

**CHAPTER 110: GENERAL BUSINESS LICENSING**

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## **ISSUANCE OF LICENSES AND PERMITS**

### **§ 110.01 COMPLIANCE REQUIRED**

It shall be unlawful for any person, either directly or indirectly, to engage in any business or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required by any provision of this chapter or any other law or ordinance of the city, without a license or permit therefor being first procured and kept in effect at all times as required by any such provision of this chapter or any other law or ordinance of the city.

### **§ 110.02 ONE ACT CONSTITUTES DOING BUSINESS**

For the purpose of this chapter, any person shall be deemed to be engaged in any business for which a license or permit is required and thus subject to the requirements of this chapter when he or she does one act of:

- (A) Selling any goods or service for which a license is required;
- (B) Soliciting the business or offering the goods or services for sale or hire; and
- (C) Acquiring or using any vehicle or any premises in the city for such business purposes.

### **§ 110.03 AGENTS RESPONSIBLE FOR OBTAINING LICENSE**

The agents or other representatives of nonresidents who are doing business in the city shall be personally responsible for the compliance with the provisions of this chapter by their principals and of the businesses they represent.

### **§ 110.04 SEPARATE LICENSE FOR BRANCH ESTABLISHMENTS**

A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business, provided that warehouses and distributing plants used in connection with and incidental to a business licensed under any provision of this chapter shall not be deemed to be a separate place of business or branch establishment.

### **§ 110.05 NO LICENSE REQUIRED FOR MERE DELIVERY**

No license shall be required of any person for any mere delivery in the city of any property purchased or acquired in good faith from the person at his or her regular place of business outside the corporate limits where no intent by the person is shown to exist to evade the provisions of this chapter.

### **§ 110.06 APPLICATION FOR LICENSE**

- (A) Every person required to procure any permit, license or transfer under the provisions of this chapter or any other law or ordinance of the city shall submit an application for the license to the City

Administrator in writing.

(B) The application shall conform to the following:

(1) Be a written statement upon forms provided by the City Administrator, the form to include an affidavit to be sworn to by the applicant before a person authorized to administer an oath;

(2) Contain all information necessary to comply with the section of this chapter under which the license is required and any other information required by such application;

(3) Contain, in addition to all other matters required by ordinance or by law to be shown, set forth the following facts:

(a) Name and address of applicant;

(b) Purpose for which license or permit is asked;

(c) As to license any occupation or permit the doing of any act, the place within the corporate limits where such occupation or act is to be carried on or done;

(d) The length of time the licenses or permits is to cover;

(4) All questions on the application blank must be answered and all information required must be furnished. Any application for a license made by an individual owner shall be signed and sworn to by such owner; if made by a partnership, it shall be signed and sworn to by one of the partners; and if a corporation, by one of the duly elected officials of the corporation.

#### **§ 110.07 FEES, BONDS AND INSURANCE**

(A) Every applicant for any permit, license or transfer of a license to be issued or granted by the city shall pay the full amount of the permit fee, license fee or transfer fee required by this code and other ordinances of the city and shall file with the application any bond, insurance policy or certificate therefor and certified copy of a state license, if such are required for the license.

(B) Except as otherwise specifically stated in the regulations for specific licenses or permits, the fees for the various licenses, permits and transfers shall be as fixed or estimated in this code or as otherwise provided in the fees ordinances adopted by the city.

#### **§ 110.08 NO SPLIT FEE**

The fee for each license issued shall be the full amount provided in this code or other ordinance of the city, and no reduction in the amount of the fee shall be made because part of the license year has elapsed prior to the date the license is issued, unless specifically stated.

### **§ 110.09 PERMIT FEE DOUBLED**

Should any person, firm or corporation begin any construction, installation, alteration or repair for which a permit is required, without having secured the necessary permit therefor, either previous to or during the day of the commencement of any such work, or on the next succeeding day when such work is commenced on a Saturday afternoon or on a Sunday or a holiday, he or she shall, when subsequently securing the permit, be required to pay double the fee provided for the permit and shall be subject to all the penal provisions of this code or other ordinances of the city.

