

ARTICLE III. BUSINESS LICENSES AND PERMITS*

***Cross references:** Alcoholic liquor license approval or revocation recommendations, § 6-61 et seq.; licenses generally for amusements and entertainments, § 10-41 et seq.; sexually oriented business licenses and employee permits, § 34-1161 et seq.; peddlers, solicitors and canvassers license, § 54-41 et seq.

Sec. 18-101. Provisions complementary and supplemental.

The provisions of this article, together with other relevant provisions of any other ordinance, or the provisions hereafter authorized or required by state law, and any and all of such provisions relative to licenses, permits, businesses, trades, occupations, premises or anything connected therewith, shall each be construed to be complementary and supplemental to each other so far as relevant, and unless otherwise prescribed or inconsistent herewith, shall constitute a part of the regulations and conditions applicable generally to any particular license or permit in the same manner as though these provisions were fully written into each separate ordinance.

(Code 1978, § 18-1)

Sec. 18-102. Regulatory nature; conditions.

All licenses issued by the city are regulatory. The council may impose conditions on any license.

Sec. 18-103. Required for all trades or businesses; evidence of city location; applicability of section provisions.

A license is required for each trade or business located within the city. A listing in the telephone book of a business location in the city for a business is prima facie evidence that the business is located within the city. This section does not apply to attorneys, doctors and accountants, and persons licensed under other ordinances.

(Code 1978, § 18-3)

Sec. 18-104. State license or permit not exemption.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct, maintenance or management of any business, trade, occupation or premises shall not exempt such person from the necessity of procuring a license or permit from the city, if such license or permit is required by any ordinance of the city.

(Code 1978, § 18-4)

Sec. 18-105. Application.

Each person required to procure a license from the city shall make application for such license to the city clerk in the form and manner prescribed by him and shall state, under oath, such facts as may be required for, or applicable to, the granting of such license, including the following:

- (1) The full names, business addresses and residence addresses of all owners, proprietors, officers, managers and local employees of applicant's business; the names and addresses of each officer, if the applicant is a corporation;
- (2) The place or places in the city where it is proposed to maintain applicant's business, and the length of time during which it is proposed that such business be conducted;
- (3) The nature, character and quality of the goods, wares, merchandise or services to be sold or offered for sale by the applicant;
- (4) The nature and kind of business which the applicant proposes to conduct and the manner of operating the business;
- (5) A list of all assumed, trade or firm names under which the applicant intends to do business;
- (6) The nature and character of advertising done or proposed to be done in order to attract customers;
- (7) Whether or not the applicant or person conducting or managing the applicant's business has been convicted of a crime or misdemeanor (or the violation of any municipal ordinance) and, if so, full particulars in connection therewith.

(Code 1978, § 18-5)

Sec. 18-106. Expiration.

The expiration date of each license or permit shall be indicated on its face.

(Code 1978, § 18-6)

Sec. 18-107. Compliance with state law prerequisite to issuance.

No license or permit shall be issued to any person who is required to procure a license or permit from the state until such permittee shall submit evidence that the required state license or permit has been issued and that all fees appertaining thereto have been paid.

(Code 1978, § 18-7)

Sec. 18-108. Compliance with city regulations prerequisite to issuance.

No license shall be issued to any applicant until the applicant has complied with all of the provisions of this article and every other ordinance of the city pertaining to the business for which the application for the license is made.

(Code 1978, § 18-8)

Sec. 18-109. Approval prior to issuance.

No license shall be issued, if the approval of any officer of the city is required, until such approval is made. Approval, in each instance, shall mean written approval by the designated officer upon the face of the application for a license; subscribed by such officer; and the date of the approval.

(Code 1978, § 18-9)

Sec. 18-110. Payment of personal property taxes prerequisite to issuance.

No license shall be issued or renewed until any and all personal property taxes, levied and assessed against such person by the city which may be due and payable at the time of the filing of the application for such license, shall have been paid.

(Code 1978, § 18-10)

Sec. 18-111. Payment of fees prerequisite to issuance.

No license or permit shall be issued until the required fees shall be paid.

(Code 1978, § 18-11)

Sec. 18-112. Prorated fee for partial year.

