

3-1-4: PROCEDURE FOR OBTAINING LICENSE:

- A. License Required To Carry On Business: Unless exempted by state or federal law, it is unlawful for any person to engage in or carry on or operate any business in the city, or to use any property for such business, without first making application for and obtaining the required license from the city.
- B. Persons Subject To Licensing: Whenever a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirements if, by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation, or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the city.
- C. Application Contents:
1. Applications for licenses and permits required by this chapter shall be made in writing to the city license official at the city license office. Each application shall state the name of the business; the name of the applicant; the permit or license desired; the location of the business, if any; the fee to be paid; the name and street address (and mailing address, if different) of the business agent who is authorized to receive service of process and any communication regarding the applicant's license via certified mail, return receipt requested; and such additional information as may be needed for the purpose of guidance of the city officials in issuing the permit or license. Any change in the above information furnished by the license applicant shall be forwarded, in writing, within ten (10) days after the change, to the license official.
 2. Forms for all licenses and permits, and the applications therefor, shall be prepared and kept on file by the license official.
- D. Fees And Waiver:
1. Each application for a license under this chapter shall be accompanied by the license fee required to be paid for the issuance of the license desired. In addition to the license fee regularly assessed, any applicant which shall have commenced doing business prior to obtaining a valid license shall be assessed a penalty fee. The penalty fee shall be as provided in subsection 3-1-3H of this chapter. The fee may be paid by cash or check made payable to the city or a certified cashier's check and conditioned upon the payment of the license fee to the city in the event of the issuance of the license. Any license which has been issued pursuant to payment by means of a check shall be void

and of no force or effect if such check is not honored. Applications received by the license official shall be numbered in the order of their receipt.

2. The license official may not, under any circumstances, waive the business license fees due the city for the current year or for prior years in which the business operated.

- E. Fees Not Refunded When: No license fee, or any part thereof, shall be refunded for any reason whatsoever, once the application has been received or the license has been granted or issued by the city.
- F. Investigation: Upon receipt of an application for a license or permit, where ordinances of the city require an inspection or investigation before the issuance of such permit or license, the building official or his authorized representative or such other agency, including the sheriff's office and the planning and zoning division, as these ordinances specifically empower, shall make such investigation within five (5) business days after the time the application was received by the agency or department. However, when adequate investigation requires correspondence with agencies or other sources of information outside the city, or the license applicant is not ready to be inspected, such investigation shall be completed within fifteen (15) days, or as soon thereafter as possible. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within five (5) business days after making the investigation or inspection.
- G. Additional Investigations: As soon as practical, the license official, in his discretion, may refer the application for additional investigation to the other official or body for the purpose of investigation and inspection concerning the general reputation of the licensee, whether the business is or has been conducted in a lawful, quiet, orderly and helpful manner, and the conditions of health and safety of such premises, together with any other fact or facts that the city should know in acting upon the application.
- H. Report Of Investigations: Upon being requested to do so by the mayor or the license official, the sheriff, fire department, or any other official or department so requested, shall conduct the investigation and inspection provided for in this chapter and submit to the mayor or license official a report on such investigation and inspection, together with recommendations as to whether the license should be granted or denied.
- I. Action By Mayor: After receipt of the referenced reports and recommendations of the license official, sheriff, fire department or other official or body, the mayor shall act upon the application as he deems just and proper in regard to granting or denying the same, and may order further information or investigation if such appears necessary.

J. Compliance With Building And Zoning Requirements: No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or the performance of any act if the premises and building to be used for the purpose do not fully comply with the city building and zoning ordinances.

K. Approval: In the event the city approves a business license, the business license shall be signed by the mayor or impressed by his facsimile, and forwarded to the applicant.

L. Denial Conditions:

1. The mayor, upon recommendation of the license official, may deny the issuance of a license if the applicant has:
 - a. Been convicted of a felony or any crime involving moral turpitude; or
 - b. Obtained, or has aided another to obtain, a license by fraud, deceit, material misrepresentation or material omission; or
 - c. Failed to pay any applicable taxes or fees; or
 - d. Violated the laws of the state, the United States government, the ordinances of the city, or the rules and regulations of any state or city agency governing operation of the business holding the license or permit.
2. The reason for denial shall be endorsed on the application by the license official, and the city recorder shall return to the applicant, via certified mail, return receipt requested, the application, notice of the applicant's rights to an appeal and any fees that are refundable.

M. Appeal Hearing On Denial Of License; Effect Of Denial: If the applicant files a written notice of appeal within twenty (20) days of the notice of denial, a hearing to consider the denial of a license shall be held as provided in section 3-1-6 of this chapter. Unless the mayor or hearing examiner orders otherwise, it shall be unlawful for an applicant who has been denied a license to commence or conduct the business or occupation contemplated in the application.

N. Effect Of Denial: If at any time a license or renewal is denied under the provisions of this chapter, it shall thereafter be unlawful for any person to engage in or carry on or operate or use or permit to be operated or used, any property for any business with respect to

which the license or renewal has been denied, until a license or renewal shall be granted by the city. (Ord. 05-20-03B, 5-20-2003)