

TITLE XI: BUSINESS REGULATIONS

Chapter

110. BUSINESS LICENSES

111. PEDDLERS

CHAPTER 110: BUSINESS LICENSES

Section

- 110.01 Definitions
- 110.02 Purpose
- 110.03 Non-profit organizations
- 110.04 Agents of nonresident proprietors
- 110.05 License required
- 110.06 Duration of license
- 110.07 License fees
- 110.08 License application
- 110.09 Unlawful acts
- 110.10 Delinquent license fees
- 110.11 Fee amounts
- 110.12 Violations
- 110.13 Revocation of license
- 110.14 Suspension of license
- 110.15 Appeal
- 110.16 Reseller's license
- 110.17 Enforcement agencies

- 110.99 Penalty

AUCTIONEER. Any person who sells or offers to sell merchandise by public outcry or to the highest bidder, either for himself or for another person.

BUSINESS. Professions, trades, occupations, shops and every kind of calling carried on for profit or livelihood.

EXHIBITION. The display of goods or materials for which an admission fee is charged.

FLEA MARKET. All general sales, open to the public, conducted in any commercial zone within the city, for the purpose of disposing of personal property. These general sales include, but are not limited to, sales entitled "flea markets", "bazaars" and "rummage sales". **FLEA MARKET** also includes situations where booths, tables or spaces are sold or rented for the purpose of conducting sales of personal property. For the purpose of the definition of **FLEA MARKET**, personal property means property which is owned by the individual conducting the sale, is purchased for resale, or is obtained on consignment.

GARAGE SALE. Any public sale of new or used goods within the city limits by an individual or group of individuals is not in the business of selling goods or is not licensed as a secondhand dealer, and when the property from which the sale is to be conducted is not within a zone permitting commercial business or otherwise permitted under the provisions of this chapter.

GENERAL CONTRACTOR. Any person who undertakes or offers to undertake for consideration to furnish all of the material, or labor, or both, that are considered necessary to construct, alter, repair or add

§ 110.01 DEFINITIONS.

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

AMUSEMENT DEVICE. Any game, device or machine kept, operated or played in any place of business or other place where the public is invited or permitted to attend and which may be played by the insertion of coins.

APPLICATION. A new application, a renewal of an application, or a transfer of license application.

to any building or structure, including commercial, residential or heavy construction work.

HOBBY. Any activity which results in an annual profit of less than \$1,500. For the purpose of this chapter, **HOBBIES** are exempt from business license requirements.

NON-PROFIT. Any business or organization which holds a certificate of exemption from taxes from the Internal Revenue Service.

PERSON. All domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint ventures, societies and individuals transacting and carrying on any business in the city.

REAL ESTATE BUSINESS. An enterprise or undertaking of any nature that deals either directly or indirectly with leaseholds or any interest or estate in land, or both, whether the land is situated in this state or elsewhere.

RESIDENTIAL BUILDING

CONTRACTOR. Any person who furnishes or offers to furnish all of the material, or labor, or both, that are required to construct, alter, repair or add to any residential structure or other residential construction work, and who employs not more than four persons, including the person or persons contracting.

SELF-EMPLOYED. A person who serves as his or her own employer, who is not a general, residential building, or subcontractor, and who employs no other persons.

SUBCONTRACTOR. A person who contracts on predetermined terms to be responsible for the performance of all or part of a job of construction in accordance with established specifications or plans.

TRANSIENT MERCHANT. Any person, firm, corporation selling or offering to sell, other than at auction, any merchandise in any building, store, room or place of business with the intention of doing so for a short period of time and without the intention of permanently doing so in the regular course of business.

VENDING MACHINE. Any machine from which food, drink or cigarettes are received in return for the insertion of coins.
(Ord. 193, passed 8-10-1995)

§ 110.02 PURPOSE.

This chapter is enacted to provide revenue to pay for the expenses required to issue licenses, to provide revenue to pay for municipal services to business, and to regulate businesses.
(Ord. 193, passed 8-10-1995)

§ 110.03 NON-PROFIT ORGANIZATIONS.

