

CHAPTER 1: BUSINESS REGULATION AND LICENSING

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ARTICLE 701: ADMINISTRATION; GENERAL PENALTY

§ 701.01 LICENSE REQUIRED.

No person shall, without a city license, engage in or prosecute within the city any of the businesses activities, trades or employments named in this chapter.

("71 Code, § 701.01) (Ord. 109, passed 7-8-57) Penalty, see § 701.99

Statutory reference:

Authority to license generally, see W. V. Code §§ 8-13-4 and 11-12-4

§ 701.02 APPLICATION FOR LICENSE; FEE.

(A) All applications for licenses required by this chapter shall be granted upon proper application being filed with the City Clerk and the payment of the required fee to the City Clerk.

(B) Any persons owning property within the city utilized as a commercial rental unit shall be required to obtain a business license and pay the associated fee of \$15.

("71 Code, § 701.02) (Ord. 109, passed 7-8-57; Am. Ord. 2086, passed 7-8-19)

§ 701.03 TERM OF LICENSE.

The term for all annual licenses named in this chapter shall run by calendar year, January through December, and in no case shall a license be granted for a period of less than a full year's license or the specific daily license as therein provided.

("71 Code, § 701.03) (Ord. 109, passed 7-8-57; Am. Ord. 2085, passed 7-8-19)

§ 701.04 EXEMPTIONS.

Any person exempt from payment of the license fee under the state law shall be likewise exempt from the city license and all of the licensees shall be subject to the rules and regulations provided in the W. V. Code.

("71 Code, § 701.04)

§ 701.05 DUPLICATION OF LICENSE.

Wherein a store license is imposed against a professional licensee, a duplication of license shall not be imposed under this chapter.

("71 Code, § 701.05) (Ord. 109, passed 7-8-57)

§ 701.06 RENEWAL.

(A) When proper application has been made, when any required certification has been filed, when any required bond has been posted, and when any required investigation has been completed, the Inspection Department shall issue to the applicant a license or permit certificate and shall preserve a record thereof in his or her own files; provided, however, that no such license or permit certification shall be issued to any applicant who owes a financial debt to the city resulting from the nonpayment of any tax, fee, lien, service charge or other assessment.

(B) Such license or permit certificate shall not be valid until stamped thereon by the city Finance Director showing that the appropriate licensing fee has been paid, except that in cases wherein no payment is required or wherein payment is due at some other time the Licensing Officer shall so endorse in the place provided for such stamp and the license or permit certificate shall then be valid.

(Ord. 2108, passed 11-12-19)

§ 701.99 PENALTY.

Any person in default of any license fee required by this chapter, in addition to paying the fee, shall be required to pay a penalty of 10% of the annual fee for each month, or fractional part thereof, for such time as such payment shall have been made in default, and for a violation of any provision of this chapter, he shall be fined the sum of not more than \$50 or be imprisoned not more than 30 days, or both.

('71 Code, § 701.99)

ARTICLE 703: ADVERTISING

§ 703.01 LICENSE FEE FOR OUTDOOR ADVERTISING.

The annual license fee for every license to conduct a business of outdoor advertising for others for remuneration within the city shall be \$100.

('71 Code, § 703.01) (Ord. 233, passed 7-13-70)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

State law provisions, see W. V. Code Article 17-22

ARTICLE 704: ALARM FEES

§ 704.01 FALSE ALARM FEES.

(A) In the event there should occur more than six false alarms at any installation in any fiscal year, the owner of any burglar alarm system shall be assessed a charge of \$20 per response thereafter.

(B) Acts of God or other natural forces which proximately cause a false burglar alarm shall not be counted when assessing the charges specified in division (A) hereof.

(C) When an alarm system is experiencing technical or mechanical problems, only one false alarm shall be counted in a 24 hour period for the assessment provisions of division (A) hereof. However, if a false alarm results from causes such as negligence or other than the causes specified in divisions (B) and (C) hereof, all such alarms shall be counted during such time period as set forth in division (A) hereof.

(D) Exempted from the fees specified in division (A), however, are active alarms. There shall be no charge by the city for response to legitimate alarms.

(E) Any fees assessed hereunder shall be paid to the city within 30 days of billing. Failure to remit payment for outstanding fees in a timely fashion shall relieve the Police Department of any obligation to respond to the owner's alarm.

('71 Code, § 704.01) (Ord. 856, passed 12-7-87)

Cross-reference:

False alarms of fire, see § 501.05

ARTICLE 705: BEER SALES

§ 705.01 RETAILERS.

(A) *Class A retailers.* The annual license fee for a Class A retailer to sell beer under authority of a state beer license shall be \$100 for each place of business. The annual license fee for the sale of

beer by social, fraternal or public clubs, not operating for profit and under authority of a state club license, shall be \$50.

(B) *Class B retailers.* The annual license for a Class B retailer to sell unchilled beer shall be \$15. The annual license fee for a Class B retailer to sell both chilled and unchilled beer shall be \$100.

('71 Code, § 705.01) (Ord. 233, passed 7-13-70)

Cross-reference:

Annual license fee, see § 749.01

License fee, see § 724.01

Statutory reference:

Municipal license tax authorized, see W. V. Code § 11-16-26

State law provisions, see W. V. Code Article 11-16

§ 705.02 DISTRIBUTORS.

