

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: GENERAL REGULATIONS; LICENSES

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Cross-reference:

Taxation, finance, and purchasing, see Ch. 36

§ 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTOMOBILE SERVICE STATIONS. Those places where motor vehicle fuels and auto parts are sold at retail.

BANK and ***BANKER.*** Every person, firm, or corporation having a place of business where credits are opened in favor of anyone on time or current deposits, or on collection of money or currency subject to be paid or remitted on drafts, checks, or order, or where money or currency is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullions, bills of exchange, or promissory notes are received for discount or sale.

BROKER. Every person, firm, or corporation, other than a bank or banker, who for commission or premium, effects or negotiates for the purpose of sale of any kind of stocks, bonds, bullion, bills of exchange, promissory notes, checks, drafts, coin money, or other money or currency or other securities for themselves or others.

BUTCHER. Any person who sells fresh meat of cattle, hogs, or sheep in any quantity less than one-quarter of an animal, in any store, stand, or place kept for that purpose.

GASOLINE AND OIL PRODUCTS WHOLESALER. Every person, firm, or corporation engaged in the business of selling gasoline and oil products to a dealer for resale at retail.

MERCHANT. Any person, firm, company, or corporation who shall deal in the selling of goods, wares, and merchandise at any stand, store, or place occupied for that purpose, including all dealers in drugs and medicines, lumber, jewelry, furniture, clothing, furnishing goods, millinery goods, hardware, books, musical and other instruments, fruits, vegetables and groceries, confections, tobacco and cigars, produce, and all other articles of merchandise, the taxation of which is not otherwise provided for in this chapter.

PAWNBROKER. Every person who loans money on a deposit of personal property as security or who deals in the purchase of personal property on condition of selling the same back at a stipulated price or who publicly exhibits a sign "money to loan".

PEDDLER. Any person who shall deal in the selling of goods, wares, and merchandise of any kind or nature except books, magazines, and publications, by going from door to door of residence and places of business to sell the same.

ROOMING HOUSE. A house where persons are furnished for gain or profit, lodging or board or both by the day, week, or month.

TRAILER COURT. A place where space and accommodation for motor vehicle house trailers is rented or available for rent.

(Prior Code, § 605.005) (Ord. 130B, passed 8-4-1981)

§ 110.02 LICENSE REQUIRED.

All of the various occupations, professions, avocations, trades, and businesses herein specified, followed, practiced, or engaged in within the city shall be licensed, taxed, and regulated as herein specifically provided and no person, firm, or corporation, either as principal or agent, shall conduct, pursue, carry on, or operate within the city, any occupation, profession, avocation, trade, or business herein specified without paying in advance the license tax hereinafter prescribed and levied.

(Prior Code, § 605.010) (Ord. 130B, passed 8-4-1981) Penalty, see § 110.99

§ 110.03 PREREQUISITE TO ISSUANCE OF LICENSE OR PERMIT.

(A) No license or permit authorized or required under any ordinance of the city shall hereafter be issued by the city, or any official thereof, to any person, firm, association, or corporation until all city personal taxes and merchant's taxes of the applicant for such license or permit, which are past due and in default, have been paid; provided however, this section shall not apply to such taxes as shall, as of the date of application for such license or permit, have been barred by the statute of limitation.

(B) It shall be the duty of the City Collector, the City Clerk, and such other officers of the city as are authorized to issue licenses or permits, to establish and promulgate rules and regulations relative to an orderly method of checking unpaid personal taxes and merchant's taxes in order to determine the amounts thereof due and owing to the city, by any such applicant. All officers and departments of the city shall assist and cooperate with the City Collector, City Clerk, and such other officers in carrying out the intent of this section.

(C) Driver's licenses, dog licenses, and bicycle licenses, if any now or hereafter required by ordinance, are hereby expressly excepted from the provisions of this section and as to such driver's licenses, dog licenses, and bicycle licenses, the provisions of this section shall not apply.
(Prior Code, § 605.015) (Ord. 127, passed 8-5-1968)

§ 110.04 LICENSE APPLICATION AND ISSUANCE.