If the license year shall terminate within six months or less from the date of the issuance of the license, the required license fee shall be one-half of the required fee.

(Code 1978, § 18-12)

Sec. 18-113. Exemptions from fees.

No license fee shall be required from any person exempt from payment of the fee by state or federal law. Such persons shall comply with all other provisions of this article or any other ordinance of the city. The city clerk shall, in all such cases, issue to such persons, licenses which are clearly marked as to such exemption and the reason therefor.

(Code 1978, § 18-13)

Sec. 18-114. Evidence of liability to pay fees.

The fact that any person represents himself as being engaged in any business, trade or occupation for the transaction of which a license is required, or that such person exhibited a sign or advertisement indicating that he is engaged in such business, trade or occupation, shall be prima facie evidence of the liability of such person to pay the required license fee.

(Code 1978, § 18-14)

Sec. 18-115. Businesses in conjunction.

Whenever any license to operate or conduct any business, trade or occupation is

required, the license fee to conduct or operate such business, trade or occupation, whether it be connected or operated in conjunction with any other business or not, shall be paid unless a contrary intention is expressed.

(Code 1978, § 18-15)

Sec. 18-116. Separate premises.

Whenever any license is required to operate or conduct any business, trade or occupation, the required license fee shall be paid for each separate premises maintained by the licensee.

(Code 1978, § 18-16)

Sec. 18-117. Carrying or display.

No licensee shall fail to carry his license upon his person at all times when engaged in the operation, conduct or maintenance of any business for which the license was issued; except that whenever such business is operated, conducted or maintained at a fixed place or establishment, the license shall be displayed at all times in some conspicuous place in the business premises. The licensee shall produce the license for examination when applying for a renewal or when requested to do so by any city police officer.

(Code 1978, § 18-22)

Sec. 18-118. Display on vehicles or mechanical devices.

No licensee shall fail to conspicuously display on each vehicle or mechanical device or machine required to be licensed such tags or insignia as may be furnished by the city clerk and required by any ordinance of the city.

(Code 1978, § 18-23)

Sec. 18-119. Denial or revocation.

- (a) *Causes.* The issuance of licenses may be denied by the city clerk or city manager, and licenses issued may be revoked or suspended by the city clerk or city manager at any time for any of the following causes:
- (1) Fraud, misrepresentation or any false statement made in the application for license;
 - (2) Fraud, misrepresentation or any false statement made in the operation of a business;
 - (3) Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public;
 - (4) For violation by the licensee of any ordinance or resolution having a reasonable relationship to the conduct of the licensed business;
 - (5) For violation by the licensee of any conditions imposed upon the license;

- (6) Unless the license applicant proves that there are no ordinance violations present upon the premises to be licensed;
 - (7) Unless the license applicant shows that there will be compliance with all applicable ordinances.
- (b) *Notice.* Written notice of suspension or revocation, stating the causes therefor, shall be delivered to the licensee personally or mailed to his address as shown in his application for a license.
- (c) *Hearing; review by council.*
- (1) Any person whose license is revoked or suspended, or any person whose application for a license is denied, shall have the right to a hearing before the city council, provided, a written request therefor is filed with the city clerk within ten days following the delivery or mailing of the notice of revocation or suspension, or within ten days following the denial of the application for a license.
 - (2) The city council may reverse any determination to issue or to deny the issuance of a license or any revocation of a license, and the council may grant or reinstate any license. No person shall operate any business during any time when his license therefor has been suspended, revoked or canceled.

(Code 1978, §§ 18-17--18-19)

Sec. 18-120. Renewal.

Unless otherwise provided in this article, an application for renewal of a license shall be considered in the same manner as an original application.

(Code 1978, § 18-20)

Sec. 18-121. Penalty for failure to renew.

A penalty of ten percent of any required license fee shall be assessed and paid upon the failure of any licensee to renew such license on or before its expiration date.

(Code 1978, § 18-21)

Sec. 18-122. Display when expired or duplicated.

No person shall display any expired, suspended or revoked license or permit, or any license or permit for which a duplicate has been issued.

(Code 1978, § 18-24)

Sec. 18-123. Transfer.

No license or permit shall be transferable.

(Code 1978, § 18-25)

Secs. 18-124--18-150. Reserved.