

ARTICLE I - Business Licenses

Sec. 6-1-10. - Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Business includes all types of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters, together with all devices, machines, vehicles and other appurtenances used therein, any of which are conducted by persons or entities not exempt as nonprofit organizations, either directly or indirectly, on any premises in the Town or anywhere else within its jurisdiction.

Doing business means an act of one (1) of the following:

- a. Selling at retail any goods or service;
- b. Soliciting or offering goods or services for retail sale or hire; or
- c. Acquiring or using any vehicle or any premises in the Town for business purposes.

Nonprofit organizations shall be limited to: political subdivisions of the federal and state governments; and organizations which have obtained tax-exempt status under Code Section 501 from the Internal Revenue Service.

Premises includes all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any business conducted on such premises.

(Ord. 282 §§1, 4, 1991; Ord. 481 §1, 2003)

Sec. 6-1-20. - License required.

- (a) It shall be unlawful for any person to conduct, engage in or carry on any business within the Town without first having complied with the provisions of this Article unless licensed pursuant to Article III of this Chapter and registered as is herein provided. A violation of any section shall be unlawful and shall be punished in accordance with the provisions of Section 1-4-20 of this Code.
- (b) The carrying on of any business, profession, vocation or occupation by any person as provided in this Article, without first having procured a registration from the Town to do so, or without complying with any and all regulations of such business, profession, vocation or occupation contained in this Article, shall be deemed a separate violation of this Article for each and every day that such business profession, vocation or occupation is carried on.

(Ord. 282 §2, 1991; Ord. 481 §1, 2003)

Sec. 6-1-30. - Persons subject to registration.

Registration is required for the maintenance, operation or conduct of any business or establishment or for conducting or engaging in any business activity or occupation. A person shall be subject to the requirement if, by himself or herself or through an agent, employee or partner, he or she holds himself or herself forth as being engaged in the business or occupation, solicits patronage therefor, either actively or passively, or performs or attempts to perform any part of such business or occupation in the Town. Building contractors are not subject to registration under this Article. When building contractors are registered through the provisions of Article IV of this Chapter, they shall also be registered as a business.

(Ord. 685 §1, 2013)

Sec. 6-1-40. - Doing business in multiple locations.

Every person who is the principal or majority owner of a business operating more than one (1) store, stand or other place of business shall register each place of business.

(Ord. 282 §5, 1991; Ord. 481 §1, 2003)

Sec. 6-1-50. - Application for registration.

- (a) Application for all registrations required by this Article shall be made in writing to the Town.
- (b) Each application shall contain the following information:
 - (1) The name under which each business is to be conducted.
 - (2) The name, address and date of birth of the applicant. (If a corporation, the names, addresses and dates of birth of the president, vice president, treasurer, secretary and majority shareholders; if a partnership, the names, addresses and dates of birth of a minimum of four [4] principal partners).
 - (3) The present residence of the applicant as listed in Paragraph (2) above and the persons managing the business.
 - (4) The address of the premises on which the business is to be conducted.
 - (5) The nature of the business and whether it will use or store significant amounts of flammable, toxic or corrosive substances.
 - (6) The residence of the applicant during the past five (5) years, if an individual; if a partnership, such addresses for a minimum of four (4) principal partners.
 - (7) Whether the applicant has ever been denied or had revoked a license to conduct any business and, if so, a notation as to the circumstances.
 - (8) Details of any arrests or convictions within the last five (5) years for misdemeanors and felonies (no traffic offenses for which fewer than seven [7] points are assessed), including the nature of the offense for which arrested or convicted, the date of conviction and the place where said conviction was obtained.
 - (9) The business telephone number of the applicant and at least one (1) emergency phone number.
 - (10) The name and address of the applicant's attorney (optional).
 - (11) The name and address of the registered agent, if the applicant is a corporation.
 - (12) An irrevocable appointment of the Town Clerk as an agent to accept service of process upon the business.

(Ord. 282 §6, 1991)

Sec. 6-1-60. - Registration and application forms.

Forms for all registration and applications therefor shall be prepared and kept on file by the Town Clerk.

(Ord. 282 §7, 1991)

Sec. 6-1-70. - Issuance of registrations.

All registrations issued under this Article shall be issued by the Town Clerk upon payment of the proper fees herein set forth, provided that where the approval of any department of state, county or Town government is required, or the execution and delivery of any bonds or insurance is required, said approval or execution and delivery must be received in writing by the Town Clerk before the registrations shall be issued.

(Ord. 282 §8, 1991)

Sec. 6-1-80. - Investigations.

- (a) Upon receipt of an application for a registration, the Town Clerk shall refer such application to the proper governmental officials for appropriate investigation or inspection, if any.
- (b) The officials charged with the duty of making the investigation or inspection shall make a report thereon to the Town Clerk, favorably or otherwise, not more than fourteen (14) days after receiving the application or copy thereof. No registration shall be issued for 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 applicable regulations and ordinances of the Town. If the registration is not granted within fourteen (14) days and no specific reasons for denial have been given to the applicant in writing, the Town Clerk shall issue the registration.
- (c) The applicant may request and have issued a fourteen-day interim registration twenty-four (24) hours after completion of the application if the Town Administrator first determines that there will be no danger to the health, safety and welfare of the Town or its citizens.

(Ord. 282 §9, 1991)

Sec. 6-1-90. - Grounds for denial of registration.

