

CHAPTER 110: GENERAL LICENSING PROCEDURES

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GENERAL PROVISIONS**§ 110.01 APPLICATION OF REGULATIONS.**

(A) *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 title or any other law or ordinance of this municipality, without a license or permit therefor being first procured and kept in effect at all times as required by any provision of this title or any other law or ordinance of this municipality.

(B) *One act constitutes doing business.* For the purpose of this title 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 title, when he or she does one act of:

- (1) Selling any goods or service for which a license is required;
- (2) Soliciting this type of business or offering those goods or services for sale or hire; or
- (3) Acquiring or using any vehicle or any premises in this municipality for this type of business purposes.

(C) *Agents responsible for obtaining license.* The agents or other representatives of non-residents who are doing business in this municipality shall be personally responsible for the compliance with the provisions of this title by their principals and of the businesses they represent.

(D) *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 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 title shall not be deemed to be a separate place of business or branch establishment.

(E) *No license required for mere delivery.* No license shall be required of any person for any mere delivery in this municipality of any property purchased or acquired in good faith from that 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 title.

(74 Code, § 400:00) Penalty, see § 10.99

§ 110.02 CERTIFIED COPIES.

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

(74 Code, § 400:24)

§ 110.03 UNLAWFUL LICENSES.

Any license or permit issued in any other manner than that herein prescribed shall be of no effect.
(74 Code, § 400:27)

ISSUANCE OF LICENSES AND PERMITS**§ 110.15 APPLICATION FOR LICENSES.**

(A) Every person required to procure any permit, license, or transfer under the provisions of this title or any other law or ordinance of this municipality shall submit an application for the license to the Manager-Clerk in writing.

(B) The application shall conform to the following:

(1) Be a written statement upon forms provided by the Manager-Clerk, which form shall include an affidavit to be sworn by the applicant before a person authorized to administer an oath;

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

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

(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 that occupation or act is to be carried on or done; and

(d) The length of time the license or permit 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 that owner; if made by a partnership, it shall be signed and sworn to by one of the partners; and if made by a corporation, by one of the duly elected officials of the corporation.

(74 Code, § 400:03)

§ 110.16 FEES, BONDS, AND INSURANCE AS REQUIRED.

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

(74 Code, § 400:06)

§ 110.17 FEES ESTABLISHED.

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 Chapter 34 of this code or as otherwise provided in the fees ordinances adopted hereafter.

(74 Code, § 400:09)

§ 110.18 PRO-RATING SPLIT FEE.

The fee for each license issued shall be the full amount provided in this code or other ordinance of this municipality, however, there shall be a pro-rated reduction in the amount of the fee made because part of the license year has elapsed prior to the date the license is issued, unless otherwise specifically stated in this code.

(74 Code, § 400:12)

§ 110.19 LICENSE CONDITIONS OR RESTRICTIONS.

The Council may impose conditions on the granting of the license, including, but not limited to, the requirement of public liability insurance coverage in amounts as the Council deems necessary to protect life and property.

(74 Code, § 400:15)

§ 110.20 LICENSE BONDS; PROCEDURE.

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 Manager-Clerk at the time the application is filed or as soon thereafter as the Manager-Clerk shall request. The bond shall be in an amount and with those penalty provisions as shall be required by the aforementioned provisions and shall be approved as to form, execution, surety, and amount by the Manager-Clerk. The bonds may be in a form as will terminate with the annual license period or may be in a form so as to provide for automatic renewal in the event the license is renewed.

(‘74 Code, § 400:18)

§ 110.21 LICENSE ISSUANCE.

Applications for a license shall be filed with the Manager-Clerk on or before April 15 of each year unless a different time is necessary under provisions for specific licenses. Upon approval by the City Council, the Manager-Clerk shall issue a license. The Council may revoke a license at any time, for cause, following a hearing conducted as hereinafter provided.

(‘74 Code, § 400:21)

§ 110.22 LICENSE CONTENTS.

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

- (A) Name of the licensee and any other name under which the business shall be conducted and the activity licensed;
- (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) Other information as the Manager-Clerk or Council shall determine.

(‘74 Code, § 400:30)

§ 110.23 LICENSE PERIOD.

A license shall be valid for one year. All permits, licenses, or transfers issued under any provision of this title shall terminate on June 30 next following the date of issuance thereof, unless a different

termination date with respect to specific licenses shall be specifically provided with respect to a permit, license, or transfer. If a license is not renewed on or before June 30 of each year, then all rights granted by that license shall cease.

(74 Code, § 400:33)

§ 110.24 RENEWAL PROCEDURE.

Applications for renewal of any license shall be made to the Manager-Clerk on forms provided by him or her, and shall contain any information required for renewal of the license by the section of this title under which the license is to be issued, and additional information as the Manager-Clerk or Council shall require.