Nothing in this chapter shall be construed to apply to any non-profit business or organization, including instances where the non-profit business or organization serves as sponsor of an event (except that refundable deposits may be required), but proof of a business's or organization's non-profit status may be required.
(Ord. 193, passed 8-10-1995)

§ 110.04 AGENTS OF NONRESIDENT PROPRIETORS.

The agent or agents of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be liable for the payment of fees established by the Council, except as otherwise provided by law, and for the penalties for failure to pay the fees or to comply with the provisions of this chapter as if the agent or agents were themselves proprietors.
(Ord. 193, passed 8-10-1995)

§ 110.05 LICENSE REQUIRED.

It shall be unlawful for any person to transact or carry on or cause to be transacted or carried on any business without having first obtained a license therefore from the City Recorder/Manager for the current calendar year.
(Ord. 193, passed 8-10-1995) Penalty, see § 110.99

§ 110.06 DURATION OF LICENSE.

All business licenses under this chapter are annual and shall expire on December 31. The required application and license fees are due on January 1 of each year for the calendar year commencing with that date and are delinquent on February 1.

(Ord. 193, passed 8-10-1995)

§ 110.07 LICENSE FEES.

(A) All trades, shops, businesses, occupations, professions and callings carried on in the city shall be licensed and the amount to be paid as license fees shall be established by resolution of the Council.

(B) Garage sales may be conducted without obtaining a business license; however, no household may conduct more than two garage sales in a one-year period, and no sale may last longer than five days.

(C) A license fee is not delinquent until after the applicant has commenced operation of his or her trade, shop, business, occupation, profession or calling within the city during the calendar year without paying the required license fee.

(D) When an applicant for a business license has not engaged in business during the calendar year until after June 30, the required fee for the license shall be reduced by one-half. If the applicant had engaged in the same or similar business during the previous calendar year, there will be no reduction in the required fee.

(E) Where the applicant for a business license is operating more than one trade, shop, business, occupation, profession or calling from the same location, each trade, shop business, occupation, profession or calling must be separately licensed, but the applicant need pay only the one license fee which would be the highest fee.

(Ord. 193, passed 8-10-1995)

§ 110.08 LICENSE APPLICATION.

(A) (1) All business licenses required under this chapter or any other ordinance shall be issued by the City Recorder/Manager.

(2) The application for any license shall contain the following information:

(a) The description of the business carried on within the city;

(b) The name of the applicant, with a statement of all persons having an interest in the business, either as proprietors or owners of the business;

(c) The location in which the business is conducted;

(d) Proof of the applicant's possession of any licenses, certificates or registrations that are required by state or federal laws to conduct the type of business listed on the application;

(e) The date of the application;

(f) The average number of persons regularly employed by the business at the time the application for license is made. When practicable, this average shall be computed by adding all regular employees listed on the business's social security reports during the year and dividing this total by the number of reports;

(g) The amount of money tendered with the application; and

(h) Any other information necessary to enable the city to review the application under division (B) below, and to determine the appropriate fee as established by resolution of the Council.

(B) The City Recorder/Manager shall refer each application to the appropriate departments of the city for review.

Lakeside - Business Regulations

(1) Approval or denial of the application shall be based on consideration of all available evidence as to whether the proposed business will meet the requirements of the City Charter and ordinances.

(2) The license may not be granted if:

(a) The activity or device to be licensed would not comply with city ordinances or state or federal laws, except, where an activity is specifically allowed by state law but prohibited by federal law, the activity may be licensed as long as it is in compliance with state law and city ordinances;

(b) The licensed activity or device would endanger property or the public's health or safety;

(c) The applicant's violation of law or ordinance represents a reasonable doubt about the applicant's ability to perform the licensed activity without endangering property or the public's health or safety;

(d) The applicant fails to supply information required, or submits misleading or false information, or submitted misleading or false information on a previous application; or

(e) The premises to be used by the business do not fully comply with all city ordinances and requirements.

