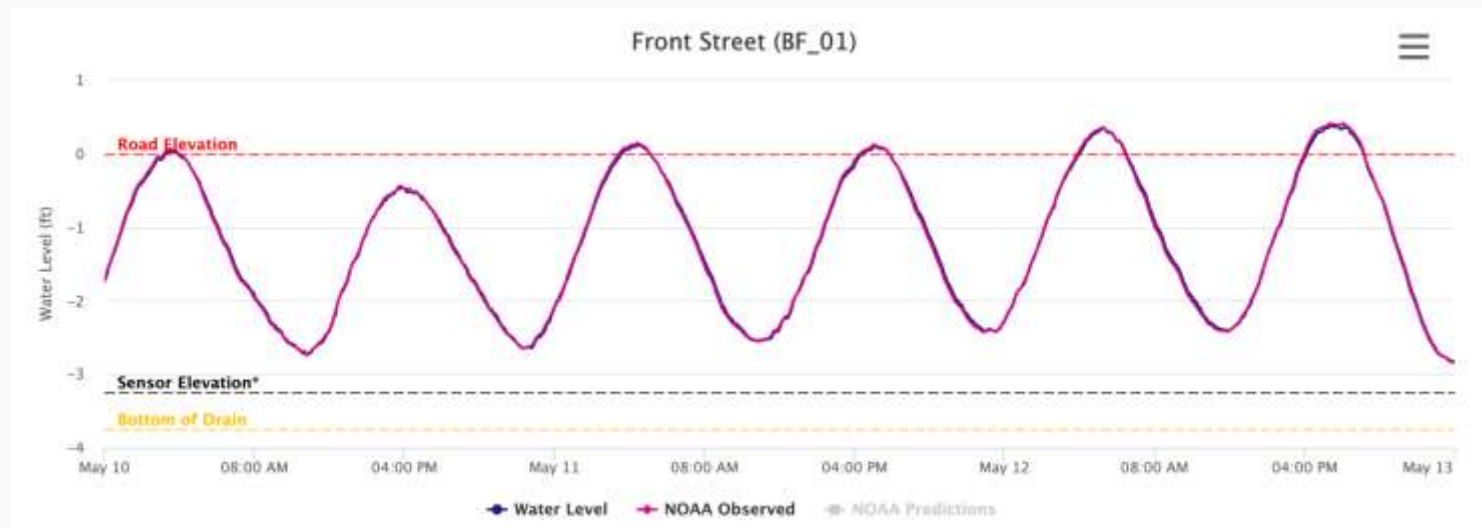
2

Analysis of backflow preventer effectiveness

Before the backflow preventer, our sensor matched tide gauge water level readings

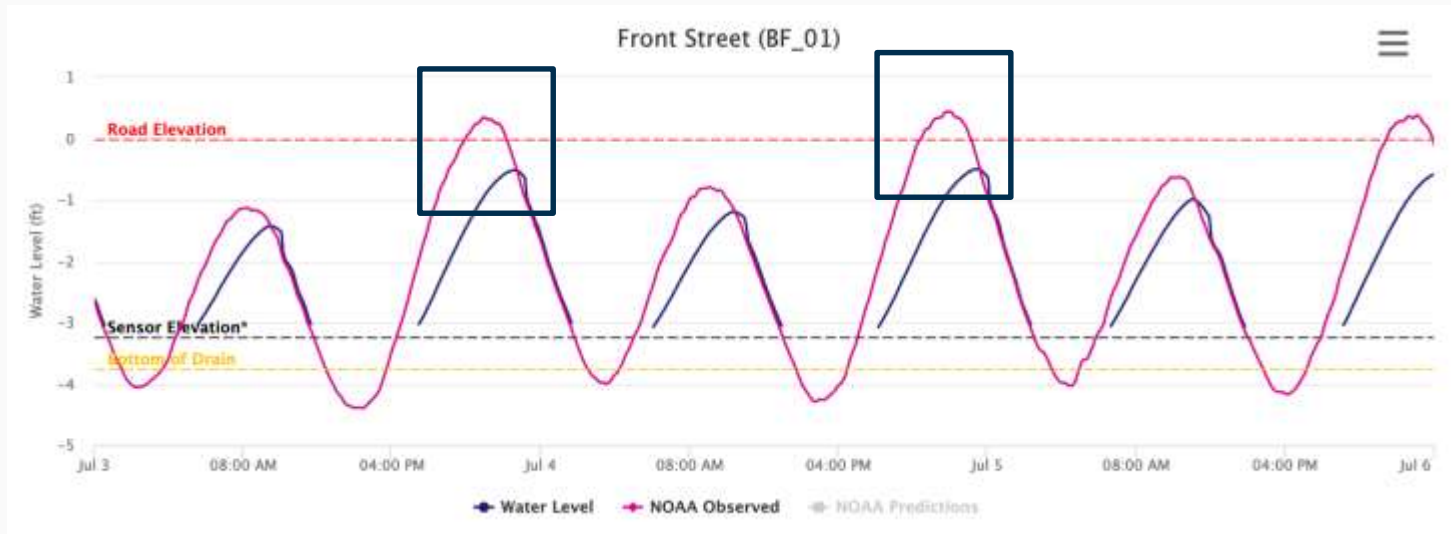
1.