### **§ 110.10 LICENSE BONDS**

If the provisions under which any license is to be issued require the licensee to furnish a bond, the bond shall be duly executed by the licensee and a corporate surety and shall be furnished to the City Administrator at the time the application is filed or as soon thereafter as the City Administrator shall request. The bond shall be in such amount and with such penalty provisions as shall be required by the provision and shall be approved as to form, execution, surety and amount by the City Administrator. The bonds may be in form as to terminate with the annual license period or may be in form so as to provide for automatic renewal in the event the license is renewed.

### **§ 110.11 PROCEDURE FOR ISSUANCE OF LICENSES**

(A) On receipt of an application for any license, the City Administrator shall transmit the same, together with license bond and a copy of receipt for license fee to the Chief of Police or other department responsible therefor, who shall cause investigation to be made of the qualifications of the applicant, and the City Administrator shall determine whether the applicant has complied with all requirements of the ordinance under which the license is to be issued and which requirements are prerequisites to the issuance of the license.

Unless the subdivision of the ordinance pursuant to which the license is to be issued requires issuance of the license by the Council, the City Administrator shall issue the license upon determination that the prerequisites have been complied with, but if he or she shall have determined that the prerequisites have not been complied with, he or she shall deny the application for issuance of the license.

If any ordinance shall require issuance of a license by the Council, the City Administrator shall refer the application, together with a report of the investigation and determination with respect to the applicant and his or her compliance with the requirements of the ordinance to the Council. The Council shall thereupon consider the report and findings and may grant or deny the license. The applicant for any license which has been denied by the City Administrator may appeal the decision of the City Administrator to the Council by filing, with the City Administrator within ten days after receipt of notice of the denial, a request for review by the Council of the determination by the City Administrator. The City Administrator shall thereupon refer the request to the Council at its next regular meeting, at which time the Council shall hear the applicant and review the determination of the City Administrator and may grant or deny such license.

(B) Upon determination of the Council that a license shall be issued, the determination shall be

transmitted to the City Administrator who shall issue the license certificate in duplicate under the seal of the city and deliver one copy to the applicant and retain the other in the license book as a part of the records of the city.

#### **§ 110.12 CERTIFIED COPIES**

The record or a certified copy thereof shall be prima facie evidence to the person therein named.

#### **§ 110.13 UNLAWFUL LICENSES**

Any license or permit issued in any other manner than that herein prescribed shall be of no effect.

#### **§ 110.14 CONTENTS OF LICENSE**

Each license issued under this chapter shall state upon its face the following:

- (A) The name of the licensee and any other name under which the business shall be conducted;
- (B) The name and address of each business so licensed;
- (C) The amount of license fee;
- (D) The dates of issuance and expiration thereof; and
- (E) Such other information as the City Administrator or Council shall determine.

#### **§ 110.15 LICENSE PERIOD**

All permits, licenses or transfers issued under any provision of this chapter shall terminate on December 31 of the calendar year in which issued unless a different termination date with respect to specific licenses shall be specifically provided with respect to the permit, license or transfer.

#### **§ 110.16 RENEWAL LICENSE PROCEDURE**

Applications for renewal of any license shall be made to the City Administrator on forms provided by him or her and shall contain any information required for renewal of the license by the section of this chapter under which the license is to be issued and such additional information as the City Administrator or Council shall require.

#### **§ 110.17 DUPLICATE AND REPLACEMENT LICENSE PROCEDURE**

A duplicate license certificate or tag shall be issued by the City Administrator to replace any license certificate or tag previously issued which has been lost, stolen, defaced or destroyed, without any willful conduct on the part of the licensee, upon the filing by the licensee of an affidavit attesting to such fact and paying to the City Administrator the required fee.

## **§ 110.18 REBATE OF FEE**

No rebate or refund of any license fee or part thereof shall be made by reason of non-use of the license or by reason of a change in location or business rendering the use of the license ineffective, provided that the City Administrator shall have authority to refund a license fee collected through an error or in cases where the application is denied by the City Administrator or the Council.