(C) In the event of the transfer of any business, the license shall be transferred using a form provided by the City Recorder/Manager, signed by the person making the transfer, and accompanied by a transfer fee established by resolution of the Council.

(D) Upon a favorable recommendation from each department, the City Recorder/Manager shall issue the license. If any department determines that the application should be denied, the City Recorder/Manager shall notify the applicant of the denial and the reasons for the denial.
(Ord. 193, passed 8-10-1995; Ord. 16-288, passed 10-13-2016)

§ 110.09 UNLAWFUL ACTS.

It is unlawful for any person to willfully make false or misleading statement to the City Recorder/Manager for the purpose of determining the amount of a license fee, or to fail to comply with any of the provisions of this chapter, or to fail to pay any required license fee or penalty.

(Ord. 193, passed 8-10-1995) Penalty, see § 110.99

§ 110.10 DELINQUENT LICENSE FEES.

In the event that any person required to obtain a license fails to obtain the license or pay the required fee before it becomes delinquent, the City Recorder/Manager shall collect the fee payment with a penalty of 10% of the fee payment for each calendar month, or fraction of a month, that the fee payment is delinquent.

(Ord. 193, passed 8-10-1995)

§ 110.11 FEE AMOUNTS.

Nothing contained in this chapter may be construed as vesting any right in a license or a contract obligation on the part of the city as to the amount of the fee. Other taxes or fees and the fees provided by Council resolution may be increased, decreased or created by the city. Any business may be reclassified at any time and other fees or taxes may be levied. No person who has received a license and has paid the fee required under this chapter shall be entitled to any refund.

(Ord. 193, passed 8-10-1995)

§ 110.12 VIOLATIONS.

The conviction of a person for violation of any provision of this chapter may not serve to relieve the person from paying the fee or penalty for which the person is liable. The payment of any fee may not bar or prevent legal prosecution of a complaint for the violation of any provision of this chapter.

(Ord. 193, passed 8-10-1995)

2016 S-2

§ 110.13 REVOCATION OF LICENSE.

Upon determination that a licensed business, activity, or device within the city violates city ordinances or state or federal laws, or that the application contains false or misleading information, the City Recorder/Manager may revoke the license upon 30 days' notice in writing to the licensee, with the notice delivered to the licensee's establishment, or the licensee's business address. The notice shall state the reasons for the revocation.
(Ord. 193, passed 8-10-1995)

§ 110.14 SUSPENSION OF LICENSE.

Upon determining that a licensed business, activity or device presents an immediate danger to persons or property, the City Recorder/Manager may suspend the license. The suspension takes effect upon the licensee's receipt of the suspension notice, or upon delivery of the notice to the establishment or the licensee's business address. The notice shall state the reason for the suspension. The City Recorder/Manager may continue a suspension as long as the reason for the suspension exists, or until a determination on an appeal regarding the suspension is made.
(Ord. 193, passed 8-10-1995)

§ 110.15 APPEAL.

(A) Any person whose application for a license has been denied, or a licensee whose license has been denied renewal, has been suspended or has been revoked, may, within 30 days after the notice of denial, suspension or revocation is mailed, appeal in writing to the Council. The appeal shall state:

- (1) The name and address of the appellant;
- (2) The nature of the determination being appealed;
- (3) The reason the determination is incorrect; and

(4) What the correct determination of the appeal should be.

(B) An appellant who fails to file a statement within the time permitted waives all objections, and relinquishes all rights to appeal. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. At the hearing, the appellant may present testimony and oral argument. The decision of the Council is final.
(Ord. 193, passed 8-10-1995)

§ 110.16 RESELLER'S LICENSE.

A license or permit may not be granted to any business which operates as an antique dealer, precious metal or gem dealer, scrap metal dealer or secondhand dealer, unless said business is in compliance with County Ordinance 83-10-0121.
(Ord. 193, passed 8-10-1995)

§ 110.17 ENFORCEMENT AGENCIES.