Tide gauge and sensor water levels with exceedances on May 10-12, 2022



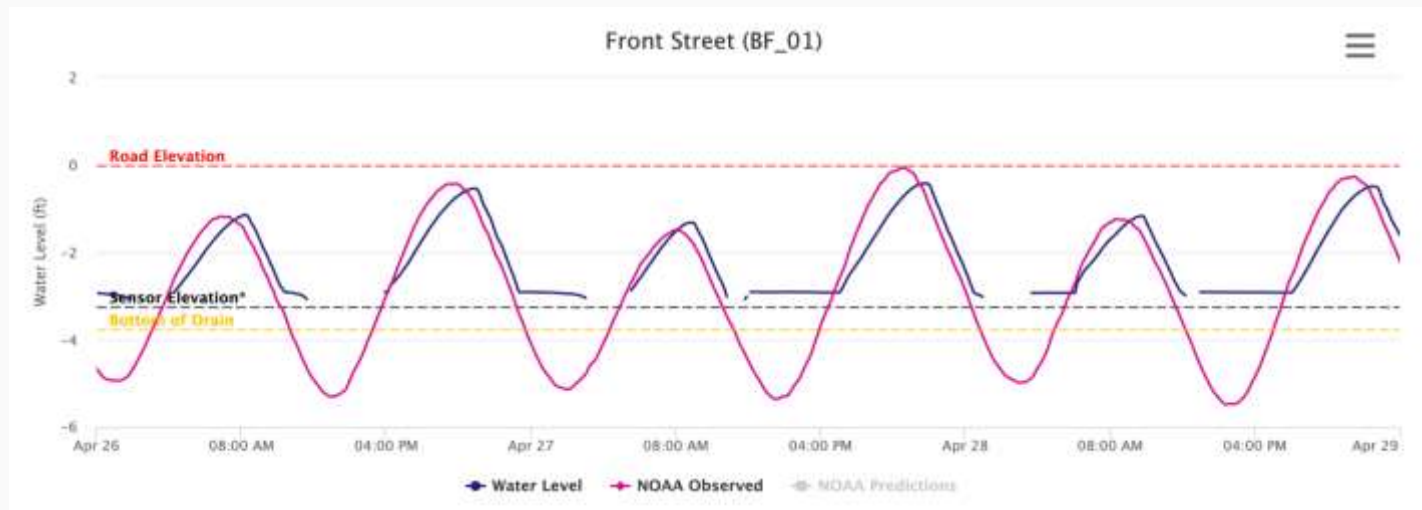
After installation, sensor water levels can be lower with delayed peaks

