

CHAPTER 6

Business Licenses and Regulations

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ARTICLE 1

Business Licenses

Sec. 6-1-10. Purpose.

The purpose of this Article is the regulation and registration of businesses operating within the Town for the health, safety and welfare of the citizens of the Town and for the proper collection of taxes to support of the Town. (Ord. 7 §1, 2010)

Sec. 6-1-20. License required; issuance; application.

(a) It is unlawful for any person to engage in any business within the Town, or with a Red Cliff mailing address, without first having obtained a license therefor.

(b) Such license shall be granted and issued by the Town Clerk upon payment to the Clerk by the applicant of a license fee established by resolution of the Board of Trustees.

(c) The license shall be required on January 1 of each year and shall be effective until December 31 of the same year.

(d) The license shall be granted and renewed only upon application stating the name and address of the person desiring such license, the name, address and location of the business, the kind of business and such other facts as the Town may require. It is unlawful for any person to make any false statement or misrepresentation in connection with any application for a license.

(e) The procedure for obtaining a license is: completion of the application, including the emergency contact and notification record and payment of the license fee. (Ord. 4, 1995; Ord. 7 §1, 2010)

Sec. 6-1-30. Renewal.

It shall be the duty of the licensee on or before January 1 of each year to obtain a renewal of the business license if the business is to continue operating. The procedure to renew is the same as for the issuance of the original license. (Ord. 4, 1995; Ord. 7 §1, 2010)

Sec. 6-1-40. Contents; display required; nontransferable.

(a) Each license shall be numbered and shall show the name, address and character of the business licensed for which it is issued.

(b) No license shall be transferable.

(c) 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 any retail 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. 4, 1995; Ord. 7 §1, 2010)

Sec. 6-1-50. Separate license for each location.

Separate licenses are required for each address. In case business is transacted at one (1) or more separate premises by the same company, a separate license for each place of business shall be required. (Ord. 4, 1995; Ord. 7 §1, 2010)

Sec. 6-1-60. 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, impact 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. 7 §1, 2010)

Sec. 6-1-70. Revocation of license.

A license may be revoked by the Town:

- (1) When it appears that the license was obtained by fraud, misrepresentation or false statements within the application.
- (2) When it appears that the activity conducted pursuant to such license is a public nuisance as defined by this Code or statute or 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 revocation provided by this Code. (Ord. 7 §1, 2010)

Sec. 6-1-80. Notice and hearing prior to suspension or revocation.

All hearings to revoke, suspend or cancel a license shall be before the Board of Trustees. The suspension or revocation of any license shall not release or discharge anyone from his or her civil liability for the payment of the taxes, penalty and interest or from the prosecution of the offense. (Ord. 7 §1, 2010)

Sec. 6-1-90. Cease and desist.

If any business is operating without a license, the Mayor may issue an order to the business to cease and desist all further operation until a license is issued for the business. The order shall give the business three (3) days to pay all amounts due the Town, or to post a bond in the amount owing the Town and to request in writing a hearing with the Town Clerk. If the business does nothing, it shall cease operations on the third day. The hearing will be before the Board of Trustees. The proceedings

shall not relieve or discharge anyone from the civil liability for the payment of the taxes, penalty and interest or from the prosecution of the offense. (Ord. 7 §1, 2010)

Sec. 6-1-100. Refund of fees.

Upon refusal by the Town of any license or permit, the fee therefor paid in advance shall be returned to the applicant. In the event that any license or permit is revoked by the Town, all monies paid therefor shall be and remain the monies of the Town, and no refund shall be made to any licensee or holder of a permit. (Ord. 7 §1, 2010)

Sec. 6-1-110. 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, a violation of any section of this Code shall be subject to a penalty as set forth in Section 1-4-20 of this Code. (Ord. 7 §1, 2010)

ARTICLE 2

Peddlers and Solicitors

Sec. 6-2-10. Definitions.

As used in this Article, the following words shall be construed to have the meanings defined below:

Peddler means any person, whether a resident of the Town or not, who sells and delivers or offers for sale to consumers any goods, wares or merchandise, traveling from place to place, from house to house or from street to street, or who sells or offers for sale and delivery any goods or other articles while traveling on foot or by vehicle or any other type of conveyance.

Solicitor means any person whether a resident of the Town or not, traveling either by foot or vehicle or any other type of conveyance from place to place, from house to house or from street to street selling merchandise or personal property of any nature whatsoever for future delivery or for services to be performed or furnished in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether or not he or she is collecting advance payments on such sales. (Ord. 4, 1995; Ord. 7 §1, 2010)

Sec. 6-2-20. Sale of certain agricultural products excluded.

The terms of this Article shall not apply to farmers or gardeners who sell and deliver or offer for sale fruits, vegetables or other country produce raised by them. Marijuana for medicinal purposes is not included in this provision as an exclusion. (Ord. 4, 1995; Ord. 7 §1, 2010)

Sec. 6-2-30. License fees.

(a) The license and permit fee shall be charged in advance by the Town Clerk for any such license or permit as established by resolution from time to time by the Board of Trustees.

(b) An annual license and permit fee may also be established by the Board of Trustees and shall be paid in advance annually. The term of an annual license shall be from January 1 of the year for which application is made to December 31 of the same calendar year.

(c) None of the license fees provided for in this Article shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by the licensee or applicant for a license or permit to place an undue burden upon such commerce, he or she may apply to the Board of Trustees for an adjustment of fees so they will not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his or her method of business and the gross volume of business and such other information as the Board of Trustees may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Board of Trustees shall then conduct an investigation, comparing the applicant's business with other businesses of like nature and shall make findings of fact, from which it shall determine whether the fee fixed by this Article is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and not discriminatory, or, if the fee has already been paid, a refund shall be issued to the applicant. (Ord. 4, 1995; Ord. 7 §1, 2010)

Sec. 6-2-40. License exhibition.

Solicitors and peddlers are required to exhibit their licenses and permits at the request of any citizen of the Town. (Ord. 4, 1995; Ord. 7 §1, 2010)

Sec. 6-2-50. License revocation.

(a) Permits and licenses issued under this Article may be revoked by the Board of Trustees, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statements contained in the application of the license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his or her business as solicitor or as peddler.
- (3) Any violation of this Code.
- (4) Any violation of conditions imposed by the Board of Trustees for approval of the license.
- (5) Conviction of any crime or misdemeanor involving moral turpitude.
- (6) Conducting the business of soliciting or peddling in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for the revocation of a license shall be given in writing setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his or her local address as set forth on the application, at least five (5) days prior to the date set for the hearing. (Ord. 4, 1995; Ord. 7 §1, 2010)