The annual license fee for a beer distributor shall be \$250.

('71 Code, § 705.02) (Ord. 109, passed 7-8-57)

Cross-reference:

Annual license fee, see § 749.01

License fee, see § 724.01

ARTICLE 707: BILLIARD PARLORS

§ 707.01 LICENSE FEE.

The annual license fee for every license to keep or maintain a billiard table or a table of like kind or character, for public use or resort, shall be \$15 for each table.

('71 Code, § 707.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license billiard parlors, see W. V. Code § 8-12-5(24)

ARTICLE 709: BOND SERVICES

§ 709.01 LICENSE FEE.

The annual license fee for a "professional bondsman", **PROFESSIONAL BONDSMAN** meaning a person who, for consideration, becomes surety or provides surety on any bail bond, recognizance bond, appeal bond or other court bond required to be filed in any court, shall be \$100; provided, however, that nothing in the article shall be construed to apply to any firm or corporation doing business as a surety company and duly licensed under laws of the state.

('71 Code, § 709.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

State law provisions, see W. V. Code Article 51-10

ARTICLE 711: BOWLING ALLEYS

§ 711.01 LICENSE FEE.

The annual license fee for every license to keep or maintain a bowling alley for public use or resort shall be \$15 for each alley.

('71 Code, § 711.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code §§ 8-13-4 and 11-12-4

ARTICLE 713: CIRCUSES AND CARNIVALS

§ 713.01 LICENSE FEE.

(A) For any license to operate a circus within the city, the daily license fee shall be \$100 and for any license to operate a carnival, the daily license fee shall be \$100; provided, however, that no license shall be issued to any circus or carnival which maintains any gambling games or devices or which provides entertainment which is of an immoral nature or which tends to corrupt the morals of the public as a whole.

(B) Any license so issued may be cancelled if such circus or carnival maintains gambling games or devices or provides entertainment which is of an immoral nature or which tends to corrupt the morals of the public as a whole.

(C) The application for a license to operate a circus or carnival within the city shall contain a place for the reporting of the number of toilet facilities which are to be provided for the public. No license shall be granted if at least six Porta-Johns or similar toilet facilities are not provided for the use of the public, of which at least one must be handicapped-accessible.

('71 Code, § 713.01) (Ord. 118, passed 8-10-59; Am. Ord. 1525, passed 5-7-07)

Statutory reference:

Authority to license, see W. V. Code §§ 8-13-4 and 11-12-4

ARTICLE 715: CLAIRVOYANTS AND FORTUNETELLERS

§ 715.01 LICENSE FEE.

The annual license fee for any license to act as a palmist, clairvoyant or fortuneteller shall be \$750.

('71 Code, § 715.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code §§ 8-13-4 and 11-12-4

ARTICLE 717: COIN-OPERATED DEVICES

§ 717.01 LICENSE FEE FOR VENDING MACHINES.

(A) The annual license fee for every license to maintain any penny vending machine, which for the same profit or award, without violation of law, furnishes supplies and merchandise, or any service, shall be \$3.

(B) The annual license fee for every license to maintain any five-cent or greater vending machine, which for the same profit or award in each case furnishes music, shall be \$30.

(C) The annual license fee for every license to maintain a five-cent or greater vending machine for the same profit or award in each case, without violation of law, furnishing merchandise, shall be \$7.50.

("71 Code, § 717.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code §§ 8-13-4 and 11-12-4

§ 717.02 LICENSE FEE FOR PINBALL MACHINES.

(A) For every license to maintain a five-cent pinball machine on which a score is registered for the same profit or award in each case, without violation of law, and which affords the exercise of skill or amusement, the annual license fee shall be \$150.

(B) For every license to maintain any five-cent or greater pinball machine or coin-inserted machine on which no score is registered, and which, without violation of law, affords exercise of skilled play of the game and amusement, the annual license fee shall be \$30.

("71 Code, § 717.02) (Ord. 200, passed 6-10-68)

§ 717.03 LICENSE FEE FOR COIN-OPERATED LAUNDRY.

For every coin-operated laundry, the owner or operator thereof shall, in addition to obtaining a general store license, obtain a decalcomania stamp for each coin-operated machine situated in such laundry, the annual license fee for which shall be \$0.50 per machine.

("71 Code, § 717.03) (Ord. 135, passed 5-22-61)

§ 717.04 EXEMPTIONS.

(A) No annual license fee shall be required of any person keeping or maintaining within the city, penny-coin-in-the-slot machines or devices, without violation of law, if the owner, operator or sponsor of such machines or devices attaches to and exhibits on his application upon making application for such license, a duly and properly executed affidavit of the president or other officer of a nonstock corporation organized and existing under the laws of the state, for benevolent, civic, educational, eleemosynary and philanthropic purposes, stating that:

(1) Not less than 20% of the gross receipts from machines or devices are payable to such nonstock corporation;

(2) The gross receipts paid to such nonstock corporation shall be used solely and completely for benevolent, civic, education, eleemosynary and philanthropic purposes; and

(3) The execution of such affidavit has been authorized and directed by a duly constituted meeting of the members of such nonstock corporation.

