

## ARTICLE I

### Business Licenses

#### **Sec. 6-1-10. Purpose.**

The purpose of this Article is the regulation and registration of businesses operating within the Town to further the health, safety and welfare of the citizens of the Town, to provide the Town with necessary information concerning businesses in the Town and to further proper collection of taxes to support the Town. (Ord. 526 §1, 2005)

#### **Sec. 6-1-20. License required; exempt activities.**

(a) Every person shall obtain a business license from the Town before operating, conducting or carrying on any trade, profession or business within the Town.

(b) The following activities do not require a business license under this Article, and the burden of proving that an activity falls within one (1) of the following exemptions is upon the person claiming such exemption:

(1) Any canvassing on behalf of a candidate for elective public office or for proponents of a measure to be placed on the ballot.

(2) Activity consisting solely of mere delivery in the Town where no intent exists to evade the provisions of this Article.

(3) The selling of newspapers on public streets or in public places in a manner otherwise in compliance with this Code.

(4) Established delivery routes, persons calling by appointment, yard sales and garage sales.

(5) Activities of the federal or state government or municipal corporations.

(6) Occasional babysitting not including childcare operations.

(c) This business license shall be in addition to any other license or permit required by this Code for the conduct of such business. (Ord. 526 §1, 2005)

#### **Sec. 6-1-30. Applications.**

Applications for all licenses and permits required by any provision of this Code shall be made in writing to the Town Clerk. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid. Each application shall contain such additional information as may be needed for the proper guidance of the Town officials in the issuing of the permit or license applied for. (Prior code 5-1-1)

**Sec. 6-1-40. Forms.**

Forms for all licenses, permits and the applications therefor shall be prepared and kept on file by the Town Clerk. (Prior code 5-1-2)

**Sec. 6-1-50. Signatures.**

Each license or permit issued shall bear the signature of the Town Clerk, in the absence of any specific provision to the contrary. Such license or permit shall be in the form determined by the Town Clerk. (Prior code 5-1-3; Ord. 526 §1, 2005)

**Sec. 6-1-60. Issuance.**

Upon receipt of the required fee and compliance with Section 6-1-30, the Town Clerk will issue a license that indicates that the license fee has been paid for the specified year. (Ord. 526 §1, 2005)

**Sec. 6-1-70. Carrying or posting license required.**

The license for a particular business location shall be posted at all times in a conspicuous place in the place of business. If the business is not operated, conducted or carried on at a fixed location, then the licensee must carry the license upon his or her person when operating, conducting or carrying on such trade, profession or business. Every licensee shall produce his or her license for examination when requested to do so by any Town police officer or by any person representing the Town. (Ord. 526 §1, 2005)

**Sec. 6-1-80. Separate license for each location.**

Any person operating, conducting or carrying on any retail trade, profession or business within the Town must obtain a separate license for each location of such trade, profession or business. (Ord. 526 §1, 2005)

**Sec. 6-1-90. License nontransferable.**

No license issued under the provisions of this Article shall be transferable from person to person or place to place. (Ord. 526 §1, 2005)

**Sec. 6-1-100. Period of license.**

All licenses shall expire on January 1 of each calendar year unless sooner revoked, cancelled or suspended. There shall be paid a nonrefundable business license fee in an amount set by resolution of the Board of Trustees unless sooner revoked, cancelled or suspended. (Ord. 526 §1, 2005)

**Sec. 6-1-110. Fees.**

Such fees shall be paid in advance at the time application therefor is made to the Town Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters in the absence of any specific provision to the contrary and the fee paid for each quarter or fraction thereof during which the business has been or

will be conducted. Except as otherwise provided, all license fees shall become a part of the General Fund. (Prior code 5-1-4; Ord. 526 §1, 2005)

**Sec. 6-1-120. License renewal.**

(a) Unless specifically otherwise stated, all annual licenses may be renewed upon application and payment of the annual license fee to the Town Clerk. The license will be renewed if there has been no change in the application information relating to the business. The application for renewal and the fee therefor shall be submitted to the Town Clerk on or before the expiration date of the current license.

(b) If the application for renewal and fee therefor are not received on or before the expiration date of the current license, and the licensee continues to engage in the business for which the license was issued, then in addition to other penalties which may be imposed, there shall be imposed a penalty of ten percent (10%) of the amount of the license fee. In addition to the above penalty provision, it is unlawful for a licensee to continue to engage in any business or activity after his or her license therefor has expired. (Prior code 5-1-5; Ord. 526 §1, 2005)

**Sec. 6-1-130. Building and premises.**

No license shall be issued for the conduct of any business, and no permit shall be issued for anything or any act, if the premises and building to be used for the purpose do not fully comply with the requirements of this Code. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of Chapter 16 of this Code. (Prior code 5-1-6; Ord. 526 §1, 2005)

**Sec. 6-1-140. Inspections.**

Whenever inspection of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this Code or are reasonably necessary to secure compliance with any provision of this Code or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto for the purpose of making the inspection any officer or employee of the Town who is authorized or directed to make such inspection at any reasonable time that admission is requested. It is unlawful for such person to fail or refuse to admit such officer or employee for such purpose. (Prior code 5-1-8; Ord. 526 §1, 2005)

**Sec. 6-1-150. Suspension.**

A license may be suspended:

- (1) When any money due the Town has not been paid. This includes failure to pay civil penalties, fines, taxes, fees or any other money owed to the Town.
- (2) When any activity conducted by the licensee or his or her employee or agent violates any federal, state or local rule, regulation or law.
- (3) Upon failure to comply with the terms and conditions of the license.
- (4) Upon any grounds of suspension provided by this Code. (Ord. 526 §1, 2005)

**Sec. 6-1-160. Revocation.**

The Board of Trustees may, upon seven (7) days' written notice to a licensee stating the contemplated action and in general the grounds therefor, and after a reasonable opportunity to be heard, revoke any license issued by the Town if it finds that:

- (1) The licensee has failed to pay the annual license fee or any taxes or fees required to be paid;
- (2) The licensee has failed to file any reports or furnish any other information that may be required by the provisions relating to the specific license;
- (3) The licensee has violated any of the terms of the provisions pertaining to his or her license or any regulation or order lawfully made relating thereto; or
- (4) Any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of such license. (Prior code 5-1-9; Ord. 526 §1, 2005)

**Sec. 6-1-170. Return of fees.**

Upon refusal of any license, the fee therefor paid in advance shall be returned to the applicant. In the event that any license is revoked, all monies paid therefor shall be and remain the monies of the Town and no refund shall be made to any licensee. (Prior code 5-1-10)

**Sec. 6-1-180. Posting license.**

It shall be the duty of any person conducting a licensed business in the Town to keep his or her license posted in a prominent place on the premises used for such business at all times. (Prior code 5-1-11)

**Sec. 6-1-190. Change of location.**

The location of any licensed business or occupation, or of any permitted act, may be changed, provided that ten (10) days' notice thereof is given to the Town Clerk in the absence of any provision to the contrary. However, the building and zoning requirements of this Code shall be complied with. (Prior code 5-1-7; Ord. 526 §1, 2005)

**Sec. 6-1-200. Penalty.**

Failure to comply with the terms of this Article shall constitute a violation of this Code. Any person who is found guilty of, or pleads guilty or nolo contendere to the violation of any Section of this Article shall be subject to a penalty as set forth in Section 1-4-20 of this Code. (Ord. 526 §1, 2005)