Tide gauge and sensor water levels with avoided floods July 4-6, 2023



Over time, backflow preventer can become less effective

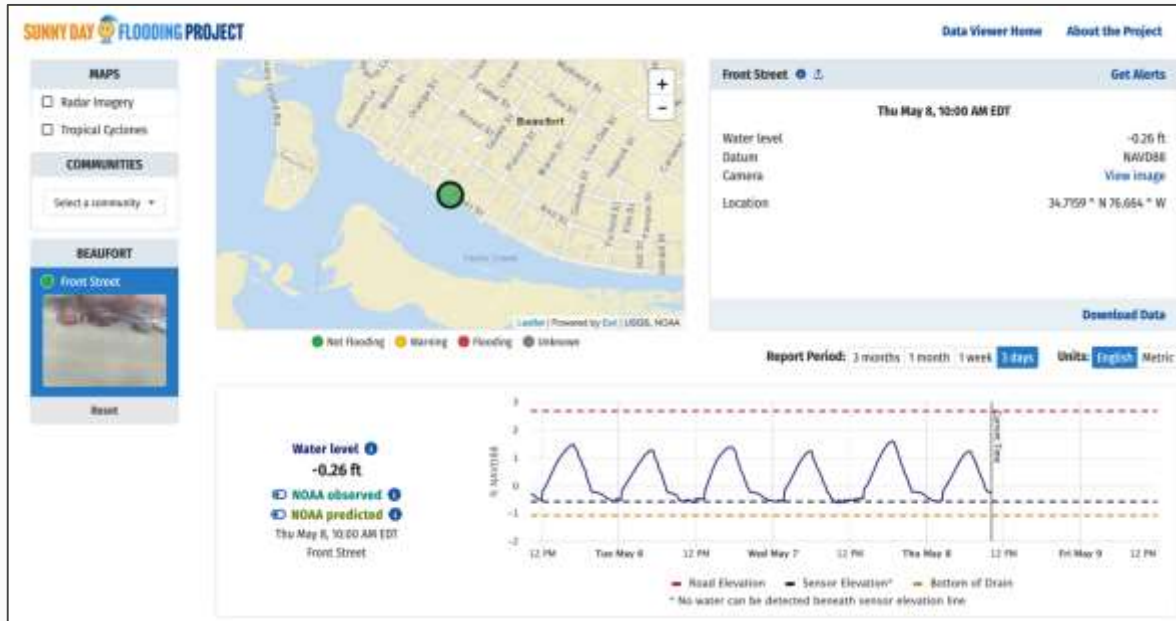
Tide gauge and sensor water levels April 26-29, 2025 during the last King Tide



1. During the first year after installation, the backflow preventer helped avoid 54 floods.

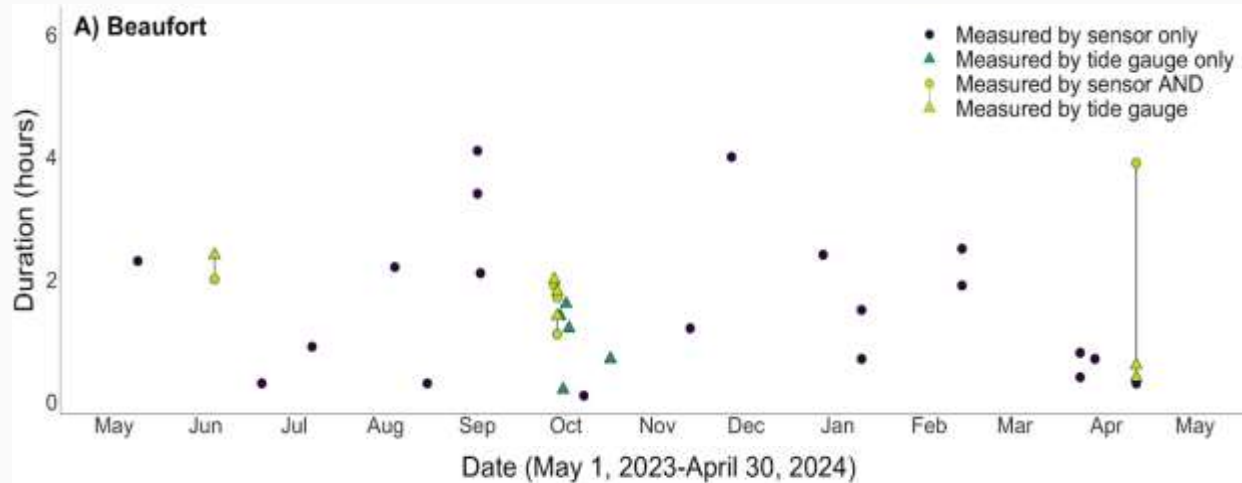
We count an "avoided flood" as whenever the water level at the tide gauge is higher than the elevation of Front St., but our sensor does not record flooding at that time.

2. There were 20 days of flooding from 2023-2024. Flooding can still occur because the backflow preventer does not completely block out bay water from entering the drain, and because of rainfall and other flood drivers.