(B) Upon the issuance of a license, for which no fee shall be charged as provided in division (A) herein, a decalcomania stamp shall be issued for each such machine or device for which such nonfee license is issued in compliance herewith showing such exemption.

(C) The City Clerk shall not issue any such nonfee license as provided for herein until Council designates, by motion or resolution, the nonstock corporation or corporations which shall be eligible for such nonfee licenses.

(D) Council reserves the right to revoke the nonfee license of any designated nonstock corporation at any time.

('71 Code, § 717.04) (Ord. 187, passed 10-14-66)

ARTICLE 719: COLLECTION AGENCIES

§ 719.01 LICENSE FEE.

The annual license fee for any license to solicit, carry on and practice a business of collection agency or association shall be \$15.

('71 Code, § 719.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code §§ 8-13-4 and 11-12-4

ARTICLE 721: DANCE FLOORS

§ 721.01 LICENSE FEE.

The annual license fee for every license to maintain a floor for dancing, where dancing is permitted as an incidental attraction to some other established activity or whether no other business or activity is conducted in connection therewith, or whether a dance floor is regularly or frequently open to the public upon payment of an admission fee or the equivalent thereof, shall be \$50.

('71 Code, § 721.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

Permitting minors in dance halls, see W. V. Code §§ 61-8-26 and 61-8-27

Cross-reference:

Nude dancing and adult entertainment moratorium; penalty, see § 521.16

ARTICLE 723: JUNK DEALERS

§ 723.01 LICENSE FEE.

The annual license fee for any license to carry on the business of a resident junk dealer shall be \$37.50 and the annual license fee for any license to carry on the business of a nonresident junk dealer shall be \$225.

('71 Code, § 723.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code §§ 8-13-4 and 11-12-4

State law provisions, see W. V. Code Article 17-23

ARTICLE 724: LIQUOR SALES

§ 724.01 LICENSE FEE.

The annual license fee for the retail sale of liquor (spirits) within the city is as follows: the annual license fee for Class A retailers of liquor (spirits) shall be \$800 for the license year; the annual license fee for Class B

retailers of liquor (spirits) shall be \$400 for the license year.

(Ord. 990, passed 5-11-92)

Cross-reference:

Annual license fee, see § 749.01

Distributors, see § 705.02

Retailers, see § 705.01

Tax levied, see § 785.01

State law reference:

Municipalities prohibited from imposing fee or special tax, W. V. Code § 60-4-18; taxes invalid, see Rite-Aid v. Charleston, 434 S.E.2d 379 (W.V. 1993)

ARTICLE 725: LOAN ESTABLISHMENTS

§ 725.01 LICENSE FEE.

The annual license fee for any license to operate a small loan business or brokerage shall be \$100.

('71 Code, § 725.01) (Ord. 109, passed 7-8-57)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

State law provisions, see W. V. Code Chapter 46A

ARTICLE 727: MANUFACTURERS

§ 727.01 LICENSE FEE.

For any license to engage in manufacturing or other production business or activity recognized as manufacturing as defined in the gross sales law of the state, the license fee shall be as follows:

- (A) *Class A.* Employing 101 persons or more, \$300 annually.
- (B) *Class B.* Employing 25 to 100 persons, inclusive, \$225 annually.
- (C) *Class C.* Employing less than 25 persons, \$112.50 annually.

('71 Code, § 727.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

ARTICLE 729: PEDDLERS AND ITINERANT VENDORS

§ 729.01 LICENSE FEE FOR HAWKERS AND PEDDLERS.

For a license to engage in the business of hawker or peddler, or to operate any vehicle on the streets in the city for the sale of merchandise, wares and commodities or upon which a line of merchandise is carried and offered for sale at retail from place to place within the city, the annual license fee shall be as follows:

On foot or cart	\$ 5
One-half ton to one ton	\$ 22.50vehicle
One ton to two ton vehicle	\$ 75
Two ton and greater	\$ 150vehicles

('71 Code, § 729.01) (Ord. 200, passed 6-10-68)

Cross-reference:

Selling, advertising or displaying merchandise on street or sidewalk, see § 549.05

Statutory reference:

Authority to license, see W. V. Code §§ 8-13-4 and 11-12-4

§ 729.02 LICENSE FEE FOR ITINERANT VENDORS.

The annual license fee for any license to act as an itinerant vendor of goods, wares and merchandise within the city, where the goods, wares and merchandise are either delivered at the same time or at a later date, but without a central principal office within the city, shall be \$500.

('71 Code, § 729.02) (Ord. 200, passed 6-10-68)

ARTICLE 731: PHOTOGRAPHERS

§ 731.01 LICENSE FEE.

The annual license fee to conduct the business of photography in the city, whether as a resident, nonresident or transient, shall be \$15.

('71 Code, § 731.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

ARTICLE 733: PRIVATE CLUBS

§ 733.01 LICENSE FEES.

