

CHAPTER 5.08

BUSINESS LICENSES, PERMITS, REGULATIONS, AND VIOLATIONS

SECTIONS

5.08.010	License/Permit Required
5.08.020	Application for License
5.08.030	Application Review
5.08.040	License/Permit Fees: Computation and Payment
5.08.050	[repealed] (Ord. 935, July 1, 2011)
5.08.060	License/Permit Fees: Collection Costs and Attorney
5.08.070	Exemptions from License/Permit Requirements
5.08.080	License/Permit Issuance: Recordkeeping
5.08.090	[repealed] (Ord. 935, July 1, 2011)
5.08.100	Transfer or Assignment of License/Permit
5.08.110	Display of License/Permit
5.08.120	License/Permit Renewal: Late Penalty
5.08.130	Revocation or Suspension of License/Permit
5.08.140	Appeals
5.08.150	Violation and Penalty (Ord. 935, July 1, 2011)

5.08.010 LICENSE/PERMIT REQUIRED

1. No person shall engage in any of the following businesses or activities within the City limits without first obtaining a license or permit as provided in this Title, except as otherwise exempted herein: (Ord. 935, July 1, 2011) (Ord. 995, March 21, 2016)
 - a. Carnival, amusement park, amusement concessionaire;
 - b. Junk dealer;
 - c. Secondhand Dealer;
 - d. Pawn Broker;
 - e. Promotional event;
 - f. Solicitor;
 - g. Marijuana Dispensary (Ord. 987, September 21, 2015); or
 - h. Mobile Food Unit. (Ord. 1018, May 21, 2018)

2. The term of a license or permit shall be on a twelve (12) month cycle (commencing on the month of issuance) unless otherwise indicated. (Ord. 668, July 2, 1990)

[repealed section 3] (Ord. 987, September 21, 2015)

5.08.020 APPLICATION FOR LICENSE

Application for all licenses and permits required by this Title shall include information necessary to determine the identity and address of the applicant and of the owner of any enterprise, nature of activity, or device to be licensed, and shall include such other information required by this Title or that accomplishes an appropriate review. The application shall be signed by the applicant. (Ord. 935, July 1, 2011; Ord. 668, July 2, 1990)

5.08.030 APPLICATION REVIEW

1. The Administrator shall refer any license/permit application to any person, department, or agency of the City or any party otherwise deemed appropriate to review the application.
2. In reviewing the qualifications of an applicant, the following shall be considered, when appropriate:
 - a. Conformity of the proposed activity or use of device to this Code and with state, and federal law;
 - b. Unreasonable dangers to public health, safety, or property which may result from the proposed activity or use of the device or activity;
 - c. Past violations of laws or municipal code by the applicant or employees; and
 - d. Other considerations as to prior business practices, protection of the public health, safety and welfare, and as otherwise specifically required by this Title. (prior code 3.045)
3. Upon receipt and review of the application by the reviewing party, each shall endorse the application as satisfactory or not satisfactory and return the application to the Administrator, who shall approve the application and issue the license/permit, or deny the application and notify the applicant in writing the reasons for such denial. The notice shall inform the applicant of the provisions of this Chapter providing for appeal to the City Council. (Ord. 935, July 1, 2011; Ord. 668, July 2, 1990)

5.08.040 LICENSE FEES: COMPUTATION AND PAYMENT

1. No license or permit shall be issued until payment of fees, if any, as designated in and in accordance with a resolution to be approved by the City Council.
2. [repealed] (Ord. 935, July 1, 2011)

3. [repealed] (Ord. 935, July 1, 2011)
4. A person engaged in carrying on more than one business enterprise or activity designated in this Title shall pay the license/permit fee required for each business enterprise or activity. (Ord. 935, July 1, 2011; Ord. 668, July 2, 1990)

5.08.050 [repealed] (Ord. 935, July 1, 2011)

5.08.060 LICENSE/PERMIT FEES: COLLECTION COSTS AND ATTORNEY FEES

The City may sue in any court of competent jurisdiction to obtain a judgment and enforce collection thereof by execution for any fee or late charge due but unpaid under this Title. In any such action, the prevailing party is entitled to recover reasonable attorney fees to be set by the court, in addition to its costs and disbursements. (Ord. 935, July 1, 2011; Ord. 668, July 2, 1990)

5.08.070 EXEMPTIONS FROM LICENSE/PERMIT REQUIREMENTS

The following activities, in addition to those activities otherwise specifically exempted in this Title, shall be exempt from licensing:

1. [repealed] (Ord. 935, July 1, 2011)
2. Dance or performance, carnival, amusement park, amusement concessionaire, operated, or conducted by or for the sole benefit of any civic organization. (Ord. 935, July 1, 2011)
3. Person(s) collecting donations of personal property or money for any civic organization or in connection with any recognized, nationally conducted charity or in connection with any local civic activity. (Ord. 935, July 1, 2011)
4. Sidewalk sale, flea market, rummage sale, or other similar activity conducted on an infrequent basis by any group in connection with a civic organization. (Ord. 935, July 1, 2011)
5. Upon receipt of written request, the Administrator may exempt other activities or devices from the licensing provisions of this Title when, in the Administrator's judgment, it does not appear that the purposes of this Title would be served by such licensing. (Ord. 935, July 1, 2011; Ord. 668, July 2, 1990)