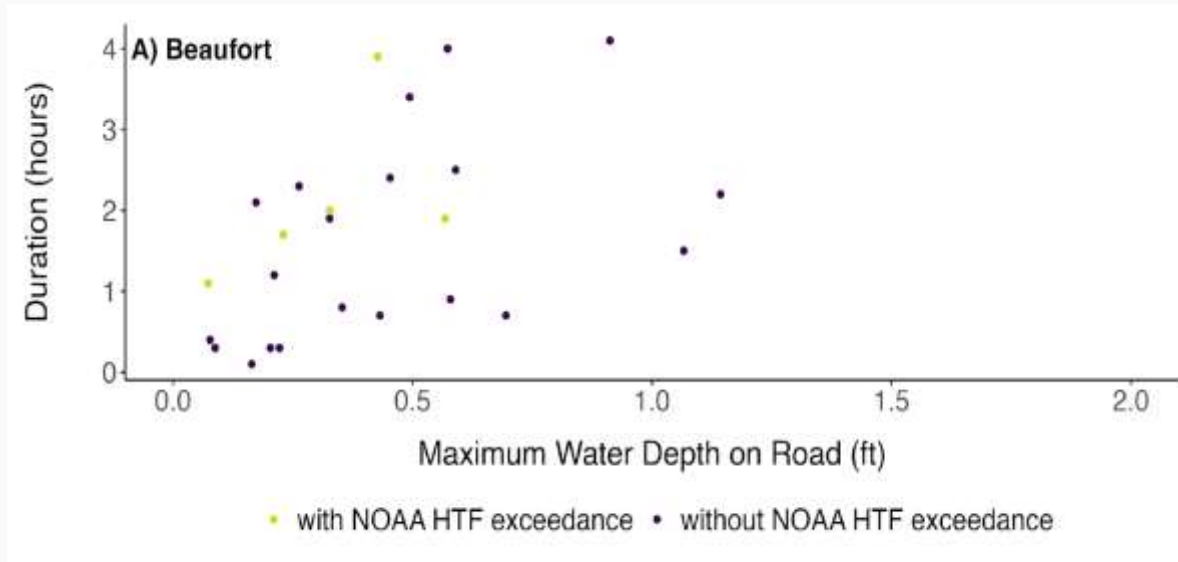


COASTAL RESILIENCE CENTER
A U.S. Department of Homeland Security Center of Excellence

Duration of floods measured by sensor and tide gauge



Duration of floods by depth with and without NOAA HTF exceedance





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Board of Commissioners

**Work Session Meeting
4:00 PM – Monday, June 23, 2025**

AGENDA CATEGORY: Presentation
SUBJECT: Duke Engage

REQUESTED ACTION: Receive a presentation from two Duke Engage Summer Interns, Gianna Rodriguez and Connor Ennis.

Over the past six weeks, Gianna and Connor have been working closely with the Town as part of their internship, focusing on the theme of third spaces, public interaction, and community possibilities. Their presentation will highlight observations, research findings, and ideas developed during their time in Beaufort.

As part of their process, the interns have already presented to and received feedback from both the Parks & Recreation Advisory Board and the Beaufort Waterfront Operations and Finance Committee. Their final presentation to the Board of Commissioners will incorporate insights gathered from those discussions.

We look forward to hearing their thoughtful reflections and recommendations as part of their concluding project with the Town.

EXPECTED LENGTH OF PRESENTATION:

15-20 Minutes

SUBMITTED BY:

Rachel Johnson, Public Information Officer/Parks & Events Coordinator/Deputy Clerk



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Board of Commissioners

**Work Session Meeting
4:00 PM – Monday, June 23, 2025**

AGENDA CATEGORY: Items for Discussion & Consideration
SUBJECT: Pride Parade

REQUESTED ACTION: Consider approval of the event application for the Periwinkle to host a Pride Parade event on Saturday, June 28, 2025. The event is scheduled to start at 5 p.m. and to be complete by 6 p.m. with parade lineup at 4:30 p.m. The parade is limited to pedestrians.

The event will involve a temporary road closure of Middle Lane. While the event will only be an hour or less, the PD may need to block Middle Lane from 6 a.m. until the end of the event. Vehicles parked along Middle Lane will not be permitted to move during the parade. The applicant will be responsible for making proper notifications. The applicant will carry event insurance as outline in the Town's event ordinances.

Beaufort Public Safety has reviewed the event and worked with the organizer on the route and has submitted their approval of the proposed route. They have indicated the need to deploy vehicle barricades for the safety of participants. The barricades require staff to monitor. The Police Chief will monitor the anticipated safety needs for additional personnel.

The event would also like to ask the Town to consider an alcohol waiver for Middle Lane during the event so participants may consume alcohol along the parade route. Partnering businesses for the event include the Cru Bar, Backstreet Pub and 127 Middle Lane.