Enforcement of this chapter may be carried out by the state police, the County Sheriff's Department and other law enforcement agencies.
(Ord. 193, passed 8-10-1995)

§ 110.99 PENALTY.

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$500.
(Ord. 193, passed 8-10-1995)

CHAPTER 111: PEDDLERS

Section

- 111.01 Permit and license required
- 111.02 Definition
- 111.03 Application
- 111.04 Missing text
- 111.05 Administrative fees
- 111.06 Badges or ID cards
- 111.07 Transfer
- 111.08 Noises
- 111.09 Missing text
- 111.10 Exhibition of license
- 111.11 Revocation of license
- 111.12 Appeal

- 111.99 Penalty

sale, or who, travel from place to place, shall sell or offer to sell at retail any such items from a wagon, automotive vehicle, railroad car or other vehicle or conveyance, or who solicits retail orders and as a separate transaction makes deliveries to purchasers shall be deemed subject to the provisions of this chapter. As used in this chapter, **PEDDLER** shall not include religious or charitable solicitor, any solicitor or suppliers of goods another business or any person who solicits home orders or sales as an established sales route to regular customers or with intent to increase or enlarge a sales route that will result in supplying regular customers, a sales visit or delivery of products on a monthly or more frequent basis. (Ord. 77, passed 8-20-1981)

§ 111.01 PERMIT AND LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of peddling as defined in § 111.02 within the corporate limits of the city without first obtaining a permit and license therefor as provided herein. (Ord. 77, passed 8-20-1981) Penalty, see § 111.99

§ 111.02 DEFINITION.

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

PEDDLER. Includes any person, whether a resident of the city or not, traveling by wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, contracts and any other items and offering and exposing the same for retail

§ 111.03 APPLICATION.

Applicants for permit and license under this chapter must file with the City Recorder/Manager a sworn application in writing on a form to be furnished by the City Recorder/Manager, which shall give the following information:

- (A) Name and description of the applicant;
- (B) Address;
- (C) A brief description of the business and the items to be sold;
- (D) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (E) The length of time for which the right to do business is desired;

(F) If a vehicle is to be used, a description of the same, together with license number or other means of identification;

(G) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall not be less than two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

(H) The fingerprints of the applicant and evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

(I) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor; and

(J) Applicant shall file with his or her application a statement by a licensed physician, dated not more than ten days prior to the submission of application, certifying the applicant to be free of infectious, contagious or communicable disease. (Ord. 77, passed 8-20-1981) Penalty, see § 111.99

§ 111.04 MISSING TEXT.

(A) ...[missing text]... and I ...[missing text]... be referred to the ...[missing text]... the applicant's business and as the ...[missing text]... deems necessary for the protection ...[missing text]...

(B) If, as a result of such investigation, the applicant or business responsibility is found to be unsatisfactory, the City Recorder/Manager shall endorse on the application his or her disapproval and his or her reasons for disapproval and return said application with notification that the application has been disapproved and that no permit and license shall be issued.

(C) If, as a result of such investigation, the applicant's ...[missing text]... and business

responsibility are found to be satisfactory, the City Recorder/Manager shall endorse on the application his or her approval, and the City Recorder/Manager ...[missing text]... payment of the license fee deliver to the applicant his or her permit and license, which shall be in a form prescribed by the City Recorder/Manager.

(Ord. 77, passed 8-20-1981) Penalty, see § 111.99

§ 111.05 ADMINISTRATIVE FEE.

At the time of the issuance of the license there shall be paid to the City Recorder/Manager a fee as set by resolution for the costs of administration and enforcement of this chapter. A license shall be issued for a term of 30 days, but in the event that ...[missing text]... a substantial change in the product, service or business ...[missing text]... during the term of the license, then the readier shall ...[missing text]... to the Recorder and pay another license fee ...[missing text]... been no substantial change in the product, ...[missing text]... at the time that a renewal of the license is applied for then investigation fee will be required to be paid, and the license ...[missing text]... a renewal fee as set by resolution, it is the intent of the city to charge only such fees as are commensurate with the cost of the registration of this chapter for the protection of the public, and any person or licensee believing such fees to be unreasonable or discriminatory as applied to him or her may petition and/or appear before the Council, and for good cause shown, have an equitable adjustment made in such fee.