The annual license fee for any private club, as defined, regulated and licensed by the state under W. V. Code Article 60-7, shall be as follows:

- (A) For a licensee having 100 members or less, \$150;
- (B) For a licensee having more than 100 but less than 300 members, \$225;
- (C) For a licensee having 300 or more, but less than 600 members, \$300;
- (D) For a licensee having 600 or more members, \$450.

('71 Code, § 733.01) (Ord. 193, passed 9-11-67)

Statutory reference:

Authority to collect fee, see W. V. Code § 60-7-7

§ 733.02 APPLICATION FOR LICENSE.

Each licensee shall make an application upon such form as may be prescribed by the City Clerk which form shall include:

- (A) The name of the applicant;
- (B) If such applicant be an unincorporated association, the names and addresses of the members of its governing board;
- (C) If such applicant be a corporation, the names and addresses of its officers and directors;
- (D) The place at which such applicant will conduct its operations and whether the same is owned or leased by the applicant;
- (E) The number of members of the applicant; and
- (F) The name or names of any national organizations with which applicant is affiliated and the nature of such affiliation.

('71 Code, § 733.02) (Ord. 193, passed 9-11-67)

ARTICLE 735: PROFESSIONAL SERVICES

§ 735.01 LICENSE FEE.

The annual license fee to engage and practice in any profession or calling, recognized and regulated as such by the laws of the state, other than a salaried employee, for a principal and regularly conducted or performed with the city, shall be \$15; provided, however, that for a debit insurance agent representing a single principal insurance company, the annual license fee shall be \$7.50.

('71 Code, § 735.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

State law provisions, see W. V. Code Chapter 30

ARTICLE 737: PUBLIC UTILITIES

§ 737.01 LICENSE FEE.

The annual license fee upon any public utility doing business in the city shall be \$350.

('71 Code, § 737.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

State law provisions, see W. V. Code Chapter 24

ARTICLE 739: RESTAURANTS AND HOTELS

§ 739.01 LICENSE FEE.

The annual license fee for every license to operate a restaurant and hotel business, in compliance with state regulations, shall be \$15.

('71 Code, § 739.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

State law provisions, see W. V. Code Article 16-6

ARTICLE 741: STORES

§ 741.01 RETAIL LICENSE FEE.

The annual license fee for every license to operate, maintain, open or establish any retail store in the city shall be \$15.

('71 Code, § 741.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code §§ 8-13-4 and 11-12-4

Safety and welfare of employees, see W. V. Code Article 21-3

§ 741.02 WHOLESALE LICENSE FEE.

The annual license fee for every license to operate a store in which goods, wares or merchandise of any kind or character are sold at wholesale prices shall be \$75.

('71 Code, § 741.02) (Ord. 200, passed 6-10-68)

ARTICLE 743: TAXICABS

§ 743.01 LICENSE FEE FOR TAXICAB STAND.

The annual license fee for any license to keep or maintain a taxicab stand shall be \$75 per stand.

('71 Code, § 743.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

§ 743.02 DRIVER'S CAP AND BADGE.

Each taxicab driver shall wear, while on duty, a uniform cap with the name of the owner, partnership or corporation by whom he is employed on such cap. Each taxicab driver shall also wear a taxicab driver's badge, which shall be issued to him by the City Manager. Such badge shall have thereon the following: "City of Weirton" and the license number of the operator. Such badge shall be of metal and bear the number of the taxicab driver's license and shall be worn by the taxicab driver, pinned to the outside of his clothing between his waist and shoulder, with the face of the badge and the number upon it in plain sight. No taxicab driver shall be in charge of a taxicab upon the streets of the city without wearing the prescribed badge. No taxicab driver shall wear the license badge of another taxicab driver, or allow another to wear his license badge, whether or not one or both are licensed drivers.

('71 Code, § 743.02) Penalty, see § 101.99

§ 743.03 DRIVER'S LICENSE REQUIRED.

No person shall drive a taxicab or automobile for hire as a taxicab driver within the city without having obtained a taxicab driver's license as provided in this article.

('71 Code, § 743.03) Penalty, see § 101.99

§ 743.04 DRIVER'S LICENSE APPLICATION.

Application for a taxicab driver's license shall be made to the Police Chief by any person desiring to drive a taxicab, either as an employee of a taxicab operator or individually as an operator.

('71 Code, § 743.04)

§ 743.05 QUALIFICATIONS FOR DRIVER'S LICENSE.

(A) An applicant for a taxicab driver's license shall possess the following qualifications:

- (1) Be an American citizen;
- (2) Able to speak and read the English language;
- (3) Twenty-one or more years of age;
- (4) Possess good eyesight and hearing;
- (5) Be of sound physique;
- (6) Have a working knowledge of the traffic laws and rules of the state and city;
- (7) Be competent to drive a motor vehicle upon the streets of the city; and
- (8) Be of good moral character.

(B) The qualifications of eyesight, hearing and physique shall be supported by the certificate of a reputable physician, resident in the city. The qualification of moral character shall be supported by the affidavit of two reputable residents of the city.

(C) No applicant shall be issued a license who within the last four years has been convicted of a felony involving theft, personal violence or moral turpitude.

('71 Code, § 743.05)

§ 743.06 EXAMINATION FOR DRIVER'S LICENSE.