Other than the temporary road closures and assistance of on-duty public safety staff during the closure period, no other Town resources have been requested.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Rachel Johnson, Parks & Events Coordinator

APPLICATION FOR
PARADE
OR GROUP DEMONSTRATION
PERMIT
TOWN OF EAUFORT,
NC

In accordance with Chapter 72 of the Town of Beaufort Code of Ordinances a single, nonrecurring parade or public assembly application for permit shall be filed with the Town Clerk at least three (3) days before the parade or public assembly is proposed to commence.

1. THIS APPLICATION IS FOR PARADE PERMIT GROUP DEMONSTRATION

2. APPLICANT'S NAME: davis beckie

3. CURRENT ADDRESS: 110 middle lane beaufort 28516

4. TELEPHONE: () 252-229-3553 EMAIL: theperiwinklenc@gmail.com

5. NAME OF ORGANIZATION: the periwinkle

6. ADDRESS OF ORGANIZATION:

7. TELEPHONE OF ORGANIZATION: () - EMAIL:

8. IS THIS APPLICANT AUTHORIZED TO ACT ON BEHALF OF THIS ORGANIZATION? YES NO

9. DATE OF EVENT: june 28 saturday TIME OF FORMATION: 4:30 pm A.M. P.M.
START TIME: 5 pm A.M. P.M. END TIME: 6 pm A.M. P.M.

10. FORMATION/STAGING AREA:
STARTING POINT: north end middle lane ENDING POINT: nsouth end middle lane

11. ROUTE OF THE PARADE/DEMONSTRATION: middle lane

12. APPROXIMATE NUMBER OF PARTICIPANTS IN EVENT:
 ADULTS MINORS (UNDER VEHICLES ANIMALS
18)

13. NUMBER OF MONITORS THAT WILL BE PROVIDED DURING THE EVENT 5-10 volunteers

14. NAME, ADDRESS AND PHONE # OF PERSON WHO WILL ACCOMPANY THE EVENT, BE DIRECTLY RESPONSIBLE FOR OR RESULTANT DAMAGE, IF ANY, DURING THE EVENT AND CARRY THE PERMIT AT ALL TIMES. CONDUCT

NAME: the periwinkle 252-229-3553
ADDRESS:
TELEPHONE: () - EMAIL: theperiwinklenc@gmail.com

15. NAME ADDRESS AND PHONE # OF SECOND PERSON WHO WILL ACCOMPANY THE EVENT AND BE DIRECTLY

16. NAMES, ADDRESSES PHONE NUMBER AND EMAIL OF OTHER PERTINENT CONTACTS OFFICERS:

NAME:	ADDRESS:	PHONE:	EMAIL:

17. DESCRIBE THE PURPOSE OBJECTIVES AND REASONS FOR CONDUCTING THIS EVENT :
celebration of pride month in partnership with local non profits and organizations

18. DESCRIBE ANY RECORDING EQUIPMENT SOUND AMPLIFICATION EQUIPMENT BANNERS SIGNS OR OTHER ATTENTION-GETTING DEVICES TO BE USED DURING THE EVENT:

19. WILL THE PARADE OCCUPY ALL OR ONLY A PORTION ON THE WIDTH OF THE STREETS TO BE TRAVERSED?

ALL ONLY A PORTION

PLEASE EXPLAIN:

20. APPROXIMATE NUMBER OF SPECTATORS THAT WILL BE ATTENDING THE EVENT

21. A

ARE THERE ANY PUBLIC FACILITIES OR EQUIPMENT THAT WILL BE UTILIZED DURING THE EVENT?

YES NO

IF YES, PLEASE EXPLAIN: partnering facilities, CRU : backstreet and 127 middle

I hereby make application for a permit to conduct a parade, picket line or group demonstration within the corporate limits of the Town of Beaufort as provided by Chapter 72 of the Town of Beaufort Code of Ordinances. I hereby certify that there are no willful misrepresentations or falsifications of the above statements or answers to questions. It is understood and agreed that any permit issued pursuant to this application is issued on condition that the answers to the above questions are true and correct to the best of my knowledge.

beckie davis. the periwinkle

(Applicant's Signature)

(Town Clerk's Signature)

(Chief of Police Signature)

(Date Application Approved)



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Board of Commissioners
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4:00 PM Monday, June 23, 2025

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: Beaufort Waterfront Operations and Finance Committee

SUMMARY:

Matt Zapp, Town Manager, will provide information associated with funding options for the fuel farm installation and seek directions on the next steps related to the project.

SUMBITTED BY:
Elizabeth Lewis, Assistant Town Manager



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**Board of Commissioners
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4:00 PM Monday, June 23, 2025**

AGENDA CATEGORY: Items for Discussion and Consideration

SUBJECT: Godette Hotel Update- 400 Pollock Street

SUMMARY:

Arey Grady, Town Attorney, will provide an update on the Godette Hotel property, located at 400 Pollock Street.

