

## **ARTICLE II. LICENSES<sup>1</sup>**

**Secs. 12-25, 12-26. Reserved.**

**Sec. 12-27. License required.**

No person shall engage or be engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which any license is required by any provision of either this Code or of State law without first obtaining a license from the city in the manner provided for in this article. An application for license shall be reviewed as follows:

- (1) The city police chief or designee shall investigate the applicant as necessary to satisfy himself that there are no outstanding criminal charges against the applicant and that the business to be conducted is not intended to cheat or defraud the public. Upon making such determination to his satisfaction, he shall indicate his approval in writing. A license shall not be issued unless such approval has been obtained. In all cases where the certification of the chief of police is required prior to the issuance of any license ~~by the city clerk~~, such certification shall be based upon a finding that the person making application for such license has the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.
- (2) The city treasurer or designee shall determine if the applicant owes to the city any taxes or other default, and if no such default exists, shall so indicate his findings in writing. A license shall not be issued where default is reported.
- (3) The city planner or zoning official shall determine if the property and structure to be used is appropriately zoned for such business and shall indicate his approval in writing. A license shall not be issued without such approval.
- (4) The city attorney, if required by this Code, shall review the application and supporting materials as required in section 34-54 and shall indicate his approval in writing. A license may not be issued without such approval.
- (5) The fire chief or designee shall make a determination as to the habitability and safety of the structure and property to be used for such business, and shall verify the safety and legality of all fireworks sales. Such approval shall be indicated in writing. A license may not be issued without such approval. In all cases where the certification of the fire chief is required prior to the issuance of any license ~~by the city clerk~~, such certification shall be based upon an actual inspection and a finding that the premises in which the person making application for such license proposes to conduct or is conducting the trade, profession, business or privilege comply with all the fire regulations of the state and of the city.

(Ord. No. 665, § 3, 5-14-2018)

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<sup>1</sup>Editor's note(s)—Ord. No. 665, § 3, adopted May 14, 2018, repealed art. II in its entirety and enacted new provisions to read as herein set out. Former art. II, §§ 12-25—12-47, pertained to similar subject matter, and derived from the 1999 Code, §§ 6.5.01—6.5.10, 6.5.14—6.5.26, 6.6.01, 6.6.02.

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### **Sec. 12-28. Multiple businesses.**

The granting of a license or permit to any person operating, conducting or carrying on any trade, profession, business or privilege which contains within itself, or is composed of, trades, professions, businesses or privileges which are required by this Code to be licensed, shall not relieve the person to whom such license or permit is granted from the necessity of securing individual licenses or permits for each such trade, profession, business or privilege.

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-29. State-licensed businesses.**

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall not exempt such person from the necessity of securing a license or permit from the city if such license or permit is required by this Code.

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-30. License application.**

Unless otherwise provided in this Code, every person required to obtain a license from the city to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall make application for said license to the city clerk upon forms provided by the city clerk and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such license. However, each application shall include, at minimum: name, address, birth date and contact information for the business owner, as well as a photocopy of a current government-issued identification.

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-31. License year.**

~~Unless otherwise provided in this Code, all licenses shall be issued for a term of one year, commencing on the 1<sup>st</sup> day of the month in which the license is originally issued. The license year shall begin May 1 of each year and shall terminate at 12:00 midnight on April 30 of the following year. In all cases where the provisions of this article permit the issuance of licenses for periods of less than one year, the effective date of such licenses shall commence with the dates as indicated on the license.~~

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-32. Conditions for issuance.**

No license or permit required by this Code shall be issued to any person who is required to have a license or permit from the state until such person shall submit evidence of such state license or permit and proof that all fees appertaining thereto have been paid. No license shall be granted to any applicant therefor until such applicant has complied with all of the provisions of this Code applicable to the trade, profession, business or privilege for which application for license is made.

(Ord. No. 665, § 3, 5-14-2018)

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### **Sec. 12-33. Where certification required.**

No license shall be granted where the certification of any officer of the city is required prior to the issuance thereof, until such certification is made.

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-34. County health officer's certificate.**

In all cases where the certification of the county health officer is required prior to the issuance of any license by the city clerk, such certification shall be based upon an actual inspection and a finding that the person making application and the premises in which he proposes to conduct or is conducting the trade, profession, business or privilege comply with all the sanitary requirements of the state and of the city.

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-35. Fees and bonds.**

(a1) The fee and any bond required to be paid to obtain any license to engage in the operation, conduct, or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of either this Code or of State law shall be as currently established or as hereafter adopted by resolution of the city commission from time to time. No license shall be issued to any applicant unless he first pays to the city clerk the fee and posts a bond in the amount required for the type of license desired.

