

## CHAPTER 130

# BUSINESS LICENSES

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**130.01 DEFINITIONS.** For use in this chapter the following terms are defined:

1. “Bill” means any notice, poster, placard, announcement or advertisement except notices required by law.
2. “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.
3. “Junk dealer” means any person engaged in collecting, storing, buying or selling junk.
4. “Pawnbroker” means 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 does not mean or include banks, trust companies, building and loan associations and similar businesses.
5. “Scavenger” means any person who transports, upon the public streets, alleys, sidewalks or property, any refuse except refuse directly from the person’s own property.
6. “Snow plower for hire” means any person that hires out to remove snow from driveways and/or privately owned parking lots by means of a motor vehicle equipped for snow plowing. (*Ord. 08-20 – Nov. 08 Supp.*)

**130.02 LICENSE REQUIRED.** No person shall engage in any trade, profession or business in the City for which a license is required by the provisions of this chapter without first obtaining such license from the City in the manner provided in this chapter, unless otherwise specifically provided.

**130.03 EXEMPTIONS.** This chapter 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 the license.

**130.04 PERSONS ENTITLED TO LICENSE.** Any person who satisfies the conditions prescribed by this chapter for a particular license and satisfies the Clerk that such occupation does not and will not endanger the public welfare, order, safety, health or morals, shall be entitled to a license upon filing a proper application and paying the full fee required.

**130.05 APPLICATION; FEE.** Application for any license or permit shall be in writing on forms furnished by the Clerk. Every application shall include the applicant's full name, the address of the applicant's place of residence, the address of the applicant's business establishment or office (if any) and the applicant's local address (if any). If the applicant is a corporation or other association, it shall also list the names and addresses of its principal officers. The application shall be filed with the Clerk. If the Clerk determines that the application is in proper form and that all of the prescribed conditions for the issuance of the license have been satisfied, the Clerk shall issue the license bearing the Clerk's signature and the signature of the Mayor and the time of issue. The title of the license shall contain the name of the occupation licensed. All fees required shall be paid to the Clerk, who shall give the applicant a written receipt showing the sum received and the time of receipt.

**130.06 REFUSAL AND APPEAL.** If the Clerk refuses to issue a license, the Clerk shall endorse the reasons upon the application. The applicant then shall have the right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Clerk by a majority vote of the Council members present, if there is a quorum, and the Clerk shall carry out the Council's decision.

**130.07 POWER TO INSPECT AND INVESTIGATE.** The Clerk shall have power to inspect and investigate the conduct of the occupations licensed by the City or to cause such an inspection or investigation to be made by the police.

**130.08 REVOCATION.** The Clerk, after giving reasonable notice and a hearing, may revoke any license for the following reasons:

1. The licensee has made fraudulent statements in the application or in the conduct of the licensee's business.
2. The licensee has violated this chapter or has otherwise conducted the business or activity in an unlawful manner, or contrary to any applicable provisions of this Code of Ordinances.
3. The licensee has conducted the business or activity in a manner endangering 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.

**130.09 APPEAL.** If the Clerk revokes a license, the Clerk shall immediately notify the Council in writing, giving the reasons for the revocation. The licensee then 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 Clerk by a majority vote of the Council members present, if there is a quorum.

**130.10 EFFECT OF REVOCATION.** Revocation of a license shall bar such person from being eligible for any license for a period of one year from the date of revocation.

**130.11 REBATES.** Any licensee, except in the case of a revocation, shall be entitled to a rebate of part of the fee paid upon surrender of the license to the City prior to expiration. The rebate shall be pro rated based upon unexpired quarters. In all cases, at least fifteen dollars (\$15.00) of the original fee shall be retained by the City to cover administrative costs. Any license issued for a period of less than one year shall not be eligible for a rebate.

**130.12 TRANSFER.** A license shall not be transferable to another person, nor shall it be used for a purpose other than that for which it was issued.

**130.13 TERM OF LICENSE.** Unless otherwise provided, licenses expire one year from the date of issue.

**130.14 EXHIBITION OF CERTIFICATE.** Every licensee shall carry the license certificate upon his or her person at all times when engaged in the activity for which the license was granted, except that where such activity is conducted at a fixed place or establishment, the license certificate shall be exhibited at all times in some conspicuous place in the place of business. The licensee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the City.