SUMBITTED BY:

Elizabeth Lewis, Assistant Town Manager



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**Board of Commissioners
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4:00 PM Monday, June 23, 2025**

AGENDA CATEGORY: Items for Discussion and Consideration

SUBJECT: Ordinance Review- Chapter 113. Itinerant Merchants

SUMMARY:

Town staff respectfully requests Board review and discussion of Chapter 113 of the Town’s Code of Ordinances, pertaining to Itinerant Merchants. The current section as written is attached as part of the meeting packet. This review is prompted by recent concerns related to a mobile vendor operating out of a parking space along Front Street.

Staff is seeking direction from the Board regarding potential updates to this ordinance. In collaboration with the Planning Department, Town Manager Zapp will present proposed revisions for consideration and discussion.

The objective is to finalize and adopt any recommended changes at the next regularly scheduled Board of Commissioners meeting on **July 14, 2025**.

SUMBITTED BY:

Elizabeth Lewis, Assistant Town Manager

Beaufort, North Carolina, Code of Ordinances
TITLE XI BUSINESS REGULATIONS

CHAPTER 113. ITINERANT MERCHANTS¹

ARTICLE I. GENERAL PROVISIONS

Sec. 113.01. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Itinerant merchant, transient merchant or itinerant vendor means any person, whether as owner, agent, consignee or employee, whether a resident of the town or not, who engages in a temporary business of selling and delivering goods, wares, foods and food products, and merchandise within the town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, boat, public room and hotels, lodging homes, apartments, shops, or any street, alley, property or other place within the town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include:

- (1) Any person selling edible farm produce, such as fruits and vegetables;
- (2) Any person selling shellfish, fish or other seafood so long as the person either caught the seafood or holds a valid seafood wholesale license issued by the state;
- (3) Any person who, while occupying such temporary location, does not sell from stock but exhibits samples only for the purpose of securing orders for future delivery only;
- (4) Any person selling at a farmer's market or special event sponsored by the town or another local government;
- (5) Any person selling used household furnishings and used personal property owned by the person at a yard sale being conducted by the person or in which the person is participating;
- (6) Any person who otherwise meets the definition above but who is part of a group of ten or more merchants selling at a shopping area or trade show; is selling at the invitation of the shopping area or trade show; which person has the written permission of the shopping center, shopping area or trade show to be present on the premises; and where such sales activities do not last longer than seven days;
- (7) Any person who otherwise meets the definition above but who is part of a group of three or more merchants exposing for sale goods, wares or merchandise on the premises of a building being operated as a flea market, and such person has the written permission of the owner or operator of the flea market premises to be present on the premises;

¹State law reference(s)—Authority to regulate solicitation campaigns and itinerant merchants, see G.S. 160A-178.

- (8) Any person, club, organization or association selling subscriptions, goods, wares, merchandise and other personal property exclusively for nonprofit benevolent, religious, patriotic, historical, educational, scientific, civic, governmental or other similar charitable purposes. As defined herein a *charitable purpose* is one that has humane and philanthropic objectives, and is an activity that benefits humanity or a segment of the community without expectation of pecuniary profit or reward. No person so engaged shall be relieved from complying from the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer;
- (9) Any person who maintains a fixed permanent location in the county at or in which at least 90 percent of his or her total sales volume is made and who pays all applicable state and local taxes for such fixed permanent locations shall not be deemed an itinerant merchant or itinerant vendor with respect to other sales which may be made from vehicles within the town.

(1992 Code, § 11-166; Ord. passed 7-8-1985)

Sec. 113.02. Temporary business.