All applications for the licenses required herein shall be made to the City Clerk on appropriate forms provided for that purpose by the city. All licenses issued by the City Clerk shall be in such form as is provided by the Board of Aldermen; provided however, that such license shall bear the signature of the Mayor of the Board of Aldermen and the City Clerk; the date of issuance thereof and the date of expiration, as well as any additional information that may be required by the Board of Aldermen.
(Prior Code, § 605.020)

§ 110.05 DUTY OF COLLECTOR.

It shall be the duty of the City Collector to collect all the money for licenses issued under this chapter and to keep a complete and accurate account and list of all such licenses issued by him or her so that at any time such list of accounts shall clearly show what licenses have been issued, the purpose for which issued, the occupation, profession, avocation, trade, or business for which issued, the period of time for which issued, and the amount paid.
(Prior Code, § 605.025) (Ord. 130B, passed 8-4-1981)

§ 110.06 LICENSE FEES.

(A) Every person, firm, or corporation engaged in the business of bank, motor vehicle repairs, hairdresser, beauty shop, auto salvage dealer, gas and oil service station, farm implement repairs,

laundry, laundry agency, baker, butcher, pawnbroker, blacksmith, dry cleaning or clothes pressing, real estate agent or broker, shoe repair, banker, photographer, printer, newspaper publisher, lumber yard, feed store, grain elevator, contractor, funeral home, cafe, restaurant, merchant, rooming house, trailer court, gasoline and oil products wholesaler, public hall, museum, and agent or agencies not otherwise defined herein shall pay a license tax of \$25 per annum.

(B) Every person, firm, or corporation engaged in the business of operating a hotel or motel shall pay a license tax of \$25 per annum and, if a coffee shop, cafe, or restaurant is operated in connection with such hotel or motel, the additional tax provided in division (A) above shall also be paid.

(C) Every person engaged as a peddler shall pay a license tax of \$30 per day for each and every day such person so operates in the city.

(D) Every person, firm, or corporation engaged in the business of operating a billiard parlor or pool hall shall pay a license tax of \$10 per annum for each billiard, pool, or snooker table usable and on the premises of such business.

(E) Every person, firm, or corporation who shall, directly or indirectly, place for operation in any public or private place in the city, for amusement purposes for profit or monetary gain, any music box or music machine, any marble game or machine, pinball game or table, or machine or any other similar type of machine or game into which can be placed any piece of money, coin, token, slug, or instrumentality of any kind for the purpose of operating or playing the same shall pay a license tax for each machine or table the sum of \$10 per annum. The tax hereby levied is declared to be an occupational tax for the privilege of engaging in the business of operating such instrumentalities within the city.

(Prior Code, § 605.030) (Ord. 130B, passed 8-4-1981; Ord. 130B, 11-5-1996; Ord. 330, passed 4-3-2004)

§ 110.07 LICENSE NOT TRANSFERABLE.

(A) No license issued under the provisions of this chapter shall be assignable or transferable, but shall apply only to the person to whom same is issued. No refund shall be made on any license issued on account of the person, firm, or corporation to whom such license is issued, discontinuing or retiring from the business, calling, or occupation for which such license is issued.

(B) In the event any licensee, as provided for herein, shall move his or her place of business from one location to another location within the city, said licensee shall submit a statement of the fact of such change to the City Clerk, who may transfer such license as to location only. In no event, however, shall such license be transferred from one person to another or from the kind of business or occupation originally licensed to another type of business or occupation.

(Prior Code, § 605.040) (Ord. 130B, passed 8-4-1981) Penalty, see § 110.99

§ 110.08 TERM OF LICENSE.

The term of the licenses issued pursuant to the provisions of this chapter shall be from January 1 of one year to December 31 of the succeeding year. In the event any licensee hereunder shall commence business on or after July 1, the City Clerk shall issue such license at the rate of one-half of the license fee for such six-month period of July 1 to December 31 or fraction thereof.
(Prior Code, § 605.050)

§ 110.09 RENEWAL APPLICATIONS.

