

ORDINANCE

- 27 -

AN ORDINANCE TO LICENSE AND REGULATE HOUSEMOVERS, BILL POSTERS, JUNK DEALERS, SCAVENGERS, PAWNBROKERS, SALES BY AUCTIONEERS, PUBLIC DANCE HALLS, SKATING RINKS, BILLIARD HALLS, BOWLING ALLEYS, SHOOTING GALLERIES, CIRCUSES AND THEATERS, AND TO PROVIDE PENALITIES FOR VIOLATIONS

BE IT ENACTED by the Council of the City of Farmington, Iowa:

SECTION 1 Purpose The purpose of this Ordinance is to assure that in the conduct of the activities, vocations, public amusements and professions licensed and regulated by this Ordinance, the public health, safety and welfare will be protected and maintained.

SECTION 2 Definitions For use in this Ordinance the following terms are defined:

1. The term "open to the public" shall mean a place in which a public amusement is conducted for, engaged in, or performed by the general public and to which the general public is admitted or is in attendance. It does not include places that the general public is not free to enter and to which admission is restricted to members of a club, fraternal organization, or religious or educational group.
2. The term "public amusement" shall mean any public dance hall, skating rink, swimming pool, fortune teller's place of business, billiard hall, bowling alley, shooting gallery, circus or theater that is open to the public.
3. The term "public dance hall" shall mean any place of public amusement in which dancing is engaged in or performed, even though food is served and the operator holds a state restaurant license under 1973 Code, Section 170.2.
4. The term "theater" shall mean any place of public amusement in which plays, moving pictures or other exhibitions are presented, except that it shall not include places in which lectures on scientific, historical or literary subjects are given.
5. The term "bill" shall mean any notice, poster, placard, announcement or advertisement except notices required by law.

6. The term "housemover" shall mean any person who undertakes to move a building or similar structure upon or across the public streets, alleys, walks or property.

7. The term "junk dealer" shall mean any person engaged in collecting, storing, buying or selling junk. "Junk" means articles or materials that, because of age, deterioration or use, have lost their original utility or desirability but that by alteration, restoration or salvage may furnish an item or items of value.

8. The term "pawnbroker" shall mean any person whose business consists primarily of buying personal property subject to the right of repurchase or redemption, or of receiving actual possession of personal property as security for loans with or without a mortgage or bill of sale. This definition shall not include banks, trust companies, building and loan associates, and similar businesses.

9. The term "person" shall mean any individual, firm, corporation or association of any kind.

10. The term "scavenger" shall mean any person who transports upon the public streets, alleys, sidewalks, or property any refuse except refuse directly from his own property.

SECTION 3 License required. It shall be unlawful for any person to engage in any activity, vocation, profession or public amusement regulated by this Ordinance without a valid license from the City of Farmington, Iowa.

SECTION 4 Application for license. Application for any license under this Ordinance shall be made in writing on forms furnished by the City Clerk. One application shall be filed with the City Clerk and shall include:

1. The applicant's full name and address, the address of his local business establishment, and the nature of his business.

2. If the applicant is not the owner of the place in which the business is to be conducted, the name and address of the owner.

3. If the applicant is a corporation or other association, it shall also list the names and addresses of its principal officers.

4. The attachment of a receipt from the City, showing payment of all fees.

SECTION 5 Fee payment. All fees required by this Ordinance shall be paid to the City Clerk, who shall give the applicant a written receipt showing the sum received and the time of receipt.

SECTION 6 Issuance of a license. If the City Clerk finds that all of the prescribed conditions for the issuance of a license have been satisfied, that no grounds for revocation under Section 9 of this Ordinance exist, and that the special requirements of Section 16 of this Ordinance have been complied with, the license shall issue immediately to the applicant. The Clerk must make a determination whether to issue the license within ten (10) days from the date a completed application is submitted. If the Clerk refuses to act within this ten (10) day period, the applicant shall have a right to a hearing before the Council at its next regular meeting on whether the license should be issued.

SECTION 7 Fees and duration of license.

1. An applicant may apply for an annual or a daily license. The annual license shall be valid for one year after the date of which it is issued. The daily license shall be valid for only one twenty-four (24) hour period but the applicant may apply for and receive seven (7) one week daily licenses at one time. However, no daily license shall be issued more than seven days before the date for which the license is valid.

2. The fees for licenses shall be: \$1.00 daily, \$7.00 weekly, or \$365.00 yearly.

SECTION 8 Power to inspect and investigate. Upon receipt of an application for a license, the City Clerk shall forward it immediately to the chief of police, who shall conduct an investigation and submit a written report concerning the truth of the facts stated in the application and a recommendation concerning whether or not a license should be issued. The City Clerk shall notify the local health officer, the building inspector and the fire chief immediately, and they shall inspect the premises immediately to determine whether they meet the standards of the applicable municipal ordinances and state statutes. These officials shall submit written reports of the results of their investigation. No license shall be issued until these reports have been submitted to the City Clerk and such reports shall be submitted within seven (7) days after the City Clerk receives the application.

SECTION 9 Revocation of license. After giving licensee five days notice and after a hearing, the Clerk may revoke any license issued under this Ordinance for the following reasons:

1. The licensee has made fraudulent statements in his application for the license of in the conduct of his business.
2. The licensee has violated this Ordinance or has otherwise conducted his business in an unlawful manner.
3. The licensee has conducted his business in such manner as to endanger the public welfare, health, safety, order or morals.

The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation.

SECTION 10 Appeal. If the City Clerk revokes or refuses to issue a license, he shall endorse his reasons upon the application. The applicant shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the City Clerk by a majority vote of the council members present, if a quorum, and the City Clerk shall carry out the Council's decision.