The applicant for a taxicab driver's license shall present himself to the Police Chief for examination as to his qualifications, and shall well and truly answer all questions and submit to all tests required of him, tending to disclose whether he possesses such qualifications.

('71 Code, § 743.06)

§ 743.07 FINGERPRINTS REQUIRED.

The Police Department shall take the fingerprints of each taxicab driver before any taxicab driver's license shall be issued to drive a taxicab.

('71 Code, § 743.07)

§ 743.08 PHOTOGRAPH REQUIRED.

A picture of the applicant for a taxicab driver's license, at least two by three inches square and made during the calendar year in which his application is made, shall be filed with the City Manager. A duplicate picture shall be constantly posted in a conspicuous place in any taxicab which the licensee

is operating. The taxicab driver's license shall also contain his picture. The Police Department may furnish a picture at a nominal cost of \$0.50 each, payable to the City Manager.

('71 Code, § 743.08) Penalty, see § 101.99

§ 743.09 RECOMMENDATION FOR ISSUANCE OF DRIVER'S LICENSE.

If after the examination, the Police Chief is satisfied that the applicant possesses all the qualifications required to drive a taxicab, he shall certify in writing as to the applicant's qualification and recommend to the City Manager that he issue a taxicab driver's license to the applicant upon the payment of the license fee and the filing of the picture of the applicant.

('71 Code, § 743.09)

§ 743.10 FORM OF DRIVER'S LICENSE.

The taxicab driver's license shall be in such form as the City Manager may prescribe and shall be designed to contain the duplicate picture of the licensee.

('71 Code, § 743.10)

§ 743.11 RECORDS TO BE KEPT.

The City Manager shall file and keep an indexed record of all taxicab drivers' applications, fees paid and taxicab drivers' licenses issued, together with the names and addresses of the licensees and the names and addresses of their employers, which records shall be open for inspection by the public at all reasonable times.

('71 Code, § 743.11)

§ 743.12 ISSUANCE OF DRIVER'S LICENSE.

Upon the filing with the City Manager of the certificate of the Police Chief, the procuring of the duplicate pictures of the applicant and the filing of one of them with the City Manager, as required by this article, the payment of the license fee and the fee for the pictures; provided that the same were furnished by the Police Department, the City Manager shall issue to the applicant a taxicab driver's license.

('71 Code, § 743.12)

§ 743.13 FEE FOR DRIVER'S LICENSE.

Each taxicab driver shall pay an annual license fee to the City Manager of \$2. Each taxicab driver's license shall be for a period ending June 30 of each year.

('71 Code, § 743.13)

§ 743.14 DRIVER'S LICENSE RENEWAL.

Any taxicab driver who desires to continue driving any taxicab after the expiration of the period for which he is licensed, shall between December 1 and December 31, apply for a renewal of the taxicab driver's license to the Police Chief as required for the issuance of new licenses and a renewal license shall be issued in the same manner as prescribed for new licenses, upon the same terms and conditions and under the same regulations.

('71 Code, § 743.14)

§ 743.15 SUSPENSION AND REVOCATION OF DRIVER'S LICENSE.

Any taxicab driver convicted by a court of competent jurisdiction of violating any ordinance of the city or law relating to motor vehicles, their operation or equipment or convicted of a misdemeanor committed while he is in charge of a taxicab, shall be subject, in addition to other penalties, to having his taxicab license suspended for a period of 30 days. The trial judge may order such suspension and upon so doing shall take from the licensee his badge and forward it to the City Manager who shall note upon the license and upon his record the fact of such suspension. At the end of 30 days, the license and badge shall be restored to the licensee, upon his application, if filed within three days from the expiration of the 30 day period. Upon a subsequent conviction by a court of competent jurisdiction of a misdemeanor while in charge of a taxicab or in case of the commission of any felony by any taxicab driver, the trial judge, in addition to other penalties prescribed for such violation, may permanently revoke such taxicab driver's license and no license shall again be issued to such taxicab driver. The trial judge in such case shall take from the taxicab driver his badge and license and the same shall be forwarded forthwith to the City Manager for cancellation.

('71 Code, § 743.15)

ARTICLE 745: THEATERS

§ 745.01 LICENSE FEE.

The annual license fee for any license to operate within the city any theater or motion picture show shall be \$125.

('71 Code, § 745.01) (Ord. 233, passed 7-13-70)

Statutory reference:

Authority to license, see W. V. Code §§ 8-13-4 and 11-12-4

Showing of inflammatory or prejudicial material prohibited, see W. V. Code § 61-10-16

ARTICLE 747: T.V. CABLES

§ 747.01 LICENSE FEE.

The annual license fee for any license to operate within the city any T.V. cable shall be \$100.

('71 Code, § 747.01) (Ord. 200, passed 6-10-68)

Statutory reference:

Authority to license, see W. V. Code § 8-13-4

ARTICLE 749: WINE SALES

§ 749.01 ANNUAL LICENSE FEE.

(A) Effective January 1, 1982, the city hereby establishes an annual license fee for the wholesale and retail sale and distribution of wine within the city.

