

ORDINANCE NO. 26

OCCUPATIONAL LICENSES

AN ORDINANCE DIRECTING THAT OCCUPATIONAL LICENSES BE REQUIRED, THAT SEPARATE LICENSES BE REQUIRED FOR EACH TRADE OR BUSINESS, THAT TRANSFER BE PROHIBITED, PROVIDING FOR APPEAL PROCEDURES, NOTICE PROCEDURES, COLLECTION PROCEDURES, A SCHEDULE OF LICENSE TAXES, ISSUANCE, AND PENALTY, PROVIDING FOR PROCUREMENT, AND FOR SUCH OTHER PURPOSES AS MAY BE REQUIRED.

WHEREAS, the Town of Bethel Heights has determined that it is in the best interest of the town to provide for an ordinance directing that occupational licenses be required, that separate licenses be required for each trade or business, that transfer be prohibited, providing for appeal procedures, notice procedures, collection procedures, a schedule of license taxes, issuance, and penalty, providing for procurement, and for such other purposes as may be required.

WHEREAS, the Town of Bethel Heights has duly provided notice of this intended action.

NOW, BE IT THEREFORE ORDAINED THAT:

SECTION 1: Occupational license required: The carrying on of any trade, business, vocation, occupation, profession or calling of whatever kind or nature within the town is hereby declared to be a privilege and from and after the effective date of this ordinance, any individual, person, firm, partnership, company or corporation engaged in such activity shall pay an annual occupation tax for this privilege. Existing occupations covered within the preceding section shall be subject to said tax not more than sixty (60) days following passage of this ordinance. Said tax shall become due and collectible on the sixtieth (60th) day following passage of this ordinance and penalties prescribed shall be assessed thereafter.

Section 2: Separate license for each trade or business: Any person, firm or corporation engaging in more than one (1) business, occupation or profession and for which a license is required for each shall pay for and take out a license for each business, profession or occupation in same or separate quarters. Licenses shall be issued for a

period of one (1) year due and payable July 1 of each year. Persons affected hereby shall renew their licenses during the month preceding the expiration date of their current license.

Charitable, garage, yard or firewood sales shall not be considered occupations under this ordinance nor shall the sale of produce raised within the city limits of Bethel Heights be so considered.

Section 3: Transfer prohibited: No license issued hereunder shall be transferred.

Section 4: Appeal: The ruling body of this ordinance shall be the Town Council and all requests for consideration, adjustments, or complaints shall be brought before that body during regular executive sessions.

Section 5: Collection: The Town Clerk or the duly authorized deputy shall collect the tax and upon receipt thereof issue a license under this ordinance for every person, firm or corporation liable to pay such tax and to state in each license issued the amount and the period of time covered thereby, the name of the person, firm or corporation, the business occupation or profession to be carried on and no error in stating or computing the amount of a license and tax due shall prevent or prejudice the licensing and collection by the town of the tax which shall actually be due under this ordinance.

Section 6: Posting: The license issued hereunder shall be prominently displayed at the principal place of business.

Section 7: Procurement of license: All licenses shall be procured before any business begins operation and shall be obtained from the Town Clerk's office. If it shall be necessary for the Town Clerk or deputy to go to the business to collect, Seventy-five Dollars and no/100 Cents (\$75.00) additional penalty will be imposed.

Section 8: False statements or failure to publish information: It shall be unlawful for any person knowingly and willfully to make a false written or verbal statement in applying for a license under this ordinance for the purpose of defrauding the town by which statement a license is procured for a less sum than is lawfully due hereunder. It shall likewise be unlawful for any person to fail or refuse

to furnish the Town Clerk all required information necessary to determine the amount of the annual occupational license fee in accordance with the provisions of this ordinance.

Section 9: Schedule of license taxes: All individuals, persons, firms, partnerships, companies or corporations doing business as described above within the city limits of the town, shall pay Fifteen Dollars and no/100 Cents (\$15.00) for an annual license or any portion thereof.

Section 10: Issuance: No occupation license shall be issued to any applicant for such occupation license under the provisions of Section II and IV of this ordinance until and unless such applicant shall demonstrate to the Town Clerk his or her compliance with all ordinances and statutes applicable to such applicant's business, trade, occupation, vocation, or profession, including, but not limited to those establishing codes of building, plumbing, electrical work and sanitation and health, and those regulating business and advertising signs.

Section 11: Penalty: Any individual, persons, firms, partnerships, companies or corporations engaged in any trade, business, vocation, occupation, profession or calling of whatever kind or nature within the town without procuring the required license shall be guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction, shall be fined in the sum of Twenty-five Dollars and no/100 Cents (\$25.00) plus court costs and each and every day of such offense shall constitute a separate offense.

PASSED AND APPROVED this 8th day of May, 1989.

Johnny Gunduck
Mayor

ATTEST:

Glenda Avery, Rec/Treas.
Recorder