

ORDINANCE NO. 372

AN ORDINANCE, AMENDING AND RE-ENACTING ARTICLE ONE, CHAPTER TEN BUSINESS REGULATIONS, ARTICLE OF THE CITY CODE OF THE CITY OF BELFIELD, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELFIELD, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF BELFIELD, AS FOLLOWS:

BUSINESS LICENSE—CHAPTER 10

THE CITY OF BELFIELD DOES NOT REQUIRE BUSINESS LICENSES FOR EVERY TYPE OF COMMERCE, BUT THE BELFIELD MUNICIPAL CODE DOES REQUIRE A CITY LICENSE FOR THE FOLLOWING BUSINESSES IN ADDITION TO RELATED PERMITS, BONDING, AND COMPLIANCE WITH ALL STATE AND FEDERAL REQUIREMENTS.

ARTICLE 1.GENERAL PROVISIONS

10.0101 LICENSES: Unless otherwise specifically provided, licenses and permits required for the carrying on of a business or trade within the City shall be applied for, issued, terminated, and revoked according to the provisions of this Article.

10.0102 LICENSES--APPLICATION: Any person desiring a license or permit under any ordinance of the City shall make a written application to the City thereof upon application blanks furnished by the City Auditor and file the same with the City Auditor stating the purpose for which the same is desired, for what length of time, and specifying the place where his business is to be carried on; if required to file a bond before being licensed he shall also name his proposed sureties on his bond and his application.

10.0103 LICENSES--GRANTING: The City Auditor shall receive applications for licenses and permits and grant the same in all cases where expressly authorized upon the terms and conditions specified by Ordinance. If he shall feel not authorized to grant any particular application for license or permit for any purpose not named by Ordinance, he shall report such application to the next meeting of the City Council for their action thereon.

10.0104 LICENSES--TERM:

1. No license or permit shall be granted for a longer period than one (1) year.
2. All yearly licenses or permits shall commence on the 1st day of January on each year and expire on the 1st day of December and each succeeding year.

3. No license or permit shall be valid until signed and sealed, nor shall any person be deemed licensed until a license shall be duly issued to him.
4. Each license shall be dated the day of issuance thereof, but if the applicant or applicants shall have been acting without a license, the license shall commence with the date the business commences; if the business calls for a yearly license then the license shall commence on the 1st day of July in the year for which the licenses shall be issued.
5. The date of issuance of the license together with the time of commencing and expiration shall be given in the license and license record.

10.0105 LICENSES--NOT TRANSFERABLE: No license or permit shall be assignable or transferable except by permission of the City Council. No person other than the person to whom the license is granted shall be authorized to do business or act under such licenses or at any other than the place specified therein. The City may grant the continuance of the business license to any other portion of the City, such permission to be certified on the license by the City Auditor. No license shall authorize any person to act under it at more than one place at the same time, or at any other place then is therein specified. Whoever shall violate any of the provisions of this section shall be deemed to be acting without a license and shall be subject to the same penalty as prescribed for acting without a license.

10.0106 LICENSES--REVOCATION: All licenses granted shall be subject to ordinances in force at the time of issuing thereof or which may be subsequently passed by the City Council. Any person who shall violate any provision of this Article relating to his license may be proceeded against for any fine or penalty imposed thereby, and his license may be revoked or forfeited in the discretion of the City Council or the Court before which any action may be brought for the recovery of any fine or penalty.

Where not otherwise provided any license may be revoked by the City Council at any time for cause. "Cause" shall include, but not be limited to the following:

1. Violation of the laws of the state of North Dakota, or any of the ordinances or the City dealing with or pertaining to the business or trade licensed.
2. The willful making of any false statement as to a material fact in the application for license.
3. Permitting any disorderly or immoral practices upon the premises where the licensee is licensed to carry on the business or trade.
4. The death of a licensee.
5. When the licensee ceases business at the location licensed.

When the license is terminated or revoked for cause, the licensee or those claiming under

him, shall not be entitled to any return of any portions of the license fee previously paid to the City.

10.0107 LICENSES--POSTING OF: All licenses and permits issued by the City for the operation of any business establishment, trade or any part of the operation thereof shall be posted in a conspicuous place in the main business area of the business establishment. Where badges representing permits or licenses are issued to be worn by an individual such licensee shall wear such badge during the normal course of employment for which said badge was issued.

10.0108 LICENSES--SHORT TERM: No license unless otherwise specified shall be issued for a fractional part of the year, but shall relate back if taken out subsequent to the first day of July of each year.

10.0109 LICENSES--ENFORCEMENT: All city officials having duties to perform with reference to licensed premises, including all police officers, shall have authority to enter the licensed premises with or without a search warrant to check for violations of ordinances or state laws by the licensee.

10.0110 LICENSES--OBLIGATIONS OF THE CITY: No applicant shall be granted a license who is in default under the provisions of any City Ordinance, or is indebted or obligated to the City, or is delinquent in the payment of any taxes or fees in which the City shares.

10.0111 DISCLAIMER OF LIABILITY: This permit creates no warranties with regard to construction or code compliance. Any inspections under this permit are for the benefit of the public and not the permit recipient, and any inspections do not create a duty to the permit recipient, the owner, or to a subsequent purchaser with regard to quality of construction or code compliance.

ARTICLE 2: DOOR TO DOOR SOLICITATIONS

ARTICLE 3: ALCOHOLIC BEVERAGES/ LIQUOR LICENSES

ARTICLE 4: SHOWS, CARNIVALS AND CIRCUSES

ARTICLE 6: MOVING OF HOUSES, MOBILE HOMES, BUILDINGS AND STRUCTURES (ORDINANCE 368 MOVING PERMIT AND BOND)

CROSS REFERENCES: ADDITIONAL REQUIRED CONTRACTOR LICENSE AND BONDING:

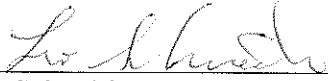
1. EXCAVATION—PUBLIC STREETS, SIDEWALKS, OR PUBLIC PLACES--
CHAPTER 3, ARTICLE 1, SUBSECTION 3.0110 CITY CONTRACTOR;

2. EXCAVATION—PUBLIC STREETS, SIDEWALKS, OR PUBLIC PLACES--
CHAPTER 3, ARTICLE 3
3. EXCAVATION...WATER AND SEWER—CHAPTER 14, ARTICLE 3
4. MASTER PLUMBER/WATER & SEWER INSTALLER—CHAPTER 14,
ARTICLE 1
5. BUILDING DEMOLITION CHAPTER 8, ARTICLE 1, SUBSECTION 8.0104
6. GARBAGE, REFUSE AND RUBBISH CHAPTER 9, ARTICLE 4 COLLECTORS
HAULING FOR COMPENSATION
7. CHAPTER 18: ADDITIONAL ZONING AND PERMIT REQUIREMENTS

Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.


Severability. In the event any section of this Ordinance is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Effective Date This Ordinance shall be in full force and effect from and after publication.



Leo Schneider, Mayor

ATTEST:



Natalie Muruato, Auditor

First Reading: 8/3/15
Second Reading: 9/8/15
Final Passage: 9/8/15