## **§ 110.19 DUTIES OF LICENSEE**

- (A) *Compliance required.* Every licensee and permittee under any provision of this chapter or other ordinances of the city shall have the duties set forth in this section.
- (B) *Permit inspection.* Permit all reasonable inspections of his or her business and examinations of his or her books and records by such authorities so authorized by law.
- (C) *Comply with governing law.* Ascertain and at all times comply with all laws, ordinances and regulations applicable to such business.
- (D) *Cease business.* Refrain from operating the licensed business after expiration of his or her license and during the period his or her license is revoked or suspended.
- (E) *License displayed.* All licenses, tags, plates or other method of identification authorized by this chapter or other ordinances of the city shall be kept on display at a conspicuous place on the licensed premises, vehicle or device, or where neither premises, vehicle or device are licensed, on the person of the licensee, or in the case of licenses for billboards or signboards, at the place of business of the licensee.
- (F) *Unlawful possession.* Not loan, sell, give or assign to any other person, or to allow any other person to use or display or to have in his or her possession, any license or insignia which has been issued to the licensee.
- (G) *Taxes.* Pay prior to date penalty attaches for nonpayment, all special assessment and real and personal property taxes levied against real and personal property owned by the licensee and used in the licensed business.
- (H) *Inspections.* All persons licensed hereunder are subject to proper periodic inspections, so far as to give the police officers and other duly authorized inspectors the right and power at all times to enter upon their premises for the purpose of ascertaining the manner in which the business is being conducted.

## **§ 110.20 CHANGE OF LOCATION OF LICENSED PREMISES**

A licensee or permittee shall not have the right to change the location of the licensed premises, except upon the approval of the City Administrator if the license shall be issued by him or her or upon the approval of the Council if the license shall be issued by the Council. Application for the renewal shall be made in writing in such form as shall be prescribed by the City Administrator and shall be

accompanied by the required removal fee.

### **§ 110.21 TRANSFER OF LICENSE**

No licensee shall have the right to transfer his or her license to any other person unless specifically authorized by this chapter or pursuant to which the license was issued.

### **§ 110.22 ENFORCEMENT**

(A) *Inspections.* It shall be the duty of the health officer to inspect all premises licensed hereunder for the purpose of determining any violation of law relating to health. It shall be the duty of the police officers to inspect and examine all premises, businesses and enterprises subject to license or which have been licensed by the city, and the City Administrator shall have the right to direct the health officer, any police officer or any other appropriate officer to make such inspections at all reasonable times.

(B) *Sealing of unlicensed, defective or unsafe machines or devices and affixing license insignia.* Any food vending machine, cigarette vending machine, pinball machine, children's amusement device, mechanical amusement device or other amusement device which is defective or unsafe, which is licensed and has no license tag or other license insignia affixed as required by law or is required to be licensed and such machine or device is not currently licensed, may be sealed by a tape or wire to prevent its continued use. The tape or tag attached to the seal shall state that the machine or device is not to be used.

(C) *Removing seal, using machine prohibited.* No person shall remove or deface a seal affixed under these provisions except under the direction of an authorized agent of the city. No person shall use any machine or device on which a seal has been affixed under the provisions hereof.

### **§ 110.23 TERMINATION OF LICENSE**

At any time that the City Administrator or other official responsible for enforcement shall determine that any person licensed under this chapter or other ordinance of the city shall have failed to comply with any requirement of law or with any provision of this chapter, the City Administrator shall notify the licensee in writing of the violation, the notice to be delivered by the U.S. Mail or personally as the City Administrator may determine, and deposit of the notice in the U.S. Mail, addressed to the address stated on the license application, shall constitute service of the notice. If the person cannot be otherwise found, the notice may be posted on the premises licensed.

