

## LICENSES AND PERMITS

### Chapter 5.04

#### LICENSES AND PERMITS

##### Sections:

- 5.04.010 Persons subject to license.
- 5.04.020 Application - Contents.
- 5.04.030 Forms kept on file by city clerk.
- 5.04.040 Signatures required.
- 5.04.050 Investigations.
- 5.04.060 Fees.
- 5.04.070 License year.
- 5.04.080 Annual licenses - Notice of expiration.
- 5.04.090 Revocation.
- 5.04.100 Posting license.
- 5.04.110 Change of location - Notification of city clerk.
- 5.04.120 Premises and building to comply with city requirements.
- 5.04.130 Nuisances.
- 5.04.140 Inspections.
- 5.04.150 Violation - Penalty.

##### **5.04.010 Persons subject to license.**

Whenever in this code 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 requirement 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. (Prior code § 21.002.)

##### **5.04.020 Application - Contents.**

Applications for all licenses and permits required by ordinance shall be made in writing to the city clerk in the absence of provision to the contrary. 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; and each application shall contain such additional information as may be needed for the permit or license applied for. (Prior code § 21.001.)

##### **5.04.030 Forms kept on file by city clerk.**

Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the city clerk. (Prior code § 21.004.)

##### **5.04.040 Signatures required.**

Each license or permit issued shall bear the signatures of the mayor and the city clerk in the absence of any provision to the contrary. (Prior code § 21.005.)

##### **5.04.050 Investigations.**

Upon the receipt of an application for license or permit where ordinances of the city necessitate an inspection or investigation before the issuance of such permit or license, the city clerk shall refer such application to the proper officer for making such investigation within forty-eight hours of the time of such

## LICENSES AND PERMITS

receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof. The city sanitarian shall make or cause to be made an inspection in regard to such license in the connection of the care and handling of food and the preventing of nuisances and the spread of disease and for the protection of health; the building inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided shall be made by the chief of police or by some other officer designated by the mayor. (Prior code § 21.006.)

### **5.04.060 Fees.**

In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the city 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 not be prorated for any fraction of the license year, but the applicant shall be required to pay the full license fee. There shall be no refund for cancellation or termination of a license for any reason, unless otherwise provided. Except as otherwise provided, all license fees shall become a part of the general fund. A new applicant shall pay two times the annual license fee upon making application as and for the first year license fee. (Ord. 1979-M-44 § 2: prior code § 21.007.)

### **5.04.070 License year.**

The license year for the city shall begin on the first day of May and end on the last day of April of each year. (Prior code § 21.003.)

### **5.04.080 Annual licenses - Notice of expiration.**

- A. All annual licenses shall terminate on the last day of April, where no provision to the contrary is made.
- B. The city clerk shall mail to all licensees of the city a statement of the time of expiration of the license held by the licensee, if an annual, three weeks prior to the date of such expiration; provided that a failure to send out such notice, or failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license.

(Prior code § 21.008.)

### **5.04.090 Revocation.**

Any license or permit for a limited time may be revoked by the mayor at any time during the life of such license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed. (Prior code § 21.013.)

### **5.04.100 Posting license.**

It shall be the duty of any person conducting a licensed business in the city to keep his license posted in a prominent place on the premises used for such business at all times. (Prior code § 21.014.)

### **5.04.110 Change of location - Notification of city clerk.**

The location of any licensed business or occupation or of any permitted act, may be changed, provided ten days' notice thereof is given to the city clerk, in the absence of any provision to the contrary; provided, that the building and zoning requirements of the ordinances of the city are complied with. (Prior code § 21.010.)

## LICENSES AND PERMITS

### **5.04.120 Premises and building to comply with city requirements.**

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the city. 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 the zoning ordinance of the city. (Prior code § 21.009.)

### **5.04.130 Nuisances.**

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (Prior code § 21.011.)

### **5.04.140 Inspections.**

- A. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision 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 city who is authorized or directed to make such inspection at any reasonable time that admission is requested.
- B. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the city requesting the same sufficient samples of such material or commodity for such analysis upon request. In addition to any other penalty which may be provided, the mayor may revoke the license of any licensed proprietor of any licensed business in the city who refuses to permit any such officer or employee who is authorized to make such inspection or take such samples to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection; provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the city, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

(Prior code § 21.012.)

### **5.04.150 Violation - Penalty.**

Any person, firm or corporation violating any provision of this chapter shall be fined not less than two dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 21.015.)