(Ord. 77, passed 8-20-1981)

§ 111.06 BADGES OR ID CARDS.

The City Recorder/Manager shall issue to each licensee at the time of the delivery of his or her license a badge or ID card, which shall contain the words "licensed peddler", the number of the license, the name of the peddler, the expiration date of the license, and shall be signed by the City Recorder/Manager. Such badge shall, during the time that such licensee is engaged in peddling, be worn constantly by the licensee on the front of his or her outer garment in such a way as to be conspicuous. (Ord. 77, passed 8-20-1981)

§ 111.07 TRANSFER.

No license or badge or ID card issued under the provisions of this chapter shall be used or worn at any time by any person, other than the one to who it was issued.

(Ord. 77, passed 8-20-1981) Penalty, see § 111.99

§ 111.08 NOISES.

No peddler, nor any person in his or her behalf, shall shout, make an outcry, blow a horn, ring a bell, or use any sound device, including any loudspeaking radio or sound-amplifying system, upon any of the streets, alleys, avenues, parks or other public places of said city or upon private premises in said city where sound of sufficient volume is emitted and capable of being plainly heard a distance of 200 feet or more upon the streets, avenues, alleys, parks or other public places for the purpose of attracting attention to any goods, wares or merchandise which such licensee propose to sell.

(Ord. 77, passed 8-20-1981) Penalty, see § 111.99

§ 111.09 MISSING TEXT.

No peddler shall ...[missing text]... to ...[missing text]...shall any ...[missing text]... permitted to operate in ...[missing text]... area where ...[missing text]... inconvenience the public for the purpose of this chapter, the judgment of a police officer ...[missing text]... in good faith, shall be deemed conclusive as to whether ...[missing text]... or to public impeded or inconvenienced.

(Ord. 77, passed 8-20-1981) Penalty, see § 111.99

§ 111.10 EXHIBITION OF LICENSE.

Peddlers shall be required to exhibit the license at the request of any citizen.

(Ord. 77, passed 8-20-1981)

§ 111.11 REVOCATION OF LICENSE.

(A) Permits and licenses issued under the provisions of this chapter may be revoked by the City Recorder/Manager of the city after notice and hearing for any of the following:

(1) Fraud, misrepresentation or false statement ...[missing text]... of carrying on his or her business as peddler;

(2) Fraud, misrepresentation or false statement ...[missing text]... application for license;

(3) Any violation of this chapter;

(4) Conviction of any crime or misdemeanor involving more ...[missing text]...; or

(5) Conducting the business of peddler in an unlawful manner or in such a manner as to constitute a breach of the peace or to ...[missing text]... to the health, safety or general welfare of the public.

(B) Notice of the hearing for revocation of a license shall be made in writing, setting forth specifically the grounds of complaint ...[missing text]... and place of hearing. Such notice shall be mailed, postage ...[missing text]... licensee at his or her last known address at least five days prior to the ...[missing text]... set for the hearing.

(Ord. 77, passed 8-20-1981)

§ 111.12 APPEAL.

Any person aggrieved by the action of the City Recorder/Manager in the denial of an application for a permit or license as provided in § 111.04, or, in the decision with reference, to the revocation of a license as provided in § 111.11, shall have the right to appeal to the Council of the city. Such appeal shall be taken by filing with the Council, within 14 days after ...[missing text]... of the action complained of has been mailed to such person's last-known address, a

written statement setting forth fully the grounds for the ...[missing text].... The Council shall set a time and place for a hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

(Ord. 77, passed 8-20-1981)

§ 111.99 PENALTY.

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine not to exceed \$300.

(Ord. 77, passed 8-20-1981)