The notice shall require compliance with the provision of law, code or ordinance specified within a reasonable time to be specified by the City Administrator. Upon expiration of the time, unless the licensee shall have requested a hearing in writing, the City Administrator, in the event that the license involved shall have been issued by the City Administrator, may terminate the license, or in the event that the license has been issued by the Council, the City Administrator shall report the matter to the Council and the Council may thereafter terminate the license, subject to compliance with any procedure prescribed by the provisions of the ordinance pursuant to which the license or permit was issued.

## **§ 110.24 HEARING**

In the event that a hearing is requested by the licensee, the City Administrator shall set a time for the hearing not less than ten days and not more than 20 days after request, at which time the City's Administrative Hearing Officer shall hear all testimony offered by the licensee and shall inform the licensee of all information upon which alleged violation of law by the licensee has been determined. On completion of the hearing, the Administrative Hearing Officer shall make a recommendation to the City Council to either suspend or terminate the license in question. The City Council will render the final decision on the status of the license at the next regularly scheduled Council meeting after the recommendation of the Administrative Hearing Officer is received.

## **§ 110.25 PAYMENT OF TAXES ON LICENSED PREMISES**

It shall be a condition to the issuance of any license by the city pursuant to this code or any of the ordinances of the city hereinafter referred to and amended that all real estate taxes and special assessments levied against the premises licensed shall be paid prior to the last date when payable without penalty. Upon receipt of evidence that the taxes or special assessments levied against any such premises have become delinquent, the City Administrator shall notify the licensee of the delinquency and that all licenses issued for the premises under the circumstances hereinafter described shall be terminated and canceled 30 days after date of the notice, and unless the taxes and special assessments are paid and the County Treasurer's receipt for the same delivered to the City Administrator within the 30 day period, the license described in the notice shall upon termination of the 30 day period be deemed canceled and terminated, provided, however, that no such license shall be canceled or terminated during the time in which any judicial proceeding is pending, challenging the validity of the amount of the tax or special assessment in question.

The City Council may, notwithstanding this section, authorize the issuance of a license, or the continuation of an existing license, where it determines, in its sole discretion, that extenuating or extraordinary circumstances exist surrounding the delinquency or the impact of the delinquency as set forth in this section.

## ***FEES, CHARGES AND RATES***

### **§ 110.40 FEES, CHARGES AND RATES AUTHORIZED AND DEFINED**

The fees, charges and rates for the purposes set forth in this chapter for licenses, permits and municipal services shall be in the amounts set forth in this chapter or in the City's fee ordinance as may be amended from time to time. Reference to the amounts set forth herein in other portions of this code or in other ordinances may be made in such terms as "required fee," "established fee," "required license fee," "license fee" and "license fee in the required amount," without specific reference to this chapter, in which event the amounts herein set forth shall be applicable.

### **§ 110.41 PRIORITY OF APPLICATION**

If fees, charges and rates are set forth specifically in parts of this code other than this chapter or in



other ordinances which are now in effect, but have not been set forth in this chapter, in that event, the fees, charges and rates thereby specifically set forth shall be effective for all purposes. In the event that such amounts shall appear in other places in this code or in other ordinances or codes but shall appear in this chapter, the amounts appearing in this chapter shall supersede the others.

**§ 110.42 COLLECTION, LATE PAYMENT CHARGE, SPECIAL ASSESSMENT**

Payment shall be made in accordance with billings from the city not later than the billing date established for the account. In addition to the charges provided, there shall be a late charge as set by the Council and as may be set from time to time for payments made after the fifteenth day after the billing date. When a charge is more than 15 days past due, it shall be considered delinquent. It shall be the duty of the Director of Finance to endeavor to promptly collect delinquent accounts. All delinquent accounts shall be certified by the Director of Finance who shall prepare an assessment notice and present the assessments to City Council for certification to the tax roll providing for assessment of delinquent amounts, plus interest at a rate of 5% (five) per annum from the date they become delinquent against the respective properties served.

This assessment roll shall be delivered to the Council for adoptions on or before December 15 of each year. The action may be optional or subsequent to taking legal action to collect delinquent accounts.