(B) Effective July 1, 1992, the city hereby establishes that the annual license fee for the wholesale distribution of wine in the city shall be \$500.

(C) The annual license fee for the retail sale of wine shall be \$100 for the license year.

('71 Code, § 749.01) (Ord. 667, passed 12-7-81; Am. Ord. 991, passed 5-11-92)

Cross-reference:

Distributors, see § 705.02

License fee, see § 724.01

Retailers, see § 705.01

Statutory reference:

Authority to tax, see *W. V. Code* § 8-13-4

Sale of wines, see *W. V. Code Article* 60-8

ARTICLE 751: SPECIAL EVENTS AND PARADES

§ 751.01 DEFINITIONS.

The terms set forth shall apply to parades, assemblages and special events held in the City of Weirton.

AGGRIEVED PERSON. A person who can demonstrate a specific, personal and legal interest in the final decision of an application for a permit issued under this article, as distinguished from a general interest, such as is the concern of all members of the community, and which interest would be specifically and personally prejudiced by the decision or benefitted by its reversal.

ANNUAL EVENT. An event recurring each year at approximately the same date and time, which has previously complied with the permit requirements.

APPLICANT. Any person or organization conducting or sponsoring a special event or parade as defined herein that requires a special event permit from the city.

CITY CO-FUNDED EVENT. An event for which the City of Weirton provides a portion of financial support.

CITY FUNDED EVENT. An event for which the City of Weirton engages full financial responsibility.

EVENT PARTICIPANTS. A person or persons in attendance at an event, including, but not limited to, spectators, vendors, event staff, city staff and any others present for the purpose of the event.

PARADE. Any march, demonstration, procession or motorcade consisting of people, animals or vehicles, or a combination thereof, upon the streets, sidewalks or other public areas within the city with an intent or likely effect of attracting public attention and interfering with, or having a tendency to interfere with, the normal flow or regulation of pedestrian or vehicular traffic upon the streets, sidewalks or other public property.

PERMIT. Written permission for assembly, parade, or use of public facilities issued pursuant to this article.

PROCESSIONAL EVENT. Any event that is non-stationary and continues in a processional manner through town, such as a parade, march, race, and the like, and requires the closure of multiple streets or multiple blocks on the same street.

PUBLIC ASSEMBLY. Any meeting, march, demonstration, picket line, rally or gathering of 25 or more persons for a common purpose as a result of prior planning that affects or may reasonably be expected to affect the normal flow or regulation of pedestrian or vehicular traffic upon the streets or other public facility, other than a park or recreational building or facility.

PUBLIC FACILITY. A building, structure, place or other location or area which a person may seek to utilize for purposes other than the normal and usual governmental operations of the city, but excludes a public park and recreational facility.

SPECIAL EVENT. Any activity on public or private property that, due to the anticipated amount of attendees or the nature of the event, is not compatible with the generally intended use of the property for which it is proposed and is characterized by any of the following:

- (1) Involves use of city owned or managed property such as public streets, sidewalks, parking lots, plazas or other city owned or managed open spaces;
- (2) Involves closure, or partial closure, of any public right-of-way, or requires traffic control procedures necessitating the involvement of police or street maintenance personnel;
- (3) Impairs emergency vehicle access or requires the attendance of emergency personnel at the event; or
- (4) Results in impacts to adjacent public or private property because of, for example, the use of live or amplified entertainment or the anticipated impacts on parking. Uses that are already permitted under the Zoning Ordinance, such as nightclubs, banquet facilities and assembly halls, are not included in the definition of special event, unless the impact of an event is greater than the impact anticipated under the permitted zoning.

SPONTANEOUS PUBLIC EVENT. Any unplanned or unannounced coming together of people, animals or vehicles in a parade or public assembly which is not contemplated beforehand by any participant therein and which is caused by or in response to unforeseen circumstances or events occasioned by news or affairs first coming into public knowledge within five days of such parade or public assembly.

(Ord. 2133, passed 10-13-20)

§ 751.02 PERMIT REQUIRED.

- (A) It shall be unlawful for any person to conduct or participate in any parade, public assembly or special event unless a written permit has been issued in accordance with the provisions of this article.
- (B) The provisions of this permit shall not apply to the following:
 - (1) Spontaneous public events; or
 - (2) Recreational activities, including jogging or walking, which do not require closing of public streets or other rights of way and that do not interfere, or have a tendency to interfere, with the normal use of any public property in a place open to the general public; or
 - (3) Funeral processions; or
 - (4) Students going to and from school classes or participating in educational activities provided such conduct is under the immediate direction and supervision of proper school authorities; or
 - (5) The United States Army, Navy, Air Force, Marine Corps, Coast Guard, or any other branch or organization under the direction of the United States Armed Forces; the military forces of the state or the Police and Fire Division of the City of Weirton, Brooke or Hancock County, or State of West Virginia, acting in official capacity; or
 - (6) A governmental agency/agencies acting within the scope of its functions; or
 - (7) City owned property under the regulation and maintenance of the City of Weirton.

(C) (1) Applicants requesting a special event permit are required to submit a completed application for special event permit, along with a \$25 non-refundable application fee payable to the City of Weirton for review and processing, at least 60 days prior to the date of the proposed event. Other fees may be applicable, in accordance with § 751.10.