(b2) Where the provisions of this Code require that the applicant for any license or permit furnish a bond, such bond shall be furnished in an amount as currently established or as hereafter adopted by resolution of the city commission from time to time; and the form of such bond shall be acceptable to the city attorney. In lieu of a bond, an applicant for a license or permit may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in any such bond; any such policies of insurance shall be approved as to substance by the city official issuing said license or permit and as to form by the city attorney.

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-36. License renewals.**

Unless otherwise provided in this Code, an application for renewal of a license shall be considered in the same manner as an original application. However, completed applications, ~~and associated fees,~~ for license renewal shall be submitted to the office of the issuing authority prescribed in this Code at least ~~ten~~ thirty business days prior to the ~~start of the business license year~~ expiration of the existing license. Any person seeking a license renewal who fails to submit a completed application and associated fees by this deadline shall be guilty of a municipal civil infraction.

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-37. Right to issuance.**

If the application for any license is approved by the proper officers of the city, as provided in this Code, said license shall be granted and shall serve as a receipt for payment of the fee prescribed for such licenses.

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(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-38. Fees—Payment.**

The fee required by this Code for any license or permit shall be paid at the office of the issuing authority prescribed in this Code upon or before the granting of said license or permit.

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-39. Same—Exempt persons.**

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

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-40. Suspension or revocation.**

(1) Any license or permit issued by the city pursuant to this chapter may be suspended or revoked by the city manager-clerk or by the issuing authority for cause. Upon license revocation, the license holder shall have 14 days from the mailing of the written notice of revocation to appeal the decision to the city manager. The city manager may require additional information or act upon the appeal based upon the information previously supplied to the city. Should the city manager reverse the decision of the issuing authority, the city shall reinstate the license. Should the city manager affirm the decision, he/she shall mail by first class mail a written notice affirming the decision to the address for the license holder contained in the city's records.

(2) Should the city manager affirm the revocation of a license, the license holder shall have 14 days from the mailing of the decision of the city manager to appeal the decision to the city commission, by filing with the city clerk a written notice of appeal. The city commission shall hear the appeal at its next regularly scheduled meeting, but no sooner than seven days from the receipt of the appeal. The licensee shall have the right to a hearing before the commission on any such action, provided a written request therefor is filed with the city clerk within five days after receipt of said notice of suspension or revocation. The commission may confirm such suspension or revocation or reinstate any such license. The action taken by the commission shall be final. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded.

(Ord. No. 665, § 3, 5-14-2018)

### **Sec. 12-41. "Cause" defined.**

The term "cause," as used in this article, shall include the doing or omitting of any act or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license or permit is granted under the provisions of this Code, or upon any premises or facilities used in connection therewith, which act, omission or condition is:

- (1) Contrary to health, morals, safety or welfare of the public;
- (2) Unlawful, irregular or fraudulent in nature;
- (3) Unauthorized or beyond the scope of the license or permit granted; or

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- (4) Forbidden by the provisions of this Code [or state law](#) or any duly established rule or regulation of the city applicable to the trade, profession, business or privilege for which the license or permit has been granted.

(Ord. No. 665, § 3, 5-14-2018)

**Sec. 12-42. Reserved.**

**Sec. 12-43. Exhibition of license.**

No licensee shall fail to carry any license issued in accordance with the provisions of this article upon his person at all times when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted; except that where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, said license shall be exhibited at all times in some conspicuous place in his place of business. Every licensee shall produce his license for examination when requested to do so by any city law enforcement officer or by any person representing the issuing authority.

(Ord. No. 665, § 3, 5-14-2018)

**Sec. 12-44. Reserved.**

**Sec. 12-45. Displaying invalid license.**

No person shall display any expired or otherwise invalid license.

(Ord. No. 665, § 3, 5-14-2018)

**Sec. 12-46. Misuse—Transferability.**

No license or permit issued under the provisions of this Code shall be transferable. No licensee or permittee shall transfer or attempt to transfer his license or permit to another nor shall he make any improper use of the same.

(Ord. No. 665, § 3, 5-14-2018)

**Sec. 12-47. Same—Automatic revocation.**

In addition to the penalty provision of section 1-13 for violation thereof, any attempt by a licensee or permittee to transfer his license or permit to another, or use the same improperly, shall be void and result in the automatic revocation of such license or permit.

(Ord. No. 665, § 3, 5-14-2018)

**Sec. 12-48. Civil infraction.**

An individual who violates any portion of this article [is](#) responsible for a municipal civil infraction.

(Ord. No. 665, § 3, 5-14-2018)

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**Sec. 12-49. Applicability.**

All processes and penalties detailed in this article apply to business licenses issued under any section of this code, including but not limited to those licenses required by chapters 6, 12, 34 and 35.

(Ord. No. 665, § 3, 5-14-2018)

**Secs. 12-50—12-74. Reserved.**