CHAPTER 2

LICENSING

SECTION:

3-2-1: Purpose
3-2-2: Definitions
3-2-3: General Business License
3-2-4: Penalty
3-2-5: License Application
3-2-6: License Renewals
3-2-7: Denial
3-2-8: Revocation
3-2-9: Appeal
3-2-10: License Fees
3-2-11: Peddlers

3-2-1: PURPOSE: The purpose of this Chapter is to identify and maintain current basic identification information about persons engaged in businesses, trades and professions in the Town. The issuance of a license pursuant to this Chapter shall not cure or furnish a defense to any alleged violation by the licensee of any other provision of this Code, any other ordinance or regulation of the Town, or any state or federal law or regulation.

3-2-2: DEFINITIONS: For the purposes of this Chapter, the following words are defined as set forth hereunder:

CHAPTER
This Chapter 2 of Title 3 of the Municipal Code of the Town of Hot Sulphur Springs.

LICENSE
Permission to engage in a business, trade or profession within the Town of Hot Sulphur Springs.

PEDDLER
Any person who shall sell or offer or expose for sale upon any public street or other public place or from house to house any article, goods, wares or merchandise shall be deemed a peddler under the provisions of this Chapter; provided however, that nothing herein contained shall be construed as prohibiting farmers, gardeners or other persons from marketing fruit, vegetables or meat nor shall it prohibit book agents or persons whose stock in trade shall be staples, except as hereinafter provided.

PERSON
Any individual, firm, trust, partnership, public or private association or corporation.

3-2-3: GENERAL BUSINESS LICENSE: It shall be unlawful for any person to engage in a business, trade or profession as enumerated in this Chapter 2 without first obtaining a license pursuant to this Chapter.
3-2-4: PENALTY: Failure to comply with the terms of this Chapter shall constitute a violation of this Code and shall be punishable in accordance with section 1-4-1(A) of this Code.

3-2-5: LICENSE APPLICATION:

(A) Written application for a license required by this Chapter shall be filed with the Town Clerk/Treasurer and shall contain the following information:

(1) The name of the applicant, including trade and assumed corporate names under which the applicant proposes to conduct each business, trade or profession covered by the license. Corporations, partnerships and other business associations must name and furnish the title, address and telephone number of at least one (1) individual person responsible for each business covered by the license.

(2) The principal business address and telephone number of the applicant.

(3) The street address or location in the Town where each business, trade or profession covered by the license will be conducted.

(4) The year for which such license is sought.

(5) Any other information reasonably deemed necessary by the Town Clerk/Treasurer to identify all persons conducting, and the locations and the nature, business activity or purpose of any business, trade or profession covered by the license.

(B) Contents of License: In addition to any other information determined by the Town Clerk/Treasurer to be appropriate, each license shall show upon its face the name of the licensee, the street address or location and nature, business activity or purpose of each business, trade or profession covered by the license, the amount of the licensee fee paid and the year for which such license is issued.

(C) Term of License: All licenses shall be issued on a calendar year basis only, and they shall expire at the end of the calendar year in which they are issued.

(D) License Nontransferable: No license issued under the provisions of this Chapter shall be transferable from person to person or place to place.

(E) Carrying or Posting License Required: Each license for a business to be conducted at a specific street address shall be posted therein during the term of the license. If the business is not operated, conducted or carried on at a fixed location, then the licensee must carry the license upon his person when operating, conducting or carrying on any retail trade, profession or business. Each person required to have a license pursuant to this Chapter shall be required to exhibit such license upon request of any law enforcement officer or the Town Clerk/Treasurer.

3-2-6: LICENSE RENEWALS: It shall be the duty of each licensee, on or before January 1 of each year, to renew his license and pay the required renewal fee. The Town shall
use its best effort to distribute, by U.S. mail to the address specified on the license, license renewal applications to all known licensees on or before December 1 in the year preceding the renewal year. The Town's renewal notice is performed as a courtesy to license holders and the failure of the Town to provide such renewal notice shall not relieve a licensee of the obligation to renew his license. In addition, it is unlawful for a licensee to continue to engage in any business or activity after his license has expired.

3-2-7: DENIAL: The Town Clerk/Treasurer shall deny an application for a license pursuant to this Chapter if there is reasonable cause to believe that the applicant has failed to furnish accurate or complete information required by this Chapter or has failed to pay the annual license fee.

3-2-8: REVOCATION: The Town Clerk/Treasurer may, upon seven (7) days' written notice to the licensee giving notice of the proposed revocation and the grounds therefor, and after a reasonable opportunity for the licensee to be heard, revoke the license upon any of the following grounds:

(A) If the Town Clerk/Treasurer finds that information furnished in connection with any application or renewal application was materially false or misleading and was known by the licensee to be false or misleading at the time furnished;

(B) If the licensee fails on written demand by the Town Clerk/Treasurer or other Town official to correct information found by the Town Clerk/Treasurer to have been inaccurate or incomplete at the time of application or to have become inaccurate or incomplete;

(C) If the licensee fails to pay the annual license fee;

(D) When it appears that the activity conducted pursuant to such license is a public nuisance as defined by this Code or violates any federal, state or local rule, regulation or law.

3-2-9: APPEAL: An applicant or licensee may appeal a denial or revocation of any license in writing to the Board of Trustees, which shall consider the matter de novo at a public meeting upon reasonable notice to the applicant or licensee and the Town Clerk/Treasurer.

3-2-10: LICENSE FEES: Each application for a new or renewal license shall be accompanied by an annual license fee in an amount to be determined from time to time by resolution of the Board of Trustees. If for any reason the license or any renewal thereof is not issued, the fee shall be refunded to the applicant. The license fee shall be for the entire calendar year for which the license is issued, and there shall be no reduction or proration of fees if the license is applied for after the first of the year, or is surrendered, terminate or revoked prior to the end of such year.

3-2-11: PEDDLERS:

(A) License Required: Peddlers shall be required to procure a general business license under the provisions of this Chapter.

(B) Sunday Peddling Prohibited: No person shall peddle door-to-door within the Town on the first day of the week, commonly called Sunday.

Town of Hot Sulphur Springs
Title 3 - Business and License Regulations
Chapter 2 - Page 3