5.08.080 LICENSE/PERMIT ISSUANCE: RECORDKEEPING

1. After receipt of reports from all persons, departments, and agencies designated to review an application, the Administrator shall determine whether the applicant qualifies for issuance of a license/permit, in

accordance with the requirements of Section 5.08.130.2. If the applicant so qualifies, upon first payment of the license/permit fee, the Administrator shall issue the license/permit. (Ord. 935, July 1, 2011)

2. Such license/permit shall contain the signature of the Administrator, and shall show the name and address of the licensee, the class of license issued, the kind of goods or services to be provided thereunder, the amount of fee paid, the date of issuance, and the expiration date. In the case of itinerant merchants and solicitors, it shall also bear a photograph of the licensee taken at the time of application. (Ord. 935, July 1, 2011)
3. The Administrator shall keep a record of all licenses/permits issued in accordance with the state public records laws. (Ord. 668, July 2, 1990)

5.08.090 [repealed] (Ord. 935, July 1, 2011)

5.08.100 TRANSFER OR ASSIGNMENT OF LICENSE/PERMIT

1. No license or permit issued under the provisions of this Title shall be used at any time by any person other than the one to whom it was issued, unless duly assigned or transferred as provided herein.
2. Any assignment or transfer of a license or permit shall be invalid unless approved by the Administrator, but if any person sells or transfers the entire enterprise for which such license has been paid, and the transfer is approved, then the purchaser of that enterprise is not required to pay an additional license fee for the balance of the term for which the fee was previously paid. (Ord. 668, July 2, 1990)

5.08.110 DISPLAY OF LICENSE/PERMIT

1. A license or permit issued for an activity at a fixed place of business shall be displayed at all times on the premises where it can be easily read.
2. A license or permit issued for an activity which is not at a fixed place of business shall be displayed at all times by the licensee or permittee and all designated employees while engaged in the activity. Upon request, the licensee or permittee or any designated employee shall show the license or permit to any person with whom the individual is dealing as part of the licensed or permitted activity or to an officer of the City. (Ord. 935, July 1, 2011)
3. [repealed] (Ord. 935, July 1, 2011)

5.08.120 LICENSE/PERMIT RENEWAL: LATE PENALTY

1. The application for renewal of an annual license or permit shall be made to the Administrator prior to the license/permit expiration date.

2. A penalty of twenty-five (25%) percent, of the fee shall be added to the license fee accompanying any late renewal application. (Ord. 935, July 1, 2011; Ord. 668, July 2, 1990)

5.08.130 REVOCATION OR SUSPENSION OF LICENSE/PERMIT

1. Upon determination that a licensed or permitted activity, establishment, or device is in violation of this Code, state, or federal law, the Administrator shall notify the licensee/permittee in writing that the license is to be revoked. The notice shall be mailed (certified mail, return receipt requested) not less than thirty (30) days prior to the effective date of revocation. (Ord. 935, July 1, 2011)
2. Upon determination that a licensed or permitted activity or device presents an immediate danger to the public or property, the Administrator may suspend a license/permit at once. The suspension shall take effect immediately upon notice being received by the licensee/permittee. The Administrator may continue a suspension so long as the reason for the suspension exists or until other disposition is made by the City Council.
3. Notice of revocation or suspension shall be in writing, shall state the reason for revocation or suspension, the effective date thereof, and shall inform the licensee/permittee of appeal rights as provided herein.
4. [repealed] (Ord. 935, July 1, 2011)

5.08.140 APPEALS

1. Any applicant, licensee, or permittee aggrieved by the action of the Administrator in the denial, suspension, or revocation of a permit or license or by the action of the Administrator in the determination of the fee, shall have the right to appeal to the City Council. (Ord. 935, July 1, 2011)
2. If a notice of revocation has been appealed, the revocation shall not take effect until final determination of the appeal by the City Council.
3. Such appeal shall be perfected by filing a written statement with the City Council setting forth fully the grounds for such appeal. The statement shall be filed within fourteen (14) days after notice of the action complained of has been mailed to the applicant. (Ord. 935, July 1, 2011)
4. The City Council shall set a time and place for a hearing on such appeal and notice of the hearing before the Council shall be mailed to the licensee/permittee at the place of business that appears in the City's license/permit records at least ten (10) days prior to the date set for a hearing. (Ord. 935, July 1, 2011)
5. The decision and order of the City Council on such appeal shall be final. (Ord. 668, July 2, 1990)

5.08.150 VIOLATION AND PENALTY

[repealed sections 1 – 5] (Ord. 935, July 1, 2011)

A violation of this Title is punishable by a fine set by Council Resolution. (Ord. 987, September 21, 2015).