(2) 501(c) nonprofit organizations, city organizations and city co-funded organizations are not required to pay an application fee, but must submit a completed special event application for a special event permit.

(D) All applications must be received by the City of Weirton, either by mail, electronic mail, fax or delivery in person, addressed to the City Manager or designee, no later than 60 days before the proposed event date.

(E) The application must be filled out, in its entirety, and shall provide all relevant information, including but not limited to, alternatives for location, route, date, and time.

(F) As a condition of the special event application, all applicants are responsible for providing a specific and accurate representation of the proposed event so that the City of Weirton may accurately identify the required level of services, including but not limited to, police, emergency services and Public Works.

(G) Preferred routes may be suggested by the city for parades and some other processional events, and applicants are asked to review and consider these routes; the City of Weirton reserves the right to adjust routes when conditions or events create a situation in which a preferred or requested route is unavailable.

(H) The city reserves the right to deny any permit application, sponsored or affiliated with a person or organization not in good standing with the city, in regards to outstanding fees, taxes or other obligations.

(I) Events are required to conform to all other applicable city ordinances and polices; including but not limited to, signage, zoning, handbill, and noise and nuisance ordinances.

(Ord. 2133, passed 10-13-20)

§ 751.03 ISSUANCE OR DENIAL OF PERMIT.

(A) All applications will be reviewed by the applicable department heads (Chief of Police, Planning Department, Public Works, Fire Chief, City Manager, and the like). The city may set any conditions and fees for service or deposits, in accordance with policy, with the understanding that all conditions and fees must be satisfied within 15 calendar days prior to the event.

(B) Upon review of comments, concerns and recommendations of applicable department heads, the City Manager or designee shall present a final recommendation to City Council by an appropriate platform (i.e. email, meeting, Council packets) if the event is determined to be unlikely to endanger the public health, welfare or safety, and complies with the following criteria:

(1) The time, duration, route and size of the event will not unreasonably interrupt the safe and orderly movement of vehicular or pedestrian traffic or the normal use of public property in a place open to the general public; and

(2) The time, duration, route, size and proposed activities of the event will not be scheduled to overly burden any one neighborhood or street on a consistent basis or cause or tend to cause an unreasonable disturbance to adjacent property owners or tenants including, but not limited to, noise, light and traffic; and

(3) The event is not of such a nature that it will require diversion of so great a number of police and fire/EMS personnel to properly police the line of movement in the areas contiguous thereto as to

impair the normal protection of the remainder of the city; and

(4) The applicant has, where appropriate, designated monitors sufficient to control the orderly conduct of the event in conformity with such permit; and

(5) The conduct of the event will not unduly interfere with the proper fire, ambulance and police protection or service to the remainder of the city or is likely to unreasonably disrupt other public services and protection normally provided to the city; and

(6) The event will not interfere with another event for which a permit has been granted or cause irreconcilable interference with previously approved or scheduled construction, maintenance or other activities; and

(7) The event proposed will not violate, and will conform with all applicable federal, state and local regulations and laws governing the proposed event.

(C) For special events or public assemblies, such as a concert series or monthly reservation held on a regular or recurring basis at the same location, an application for an annual permit covering all such assemblies may be filed with the City Manager or designee at least 60 days prior to the first scheduled event. The application will then follow the heretofore-described review and approval process.

(D) If two or more applications are submitted requesting a permit for events to be held at the same time and place, the first application to be filed and applicable fees submitted shall be first considered, and will be granted if it meets all requirements of this article.

(E) In the event that any application is denied, the City Manager or designee will promptly mail or email a notice of action to the applicant, which will contain the reasons for denial and notify the applicant of the right to appeal pursuant to the appeal section stated herein.

(F) Nothing in this article shall deny a permit based upon political, social or religious grounds or reasons, or based upon the content of views expressed.

(G) The City Manager, or designee, may authorize the conduct of an event on a date, at a time, at a place or over a route, different from that originally proposed. Any applicant desiring to accept an alternate permit shall file a written notice of acceptance with the City Manager. Any alternate permit shall conform to all requirements of this article and shall have the same effect as any other permit issued therein.

(Ord. 2133, passed 10-13-20)

§ 751.04 ALCOHOL USE DURING SPECIAL EVENTS.

(A) Alcoholic beverages for a special event or events on property maintained by the City of Weirton can only be served if held at the Starvaggi Memorial Pool and Park, Marland Heights Park or Weirton Event Center, and must follow the protocols and procedures set forth in § 529.07.

(B) No permit shall be issued to any applicant where alcohol is to be served upon any property or in any facility where alcohol is otherwise prohibited by any other City of Weirton Ordinance.

(Ord. 2133, passed 10-13-20)

§ 751.05 COMPLIANCE WITH DIRECTIONS AND CONDITIONS AND PENALTY.

Every person or organization to whom a permit is issued under this article shall substantially comply with all permit terms and conditions and with all applicable laws and ordinances. The parade or assembly chairman or other person heading or leading the event shall carry the permit upon his or her

person at all times during the conduct of the event, and shall show the permit when requested to do so. Any violation of this article will be punishable by a fine of up to \$500.