(74 Code, § 400:36)

§ 110.25 DUPLICATE AND REPLACEMENT PROCEDURE.

A duplicate license certificate or tag shall be issued by the Manager-Clerk 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 that fact and paying to the Manager-Clerk the required fee.

(74 Code, § 400:39)

§ 110.26 REBATE OF FEE; CAUSE.

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 Manager-Clerk shall have authority to refund a license fee collected through an error, or in cases where the application is denied by the Manager-Clerk or the Council.

(74 Code, § 400:42)

LICENSEE DUTIES AND RIGHTS

§ 110.40 DUTIES OF LICENSEE.

(A) *Compliance required.* Every licensee and permittee under any provision of this title or other ordinances of this municipality shall have the duties set forth in the divisions which follow.

(B) *Duties.* The licensee or permittee shall:

(1) *Permit inspection.* Permit all reasonable inspections of his or her business and examinations of his or her books and records by the authorities so authorized by law;

(2) *Comply with governing law.* Ascertain and at all times comply with all laws, ordinances, and regulations applicable to the business;

(3) *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;

(4) *Display license.* All licenses, tags, plates, or other method of identification authorized by this title or other ordinances of the municipality 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;

(5) *Maintain possession of license.* 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;

(6) *Pay taxes.* Pay prior to date penalty attaches for non-payment, all special assessment and real and personal taxes levied against real and personal property owned by the licensee and used in the licensed business; and

(7) *Allow 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.

(74 Code, § 400:45) Penalty, see § 10.99

§ 110.41 LICENSED PREMISES; CHANGE OF LOCATION RESTRICTED.

A licensee or permittee shall not have the right to change the location of the licensed premises, except upon the approval of the Manager-Clerk 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 renewal shall be made in writing in a form as shall be prescribed by the Manager-Clerk and shall be accompanied by the required renewal fee.

(74 Code, § 400:48)

§ 110.42 LICENSE TRANSFER RESTRICTED.

No licensee shall have the right to transfer his or her license to any other person, unless specifically authorized by this title or other authority pursuant to which the license was issued, without Council approval.

(74 Code, § 400:51)

ADMINISTRATION AND ENFORCEMENT**§ 110.55 ENFORCEMENT.**

(A) *Inspections.* 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 this municipality, and the City Manager-Clerk shall have the right to direct any police officer, or any other appropriate officer to make 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, or which is licensed and has no license tag or other license insignia affixed as required by law, or is required to be licensed and the 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 this municipality. No person shall use any machine or device on which a seal has been affixed under the provisions hereof.

(74 Code, § 400:54) Penalty, see § 10.99

§ 110.56 TERMINATION OF LICENSE.

(A) At any time that the City Manager-Clerk or other official responsible for enforcement shall determine that any person licensed under this title or other ordinance of this municipality shall have failed to comply with any requirement of law or with any provision of this title, the Manager-Clerk shall notify the licensee in writing of the violation, this notice to be delivered by the U.S. Mail or personally as the Manager-Clerk 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 Manager-Clerk.

(B) Upon expiration of that time, unless the licensee shall have requested a hearing in writing, the Manager-Clerk, in the event that the license involved shall have been issued by the Manager-Clerk, may terminate the license, or in the event that the license has been issued by the Council, the Manager-Clerk 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 or code section pursuant to which the license or permit was issued.

(74 Code, § 400:57)

§ 110.57 HEARING.

(A) In the event that a hearing is requested by the licensee, the City Manager-Clerk shall set a time for the hearing not less than 10 days and not more than 20 days after the request, at which time the Manager-Clerk 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. If the Council has issued the license, the hearing shall be conducted by the Council. On completion of the hearing, the Manager-Clerk or Council, as the case may be, may make a final order suspending or terminating the license in question.

(B) Upon the entry of any suspension or revocation order by the Manager-Clerk, the licensee may appeal the determination of the Manager-Clerk to the Council by filing a request for an appeal with the Manager-Clerk within ten days after receipt of notification of the order of the Manager-Clerk, and the Council shall thereupon promptly hear the licensee and review the determination of the Manager-Clerk and make its final order sustaining or modifying the determination of the Manager-Clerk.

(74 Code, § 400:60)

§ 110.58 PAYMENT OF TAXES ON LICENSED PREMISES REQUIRED.

It shall be a condition to the issuance of any license by this municipality pursuant to this code or any of the ordinances of this municipality 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 licensed premises have become delinquent, the Manager-Clerk 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 Manager-Clerk within that 30-day period, the license described in the notice shall upon termination of the 30-day period be deemed cancelled and terminated; provided, however, that no license shall be cancelled 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.

('74 Code, § 400:63)