- (A) A transient merchant, itinerant merchant or itinerant vendor shall be deemed to engage in a temporary business of selling and delivering goods, wares, foods and food products, and merchandise within the meaning of this chapter if the business is conducted within the town for less than six consecutive months, except in case of discontinuance for one or more of the reasons hereinafter mentioned.
- (B) When a salesperson or merchant beginning a business applies for a town privilege license under the privilege license ordinance and G.S. Chapter 105, it shall be the duty of the salesman or merchant prior to beginning the business to state in writing to the Town Clerk or his or her duly authorized agent or assistant his or her intention to operate as a regular merchant from a building and property location within the town properly zoned under the zoning ordinance for the business.
- (C) If after investigating the facts and circumstances regarding the salesman or merchant and his or her stated intention to operate as a regular merchant for six months or longer, the Town Clerk or his or her duly authorized agent may, in his or her discretion, require the salesperson or merchant to post a satisfactory bond or make a cash deposit in the amount required by § 113.18, if the Town Clerk or his or her assistant finds that there is a reasonable basis to believe that the merchant or salesperson may operate as an itinerant merchant. The bond or deposit shall be forfeited to the town if such salesperson or merchant discontinues business in the town within less than six months for any reason other than death or disablement of the salesperson or merchant, insolvency of the business, or destruction of the stock, machinery and property of the business by fire or other catastrophe. The bond or deposit shall be payable to the town and shall have the same or similar conditions as required by § 113.18. Additionally, the bond may be used for payment of any fees required by this chapter. When any salesperson or merchant, having been first required to post the bond or deposit, has conducted the business for six consecutive months, or has discontinued the business within six months for one of the reasons specifically mentioned herein, he or she shall be entitled to have the bond canceled or the deposit returned.

(1992 Code, § 11-167; Ord. passed 7-8-1985)

Sec. 113.03. Prohibited conduct.

It shall be unlawful for any transient merchant, itinerant merchant or itinerant vendor to:

- (A) Engage in the business of selling and delivering goods, foods, and food products, wares and merchandise at any location within the town for which the transient merchant, itinerant merchant or itinerant vendor does not have the notarized, written permission of the property owner on which the business is to be conducted designating the dates for which permission is being given;

- (B) Make any sale or delivery of goods, foods, food products, or wares and merchandise from any location in violation of the town zoning ordinance or any other town or state ordinance, regulation or law; and
- (C) Make any sale or delivery of goods, foods, food products, or wares and merchandise on or from any publicly owned or controlled highway, street or alley right-of-way, or publicly owned or publicly controlled properties, within the town.

(1992 Code, § 11-168; Ord. passed 7-8-1985)

Cross reference(s)—Penalty, see § 113.99.

ARTICLE II. LICENSE

Sec. 113.15. Required.

It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor to engage in such a business within the town without first obtaining a license in compliance with provisions of this chapter and without complying with the requirements of this chapter.

(1992 Code, § 11-186; Ord. passed 7-8-1985)

Cross reference(s)—Penalty, see § 113.99.

Sec. 113.16. Application.

Applicants for a license under this chapter shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the Town Clerk, showing:

- (A) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the town; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the corporation is incorporated;
- (B) Proof of a North Carolina sales tax reporting number issued by the state's Department of Revenue;
- (C) The place or places in the town where the applicant proposes to conduct business, the length of time during which it is proposed that the business shall be conducted, proof of written permission from the owner or lessee of the property to be used allowing the applicant to conduct business at the proposed location, and a written statement from the town zoning enforcement officer indicating that the proposed sales activity is a permitted use at the proposed location if the location is located in an area zoned under the town's Zoning Ordinance;
- (D) The place or places, other than the permanent place of business of the applicant where the applicant was conducting business within the last six months;
- (E) A statement of the nature, character and quality of the goods, foods or food products, wares or merchandise to be sold or offered for sale by the applicant, the invoice value and quality of such goods, foods or food products, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where the goods or products are located at the time the application is filed;

- (F) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and copies of all advertising, whether by handbills, circular, newspaper advertising or otherwise, shall be attached to the application;
- (G) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime or the violation of any local ordinance, the nature of the offense and the punishment assessed thereof;
- (H) Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative; and
- (I) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the Town Clerk may deem proper to fulfill the purpose of this chapter in the protection of the public good.

(1992 Code, § 11-187; Ord. passed 7-8-1985)

Sec. 113.17. Investigation; issuance or denial.

Upon receipt of the application for a license under this chapter, the Town Clerk shall forward it to the Police Department for investigation. The Police Department shall complete the investigation within seven days. If as a result of such investigation the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If as a result of the investigation the character and business reputation appear to be satisfactory, the Tax Collector shall so certify in writing, and a license shall be issued by the Tax Collector. The Tax Collector shall keep a full record of all licenses issued. Such license shall contain the number of the license, the date it is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the names of the persons authorized to carry on the business.

(1992 Code, § 11-188; Ord. passed 7-8-1985; Am. Ord. passed 7-10-2006)

Sec. 113.18. Bond.