**130.15 BILL POSTERS.** The following regulations and fees apply to licensing of bill posters:

1. An application for a bill poster's license shall contain a description of the boundaries of the areas of the City in which the distribution is to be made. The license shall limit distribution of bills in the City to these areas.
2. Bill posters shall not attach bills to any tree, pole, sidewalk, building or other structure.
3. Bills shall not be distributed in such a manner that they may be blown down or scattered.
4. Bills larger than 9 x 12 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.

5. The fee for a bill poster's license is five dollars (\$5.00) per day, and the license shall expire 24 hours after issue.

**130.16 JUNK DEALERS.** The following regulations and fees apply to licensing of junk dealers:

1. A 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.
2. A 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.
3. A junk dealer shall not purchase or receive junk from a minor unless the junk dealer first receives the written consent of the parents or guardian of the minor. This consent shall be attached to the record book as a part of the permanent record.
4. In order to discover stolen property, police officers shall be permitted at all times to inspect the junk dealer's yard, store or establishment without a warrant to search the premises.
5. A junk dealer's yard shall be enclosed with a six-foot fence that hides the contents of the yard from public view.
6. The fee for a junk dealer's license is fifty dollars (\$50.00) per year.

**130.17 SCAVENGERS.** The following regulations and fees apply to licensing of scavengers:

1. 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.
2. The licensee shall keep this list up to date by reporting immediately to the Clerk any changes of places of collection. Refuse shall be collected only from the places reported as places of collection.
3. Refuse shall not be carried upon any street, alley, sidewalk or property of the City in containers that permit leaking or spilling of the refuse.
4. The fee for a scavenger's license is twenty-five dollars (\$25.00) per year.

**130.18 PAWNBROKERS.** The following regulations and fees apply to licensing of pawnbrokers:

1. Bond. An applicant for a license under this section shall file a bond executed by a surety bonding company in the sum of two thousand dollars (\$2,000.00) conditioned that the applicant will comply with all the conditions and regulations of this section, and that the applicant will pay all fines, costs or penalties imposed for

failure to do so; and also conditioned that all damages any person may sustain by reason of the applicant's taking in pledge or purchasing any stolen property, and that if the stolen property is sold by the applicant so that it cannot be returned to the owner, then the applicant will pay the owner the value thereof, or if the property still remains in the applicant's possession, the applicant will deliver the same to the owner, together with all costs and charges sustained by the owner in recovering possession thereof.

2. Record. A pawnbroker shall secure from the Police Chief a form sheet in which the pawnbroker shall accurately and intelligibly enter in ink and in the English language at the time of purchasing or receiving any personal property all of the following:

A. The name of the person from whom the property was purchased or received, the person's place of residence and the person's drivers license number which shall be visually verified by the pawnbroker from inspection of the person's drivers license. If the person has no driver's license the pawnbroker shall visually verify the persons name from a passport or other photo identification. *(Ord. 05-41 – Feb. 06 Supp.)*

B. A particular, detailed and accurate description of each article;

C. The estimated value of each article;

D. The amount paid, advanced or loaned;

E. The date and hour of transaction;

F. The time when the article is to be redeemed or bought back;

G. What, if any, mortgage or bill of sale was taken, or receipt or pawn ticket given;

H. When, and by whom, said article was bought back or redeemed;

I. When, to whom and how said article was disposed of, if not redeemed.

The form sheets shall be open to examination by any police officer at any time. Copies of the form sheets shall be delivered by a pawnbroker to the Police Department at such times as the Police Department shall prescribe.

3. Memorandum of Loan. A pawnbroker shall, at the time of each loan, deliver to the person pawning any article or goods a memorandum or note, signed by the pawnbroker. The memorandum or note shall contain the substance of the entry required to be made on the pawnbroker's form sheets. No charge shall be made by a pawnbroker for such entry or memorandum or note.

4. Sale of Pawned Articles. No pawnbroker shall sell any pawned or pledged article until it shall have remained ninety (90) days in the pawnbroker's possession after the time for the payment of the amount loaned has expired. Such sale shall be

at public auction, unless otherwise agreed by consent in writing of the person pawning the article.