(Ord. 2133, passed 10-13-20)

§ 751.06 REVOCATION OF PERMIT.

(A) The City Manager or designee shall have the authority to revoke any permit issued to this article if any information supplied by the applicant is discovered to be substantially false or intentionally misleading or if any term, condition, restriction or limitation of the permit has been substantially violated and if there is any continued violation of the terms, conditions, restrictions or limitations after the applicant, or anyone working in concert with the applicant, has been notified, in writing or otherwise, of a violation of the permit by a representative of the City of Weirton or an appropriate law enforcement official.

(B) The City Manager or designee, shall have the authority to alter or cancel an event at any time due to unforeseen circumstances. If the event is canceled by the City of Weirton due to unforeseen circumstances, permit application fees will be reimbursed and fees for city services will be prorated and refunded, based on services rendered prior to notification of the cancellation. Any expenses incurred by the applicant relating to the event will not be the liability of the City of Weirton.

(C) The City Manager or designee may authorize the refund of any fees for city services not utilized in the event that the applicant is unable to hold or conduct the event due to inclement weather or some other cause not within the applicant's control. The City Manager or designee must receive the request for such refund within ten days of the scheduled event date. The application fee is non-refundable.

(Ord. 2133, passed 10-13-20)

§ 751.07 APPEAL.

(A) Any aggrieved person, having been denied a permit under the terms and conditions of this article, or by the revocation of a permit after one has been issued, may present an amended request, which will be reviewed as a new request and must meet all heretofore conditions and deadlines.

(B) Any decision made in regards to a special event may be appealed to the Circuit Court of Hancock or Brooke County, in accordance with the laws of the State of West Virginia.

(C) In any appeal under this section, the City of Weirton shall have the burden of demonstrating that the denial of the permit was justified under the terms and conditions of this article.

(Ord. 2133, passed 10-13-20)

§ 751.08 PUBLIC CONDUCT DURING PARADES, DEMONSTRATIONS AND ASSEMBLIES.

(A) No person shall unreasonably hamper, obstruct, impede or interfere with any event or with any person, vehicle or animal participating or used in an event for which a permit has been issued in accordance with the provisions of this article.

(B) No driver of a vehicle shall drive between the vehicles, persons or animals comprising a parade, special event, public assembly or funeral procession except when otherwise directed by a police officer. This shall not apply to authorized emergency vehicles.

(C) The Chief of Police, or his designee, shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along the public streets or rights of way constituting a part of the route of a parade, demonstration or assembly. The Chief of Police, or his designee, shall post

signs to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(Ord. 2133, passed 10-13-20)

§ 751.09 INDEMNIFICATION AND INSURANCE REQUIREMENTS.

(A) The applicant shall indemnify and hold harmless the City of Weirton, its officers, agents, employees and volunteers from any and all claims, causes of actions, penalties, losses, expenses (including reasonable attorney's fees) and any other liability for injuries or damages to persons or property resulting from the special event which occurred by the omissions or authorized acts of the applicant.

(B) If the city incurs any costs because of the applicant's failure to comply with any provisions, and city property is destroyed or damaged because of a special event, the applicant shall reimburse the city for its actual costs, including the actual repair or replacement cost of the property. The city may retain any deposit or portion thereof as full or partial reimbursement for any such damage.

(C) General liability insurance coverage, for \$1,000,000 per instance and \$2,000,000 aggregate, must be required before an event and maintained throughout the duration of the event, including set-up, and dismantle periods. The City of Weirton is to be named as an additional insured.

(D) The city reserves the right to recommend a higher amount of required insurance depending on the proposed activity.

(E) Requested use of rights of way or property owned by entities or persons other than the City of Weirton may require additional approvals, conditions or indemnification and insurance. Approval of private property owners or state/county properties for use of rights of ways and property is the sole responsibility of the applicant.

(F) No applicant shall be required to comply with the insurance requirement of this section if the First Amendment to the United States Constitution protects the activity proposed for the special event and the applicant produces evidence that complying with the insurance provision is impossible or so financially burdensome that it would preclude the special event from occurring.

(G) All events are subject to the requirement to successfully pass all fire, life safety and building safety inspections when applicable.

(Ord. 2133, passed 10-13-20)

§ 751.10 FEES.

(A) Fees may be assessed on events which require additional city services as follows:

Application fee (non-refundable)	\$25	Not applicable to city organizations, city co-funded organizations, and 501(c) nonprofit organizations
Police fees	\$38/per hour or partial hour worked, per officer	
Fire/EMS	\$30/per hour or partial hour worked, per firefighter	\$150/per hour or partial hour for firefighting apparatus and/or medic unit
Public Works	\$25/per hour or partial hour worked,	\$75 - \$150/per hour for

	per laborer, including time requested or deemed necessary for set up and/or clean up	equipment
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(B) Fees for city services will be waived for all city organizations, city co-funded organizations, and 501(c) nonprofit organizations.

(C) The need for city services is determined by applicant request or staff recommendation.

(D) Fees for any special event shall not exceed \$1,000.

(Ord. 2133, passed 10-13-20)