Before any license shall be issued under the provisions of § 113.17 for engaging in a transient or itinerant business, an applicant shall file with the Town Clerk a bond running to the town in the sum of \$1,000.00 executed by the applicant, as principal, and a surety upon which service of process may be made in the state. The bond shall be approved by the Town Administrator, or his or her written designee, and shall be conditioned that the applicant shall comply fully with all of the provisions of the ordinances of the town and the statutes of the state regulating and concerning the sale of goods, foods and food products, wares and merchandise, and will pay all judgments rendered against the applicant for any violation of such ordinances or statutes, together with all judgments and costs that may be recovered against him or her by any person for damage arising out of any misrepresentation or deception practiced on any person transacting the business with the applicant, whether the misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, foods and food products, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the town to the use of the aggrieved person. The bond required by this section shall be posted and remain in effect for a period of one year from the date of any renewal, of any license issued under this chapter.

(1992 Code, § 11-189; Ord. passed 7-8-1985)

Sec. 113.19. Service of process.

Before any license may be issued for engaging in business as an itinerant merchant, the applicant shall file with the Town Clerk an instrument appointing a person located in the county to be the agent of the applicant for service of process with respect to any matters connected with or arising out of the business transacted under the license given and the bond required by this chapter.

(1992 Code, § 11-190; Ord. passed 7-8-1985)

Sec. 113.20. Posting of license.

The license issued under this chapter shall be posted conspicuously in the place of business named therein. If the applicant desires to do business in more than one place within the town, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

(1992 Code, § 11-191; Ord. passed 7-8-1985)

Sec. 113.21. Fees.

(A) Before issuing a license under this chapter, the Tax Collector shall collect an administrative processing fee. This fee is to cover the administrative costs of processing the application required by this chapter and shall not be considered a tax, nor shall it relieve the applicant of paying any other state or local taxes required by law.

(B) The Tax Collector shall collect an administrative processing fee for each renewal issued under § 113.26.

(1992 Code, § 11-192; Ord. passed 7-8-1985; Am. Ord. passed 7-10-2006)

Sec. 113.22. Transfer.

No license issued under this chapter shall be transferable.

(1992 Code, § 11-193; Ord. passed 7-8-1985)

Sec. 113.23. Enforcement by police.

It shall be the duty of the Police Department to enforce the provisions of this chapter.

(1992 Code, § 11-194; Ord. passed 7-8-1985)

Sec. 113.24. Revocation.

(A) Any licenses issued pursuant to this chapter may be revoked by the Town Clerk, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, foods, food products, wares or merchandise;
- (3) Any violation of this chapter;
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; and/or

- (5) Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
 - (B) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be mailed, postage prepaid, to the licensee, at his or her last known address, at least five days prior to the date set for the hearing.
- (1992 Code, § 11-195; Ord. passed 7-8-1985)

Sec. 113.25. Appeal.

Any person aggrieved by a decision of the Town Clerk to deny an application for a license under this chapter or to revoke a license may appeal to the Board of Commissioners. Such appeal shall be taken by filing a written statement setting forth the grounds for the appeal with the Board within 14 days after notice of the decision by the Town Clerk has been mailed to such person's last known address. The board shall set the time and place for a hearing on the appeal, and notice of the hearing shall be given to such person in the same manner as provided in § 113.24 for notice of hearing on revocation. The order of the Board on the appeal shall be final.

(1992 Code, § 11-196; Ord. passed 7-8-1985)

Sec. 113.26. Expiration and renewal.

- (A) All licenses issued under the provisions of this chapter shall expire 90 days after the date of issuance unless an earlier date is stated on the license.
 - (B) Any license issued under the provisions of this chapter may be renewed any number of times upon the following conditions:
 - (1) The applicant makes a written application for renewal stating that the person or persons managing the business are the same as those listed in the original application, that the place or places where the applicant proposes to conduct business have not changed, and a statement explaining any material change in circumstances from the information given in the original application.
 - (2) The applicant shall show to the satisfaction of the Town Administrator that the bond covering the applicant's business will be valid for at least one year from the date of any license renewal.
 - (3) That the Town Clerk is satisfied that there is no cause for revocation under § 113.24.
- (1992 Code, § 11-197; Ord. passed 7-8-1985)

Sec. 113.99. Penalty.

- (A) Any violation of this chapter shall subject the offender to punishment as provided in § 10.99.
 - (B) Notwithstanding subsection (A) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.
 - (C) In addition to or in lieu of remedies authorized in subsections (A) and (B) above, violations of this chapter maybe prosecuted as a misdemeanor in accordance with § 10.99.
- (1992 Code, § 11-169; Ord. passed 7-8-1985)