5. The fee for a pawnbroker's license is fifty dollars (\$50.00) a year, or twenty-five dollars (\$25.00) for the remainder of the fiscal year if the license is issued during the last six months of the fiscal year of the City.

6. **Items Taken in Trade or Purchased.** Whenever a pawnbroker purchases an item of personal property from a customer or receives an item of personal property in trade towards the purchase of an item in the pawnshop, the pawnbroker shall make a record of the item in the same manner as required in subsection 2 above and shall retain the purchased or traded in item for a minimum of five (5) days before re-selling or re-trading or melting down the item.

*(Ord. 15-21 – Nov. 15 Supp.)*

### **130.19 AUCTIONEERS.**

1. No person shall conduct an auction sale at any location within the City without first obtaining a license.

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

3. An auctioneer shall not use any part of the public streets, alleys, sidewalks or places as a location for conducting a sale.

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

5. The license fee for an auction sale at a special location is twenty dollars (\$20.00) for the first day, and ten dollars (\$10.00) per day for each day thereafter. An auctioneer may purchase an annual license for a fee of fifty dollars (\$50.00) per year. If an auctioneer purchases an annual license, the auctioneer is still required to submit an application for each auction sale at a specified location as set forth in subsection 2 of this section but is not required to pay any additional fees.

**130.20 DEALERS IN USED ARTICLES.** Any person in the business of buying, selling or exchanging used articles shall keep a record of all such articles purchased or traded in towards a purchase. This record shall contain a detailed and accurate description of the articles so purchased, including the number or numbers, if any, or any marks of identification on the articles together with name and address and general physical description of the person from whom such articles were purchased or received, and the name and address and physical description of the person to whom such articles were sold and delivered. Such records, together with the stock of such articles on hand, shall be open to inspection by any police officer at any reasonable time of the day or night. Any person in the business of buying, selling or exchanging used articles shall retain all purchased

items and traded in items for a minimum of five (5) days before re-selling or re-trading or melting down the item.

*(Ord. 15-21 – Nov. 15 Supp.)*

**130.21 PURCHASES FROM MINORS.** Persons engaged in the business of buying, selling or exchanging used articles, junk dealers and pawnbrokers shall not purchase or receive any such articles from any minor without the written consent of the minor's parent or guardian, nor shall any such person sell or deliver any such article to any minor without written consent of the minor's parent or guardian. The provisions of this section shall not apply to the purchases and sale of used books and clothing.

**130.22 SNOW PLOWERS FOR HIRE.**

1. No person shall conduct snow plowing for hire at any location within the City without first obtaining an annual license from the City Clerk. The license fee is twenty-five dollars (\$25.00).

2. An application for a license as a snow plower shall contain the name, address and telephone number of the applicant and shall be accompanied by a separate list of all addresses where the applicant currently has written or oral contracts to plow snow from driveways or privately owned parking lots. The Director shall treat the list of addresses as a trade secret and keep the same under his personal locked control. The list shall be kept confidential and is not available for inspection as a public record under Iowa Code Section 22.7(3). The application form will contain a statement that the applicant and all of the applicants snow plow drivers have read and will obey the provisions of Section 140.11 of the Marion Code of Ordinances.

3. Every person licensed to plow snow for hire shall supplement the customer list submitted with the license application within ten (10) days of adding or deleting a customer by filing said information with the Director in writing.

*(Ord. 08-20 – Nov. 08 Supp.)*

**130.23 PRACTICE OF MASSAGE THERAPY - STATE LICENSE REQUIRED.**

The practice of massage therapy as defined in section 152C.1 of the Iowa Code is prohibited by unlicensed individuals. It is unlawful for a person to engage in or offer to engage in the practice of massage therapy, or use in connection with the person's name, the initials "L.M.T." or the words "licensed massage therapist", "massage therapist" "masseur" "masseur", or any other word or title that implies or represents that the person practices massage therapy, unless the person possesses a license issued under the provisions of section 152C.3 of the Code of Iowa. The Chief of Police shall placard, as unsafe for entry, any building where any person has established a practice of massage therapy without a state license and shall keep the premises placarded until a state license has been obtained or some other legal use has been established.

*(Ord. 13-11 – Aug. 13 Supp.)*