

TITLE 3

BUSINESS AND LICENSE REGULATIONS

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CHAPTER 1

GENERAL LICENSE PROVISIONS

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- 3-1-1: License Required
- 3-1-2: Application For License
- 3-1-3: Fee For License
- 3-1-4: Term
- 3-1-5: Refusal Or Revocation Of License
- 3-1-6: Penalty

3-1-1: **LICENSE REQUIRED:** Any person desiring to transact, engage in or carry on any business, trade, profession or calling, or to operate a vending, pinball or coin operated machine, shall be required to obtain a business license from the town. A separate license shall be obtained for each type and/or place of business operated. (Ord. 2003-11, 8-14-2003)

3-1-2: **APPLICATION FOR LICENSE:** All applications for licenses authorized by this chapter shall be filed with the town clerk on the form provided and shall include the name of the business, the address where the business is operated, the nature of the business and such additional information as required. (Ord. 9596-2, 10-12-1995)

3-1-3: **FEE FOR LICENSE:** The cost of licenses under this chapter shall be as established in section 1-8-1 of this code and shall apply to all businesses, seasonal or otherwise. (Ord. 9596-2, 10-12-1995; amd. Res. R09-01, 5-14-2009)

3-1-4: **TERM:** All licenses issued hereunder shall expire on December 31 of each year unless sooner canceled and shall be issued for no longer than one year. (Ord. 9596-2, 10-12-1995)

3-1-5: **REFUSAL OR REVOCATION OF LICENSE:** The town council may, after giving ten (10) days' notice to the applicant of a hearing, refuse to grant any license applied for and may revoke any license at any time when in the public interest. No license shall be issued and any license issued shall be revoked, if the applicant or licensee shall not possess all the qualifications required by the town, or fail to comply with the ordinances of the town, or any national, state or county rules, regulations and orders or any rules, regulations and orders of the board of health relating to health matters. (Ord. 9596-2, 10-12-1995)

3-1-6: **PENALTY:** Any person, firm, corporation or organization who fails or omits to comply with or violates any of the provisions of this chapter shall be guilty of a class B misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. All town law enforcement officers are hereby appointed inspectors of licenses and in addition to their several duties and as law enforcement officers, are hereby required to examine all places of business and persons in their respective districts who are liable to pay a license and to see that such licenses are taken up and shall have and exercise the following powers:

- A. To make arrests for the violation of any of the provisions of this chapter.
- B. To enter free of charge during business hours and upon proper identification, any place or business for which license is required by this chapter and to demand the exhibition of such license for the current year by any person engaged or employed in the transaction of such business and if such person shall then and there fail to exhibit such license, such person shall be liable to penalty provided for violation of this chapter. It is hereby made the duty of the town attorney to cause a complaint to be filed against all persons violating any of the provisions of this chapter. (Ord. 9596-2, 10-12-1995; amd. 2001 Code)

CHAPTER 2

TRANSIENT MERCHANTS

SECTION:

- 3-2-1: Defined
- 3-2-2: License Required
- 3-2-3: Fee For License
- 3-2-4: Bond And Other Requirements
- 3-2-5: Penalty

3-2-1: **DEFINED:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

Any person or agent, servant or employee of any person, who shall exhibit, sell or offer for sale at retail, any goods, wares or merchandise in or from any hotel, motel, rooming house, dwelling house, truck, trailer, stand, lot or other place in Laketown, and who shall not occupy said place for the purpose of conducting a permanent business therein, shall be deemed a "transient merchant" for the purpose of this chapter. (2001 Code)

3-2-2: **LICENSE REQUIRED:** It shall be unlawful for any person, or for any agent, servant or employee, to engage in business in the town as a transient merchant without first obtaining a license to do so. (2001 Code)

3-2-3: **FEE FOR LICENSE:** The license fee shall be as follows: fifty dollars (\$50.00) for a successive period of ten (10) days or less. If the transient merchant does business in the town for more than a single ten (10) day period, then he shall be required to purchase a license for each ten (10) day period or portion thereof during which time he conducts business. (2001 Code)

3-2-4: **BOND AND OTHER REQUIREMENTS:** The requirements for a license for a transient merchant shall be as follows:

- A. Bond: Prior to commencing business, a bond of one thousand five hundred dollars (\$1,500.00) shall be posted with the town clerk guaranteeing payment of the license fee conducted by the transient merchant for each month.
- B. NCIC: The town clerk must obtain an NCIC with the county sheriff's department on the owner of the transient business prior to commencing business.
- C. State Tax Number: Transient merchant must file with the town clerk documentation of state tax number. (2001 Code)

3-2-5: **PENALTY:** Any transient merchant who fails to obtain a license before doing business in the town shall be required to pay a license fee double the amount set forth above. Failure to pay said double fee or obtain a license shall be a class B misdemeanor and, upon conviction, such transient merchant shall be subject to penalty as provided in section 1-4-1 of this code. (2001 Code)