The Town shall examine the qualifications of any applicant for a license or renewal thereof and shall have the authority to deny the issuance or renewal thereof for the following reasons:

- (1) The applicant has not complied with the general laws and statutes of the state or the ordinances of the Town in the application process.
- (2) Approval by a governmental official or department is required and said approval has been denied because of concerns with regard to the character of the applicant, the owner or the management; or the business has failed to comply with the requirements of the applicable statutes, ordinances and codes.
- (3) Refusal by the Town to register the business shall entitle the applicant business to a public hearing before the Board of Trustees. The hearing shall be requested in writing by the applicant within seven (7) days from the date of denial and shall be held at the next regularly scheduled meeting of the Board of Trustees.

(Ord. 282 §10, 1991)

Sec. 6-1-100. - Transferability.

Except where otherwise specifically provided, no registration issued hereunder shall be transferable, except where permitted by state law or the provisions of an ordinance relating to the particular registration, and then only by the Town Clerk after written application therefor and the payment of a fee for the transfer of such license. Such fee shall be in accordance with the fee schedule of the Town.

(Ord. 282 §11, 1991)

Sec. 6-1-110. - Expiration of registration.

All registrations hereunder shall expire on December 31 of the year issued.

(Ord. 282 §12, 1991; Ord. 481 §, 2003)

Sec. 6-1-120. - Renewals; penalty for nonrenewal.

Any registrant may make application for a new registration for the succeeding year and pay the required fee therefor on or before the expiration date of any registration issued to him or her for the current year. Whenever any application and registration fee payment therefor is not received on or before the expiration date of any registration issued for the current year and the registrant continues to engage in the business activity for which the registration was issued, a penalty of twenty dollars (\$20.00) shall be imposed and collected. In addition to the above penalty provision, it shall be unlawful for a registrant to continue to engage in any business or activity after his or her registration therefor has expired, and the general penalty provision of the Code shall apply hereto.

(Ord. 282 §13, 1991; Ord. 481 §, 2003)

Sec. 6-1-130. - Posting of registration.

Registrations issued under this Article shall be posted at the place of business shown on said registration, in a conspicuous place. Said registration shall remain posted for the duration of the registering year when issued and so long as the registered business is in operation.

(Ord. 282 §14, 1991)

Sec. 6-1-140. - Record of registrations.

The Town shall keep a record of all registrations issued, setting forth the name of every registrant, the place of business registered, if any, the kind of registration issued and such other information as may be required by the Town Attorney or the Board of Trustees.

(Ord. 282 §15, 1991)

Sec. 6-1-150. - Exempt activities.

- (a) The provisions of this Article shall not require payment of a fee for registration to conduct, manage or carry on any activity of a nonprofit organization which would qualify as a business if conducted by other than a nonprofit person or entity. No registration fee shall be required for the conducting of any entertainment, dance, concert, exhibition or lecture by a nonprofit organization.
- (b) No registration shall be required of any person for any mere delivery in the Town where no intent by such person is shown to exist to evade the provisions of this Article.
- (c) No registration shall be required for an individual or incidental transaction which in itself does not constitute the carrying on of business.
- (d) It shall be unlawful to conduct any business from any location in the Town from a site other than a permanent structure located on real property within the Town. Businesses and individuals which operate on a temporary basis, such as yard sales, which are conducted not more than two (2) days per calendar month or are conducted in conjunction with a public event, such as Milliken Beef and Bean Day, a public parade, craft show or concert, are exempt. Whenever food is being served, there

must be a restroom and hand-washing facility provided by or available to the persons or entities selling the food.

(Ord. 282 §16, 1991; Ord. 496 §1, 2004)

Sec. 6-1-160. - Revocation of registration.

- (a) Registrations issued under the provisions of this Article may be revoked upon seven (7) days' notice by the Board of Trustees, in writing, for any of the following reasons:
 - (1) Fraud, misrepresentation or false statement contained in the application for license or committed or made in the course of conducting the business licensed.
 - (2) Any violation of this Article or failure to provide any information or pay the fees required by this Article.
 - (3) Conviction of any crime involving fraud or deception by the owner, management or employees of the business.
 - (4) Conducting the registered business in an unlawful manner or in such a manner as to constitute a breach of peace or a menace to the health, safety or general welfare of the public.
 - (5) The existence of any fact or condition which, if it had been made known to the Town Clerk at the time of the application for such registration, would have warranted the refusal of the issuance of such registration.
- (b) The registrant may not operate the business or enterprise registered during the pendency of said appeal.
- (c) The appeal shall be conducted as set forth in Section 6-1-90(3) above.

(Ord. 282 §17, 1991; Ord. 481 §, 2003)

Sec. 6-1-170. - Fees.

- (a) In the absence of provisions to the contrary, the fee and charge for registration shall be paid in advance at the time application therefor is made to the Town. The amount of such fee shall be established by resolution at any regularly scheduled board meeting after notice has been published once at least seven (7) days prior to the meeting.
- (b) Where the registrant is engaged in more than one (1) activity as enumerated in this Article at the same location, which may be subject to more than one (1) fee, said registrant shall be required to pay that fee charged for the activity assessed the highest fee.
- (c) The fee herein imposed for business registrations is used to cover the costs of inspections of such businesses to ensure compliance with the ordinances of the Town. This registration procedure is intended to provide the residents of the Town with a source of information regarding the businesses within the Town. In certain instances, there are those businesses which warrant additional police surveillance and inspection. There are those businesses which attract unusual amounts of vehicular traffic, necessitating additional regulation and enforcement. These fee provides a reasonable relationship to the costs of regulation and administration.

(Ord. 282 §18, 1991; Ord. 481 §1, 2003)

Sec. 6-1-180. - Violation and penalties.

The conviction and punishment of any person for transacting any business without a registration shall not excuse or exempt such person from the payment of such registration fee due or unpaid at the

time of such conviction. Nothing in this Section shall prevent a criminal prosecution for any violation of the provisions of this Article.

(Ord. 282 §19, 1991)