All applications for renewal of a license provided for herein shall be filed no later than June 1 of each year.
(Prior Code, § 605-060)

§ 110.10 DISPLAY OF LICENSE.

Each license issued by the city under the provisions of this chapter shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by said license. If there is no place of business, said license shall be carried on the licensee's person.
(Prior Code, § 605.070)

§ 110.11 EXCEPTED BUSINESSES AND OCCUPATIONS.

The provisions of this chapter shall under no circumstances be construed to require a license or a license fee for any business, occupation, pursuit, or profession for which the city may be prohibited by law from licensing or requiring a fee for said license.
(Prior Code, § 605.080)

§ 110.12 REVOCATION OF LICENSE; GROUNDS.

(A) Any license issued by the city pursuant to the provisions of this chapter may be revoked by the Board of Aldermen for any of the following reasons, as well as for any other reasons specified in this chapter:

- (1) Any failure to comply with, or any violation of any provisions of this chapter, or any other ordinance of the city regulating the business, occupation, or activity licensed, or the statutes of the state by any licensee;
- (2) Violation of the terms and conditions upon which the license was issued;
- (3) Failure of the licensee to pay any tax or obligation due to the city;

(4) Any misrepresentation or false statement in the application for a license required herein; and/or

(5) Failure to display the license required herein.

(B) Revocation of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to these provisions.

(Prior Code, § 605.090)

§ 110.13 REVOCATION OF LICENSE; PROCEDURE.

In any case in which a complaint has been made to the Board of Aldermen, or in which the Board of Aldermen have on its own determined that cause may exist for the revocation of a license under the provisions of this chapter, the following procedures shall be followed.

(A) The Board of Aldermen shall set a date for a hearing to consider the question of revocation.

(B) At least ten days prior to said hearing, written notice shall be mailed to the licensee, by registered mail, return receipt requested, to his or her last known address as shown in the records of the City Clerk, advising the licensee of the time, date, and place of hearing and of the reason for considering the revocation of his or her license.

(C) During the pendency of this hearing before the Board of Aldermen, the licensee shall be permitted to continue the operation of his or her business.

(D) At the hearing set by the Board of Aldermen, the Board of Aldermen shall hear all relevant and material evidence justifying the retention of the license.

(E) The licensee may be present in person and/or by his or her attorney and may present evidence.

(F) After hearing the evidence presented, the Board of Aldermen shall vote on the issue of whether the subject license shall be revoked.

(G) The affirmative vote of a majority of the Board of Aldermen shall be necessary to revoke any license.

(Prior Code, § 605.100)

§ 110.14 EXISTING LICENSES NOT AFFECTED.

Nothing in this chapter shall be so construed as to affect any right or privilege accruing under any license heretofore issued by any ordinance of this city.

(Prior Code, § 605.120) (Ord. 130B, passed 8-4-1981)

§ 110.15 REGULATION OF MERCHANT OR PEDDLER LICENSE.

There shall be no merchant or peddler's license issued during the week event of the Otterville Street Fair.

(Prior Code, § 605.130) (Ord. 130B, passed 11-5-1996)

§ 110.99 PENALTY.

Any person, firm, or corporation or co-partnership who shall violate any provision of this chapter, or who shall exercise or attempt to exercise any of the occupations, trades, or avocations, or who shall carry on, or engage in, or attempt to carry on or engage in any of the businesses for which a license is required in this chapter in the city, without first paying the tax herein levied, and obtaining a license therefor, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$25, nor more than \$500. In addition to the above penalties, any person, firm, or corporation, or co-partnership, who is required to take out a license, or any such person whose license has expired, and notice has been given by the City Clerk, shall, if not paid within 30 days after such tax is due pursuant to said notice, pay a penalty of \$12.50, and for every 30 days thereafter, \$12.50 shall be added as a penalty, until the party required to take out such license shall have complied with the provisions regulating licenses in this chapter. This penalty shall be collected with the license by the City Clerk and paid to the city.

(Prior Code, § 605.110)