SECTION 11 Effect of revocation. Revocation of a license shall bar the licensee from being eligible for any license under this Ordinance for a period of one year from the date of revocation.

SECTION 12 Rebates. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee he has paid if he surrenders his license before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least one dollar of the original fee shall be retained by the city to cover administrative costs.

SECTION 13 Transfer of license prohibited. In no case shall a license issued under this Ordinance be transferred to another person or be used for a purpose other than that for which it was issued.

SECTION 14 Display of license. Every person who is issued a license under the provisions of this Ordinance shall display the license in a

conspicuous place on the premises on which the business is being conducted.

SECTION 15 Exemptions. This Ordinance shall not be construed to require a license of each employee or agent of one engaged in a licensed occupation. Only the owner, manager or agent of such an occupation need possess a license.

SECTION 16 Special requirements. Every person who is granted a license under the terms of this Ordinance shall comply with the following regulations that apply in his case:

1. Public street dance. Written approval from the Council must be obtained and a permit for \$1.00 before a public street dance can be held.

2. Shooting gallery. A shooting gallery shall display a written certificate from the chief of police that it is equipped with a safe and adequate backstop and shooting equipment.

3. Billiard hall. No minor shall be allowed to be in any billiard hall in which beer is sold. No minor under the age of 16 shall be allowed to be in any billiard hall.

4. Housemovers.

(a) An application for house mover's license shall describe the present location and the future site of the building or similar structure to be moved.

(b) The applicant shall post with the City Clerk a penal bond in the sum of \$5,000.00 with good and sufficient sureties approved by the City Clerk. The bond shall guarantee the licensee's payment for any damage done to the City or to the public property in the course of moving the building or similar structure.

(c) The applicant shall show evidence that he is insured for not less than \$100,000.00 for personal injuries and \$100,000.00 for property damage. A penal bond for the same sum of money may be posted with the City Clerk in lieu of the insurance policy. The sureties on the bond shall be approved by the City Clerk and the bond shall guarantee the licensee's payment for personal injuries or property damage caused by him or his agents or employees in the course of the moving operations.

(d) The applicant shall file with the City Clerk a routing plan approved by the Chief of Police. The Chief of Police shall approve the shortest route compatible with the greatest public convenience and safety.

(e) At all times when a building or similar structure is in motion upon any street, alley, sidewalk, or public property, the licensee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any streets, alley, sidewalk, or public property the licensee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

5. Bill posters.

(a) An application for bill poster's license shall contain a description of the boundaries of the areas of the City in which the distribution of bills is to be made. The license shall limit distribution of bills in the City to these areas.

(b) Bill posters shall not attach bills to any tree, pole, sidewalk, building or other structure.

(c) Bills shall not be distributed in such a manner that they may be blown about or scattered.

(d) Bills larger than nine by twelve inches in size shall not be handed to persons on the sidewalks or streets or public property or attached to automobiles parked on any streets, alleys or public property.

6. Junk Dealers.

(a) Every junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid, and the time and date of the transaction.

(b) Every junk dealer shall segregate each day's collection for a period of forty-eight (48) hours. During this period no item shall be disposed of or altered in any manner.

(c) A junk dealer shall not purchase or receive junk from a minor unless he first receives the written consent of the minor's

parent or guardian. Such consent shall be attached to the record book as a part of the permanent record.

(d) The city health officer and peace officers shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.

(e) All junk yards shall be enclosed within a solid fence at least eight (8) feet in height, which hides the contents of the yard from public view. Materials within the yard shall not be stacked higher than the surrounding fence. Any gates in said fence shall be of solid material and equal height.

7. Scavengers.

(a) An application for a scavenger's license shall contain a detailed list describing each of the places from which the scavenger collects or intends to collect refuse.

(b) The licensee shall keep this list up to date by reporting immediately to the City Clerk any changes of places of collection. Refuse shall be collected only from the places reported as places of collection.

(c) Refuse shall not be carried upon any street, alley, sidewalk or property of this city in containers that permit leaking or spilling of the refuse.

(d) The city health officer shall be permitted at all times to investigate the scavenger's activities the existence of materials or conditions dangerous to the public health.

8. Pawnbrokers.

(a) Every pawnbroker shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, a statement of the nature of the transaction including the sum for which the item is security, the time and the date of the transaction, and the disposition made of the item including the time and date of disposition.

(b) A pawnbroker shall not purchase or receive any item from a minor unless he first receives the written consent of a parent or guardian of the minor. Such consent shall be attached to the record book as part of the permanent record.

(c) Any pawnbroker shall notify the city police immediately upon receipt of an item that he believes or has reason to believe is stolen property. Such an item shall not be disposed of or altered without written permission from the chief of police.

9. Sales by auctioneers.

(a) An application for a license for an auctioneer's sale shall contain a general description of the goods or property to be sold, and the time and place at which the sale will be held.

(b) An auctioneer shall not use any street, highway, avenue, alley, sidewalk or other public place as a location for conducting a sale unless permission is obtained by the Council.

(c) The provisions of this Ordinance concerning sales by auctioneers shall not apply to any sales made by a person required by law to sell real or personal property.

SECTION 17 Penalty. Anyone violating any of the provisions of this Ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days or a fine of \$100.00.

SECTION 18 Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed. They are: none.

SECTION 19 Severability clause. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 20 When Effective. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council the 31st day of March, 1980, and approved this 31st day of March, 1980.

Glen Halbrook, Mayor

Karen Faulkner, City Clerk

Reviewed: March 31, 1980

Reviewed: 10/12/15