

§111.50 – Business License Required.

A. Purpose: The purpose of the Business License is to provide an additional protection to the citizens and visitors of the Town from fraud and misrepresentation; to ensure that sales tax revenues are reported equitably; and to provide a database of the commercial activities within the community.

B. Requirements: The Town of Cave Creek requires that every person, firm, corporation, partnership or other business organization occupying real property within the Town for business purposes shall obtain a Business License. In addition, similar businesses, which are engaged in business activities within the Town but have no fixed place of business in the Town shall also be required to obtain a Business License.

C. Types of Business Licenses:

1. **Business License** – A Business License shall be required of any person, corporation or partnership based within the Town limits carrying on any trade, calling, profession, occupation or business. In addition, contractors (as defined within §111.05: Definitions of this Code) conducting business within the Town limits shall also be required to obtain a Business License. A Business License shall be valid for a period not to exceed one (1) year.

2. **Temporary Business License** – A Temporary Business License shall be required of any person operating as a solicitor, peddler, or transient merchant (as defined within §111.05: Definitions of this Code) within the Town. A Temporary Business License shall be valid for a period not to exceed three (3) consecutive days.

D. Violations:

1. It is unlawful for any person, whether as principal or agent, either for himself or for another person, or for any corporation, or as a member of any firm or co-partnership, to commence, practice, transact or carry on any trade, calling, profession, occupation or business within the Town limits without first having procured a Business License from the Town.

2. The practicing or carrying on of any trade, calling, profession, occupation or business by any person, corporation or partnership without first having procured a license from the Town to do so, or without complying with any and all regulations of such trade, calling, profession, occupation or business, as required by other law or by this article shall constitute a separate violation of this article for each and every day that such trade, calling, profession, occupation or business is practiced, carried on or conducted within the Town.

E. Exceptions: The only exceptions to the licensing requirements of this section shall be:

1. Non-profit educational institutions, fraternal and service clubs, bona fide religious organizations, and agencies of any federal, state or local governments.

2. Non-profit private clubs where a basic membership fee covers the cost of the use of facilities.

3. Fund raising projects of non-profit and bona fide religious organizations, not conducted on a regular basis.

§111.53 - Application and Issuance.

A. It shall be the duty of the Clerk upon receipt of a properly completed application for a business license and verification of the data contained thereon, to prepare and issue a license under this article for every person, corporation or partnership required to pay a license fee hereunder and to state in each license the amount charged for the same, the period of time covered thereby, the name of the person, corporation or partnership for whom issued and the trade, calling, profession, occupation or business licensed and the location or place of business where the trade, calling, profession, occupation or business is to be carried on, transacted or practiced.

B. In no case, shall any mistake made by the Clerk in issuing any license or collecting the amount of fee for any license or the amount actually due from any person required to pay for a license as provided herein, prevent, prejudice or stop the Town from collecting the correct amount of fee or charge for any license or the amount actually due from any person required to pay for a license as provided herein, or revoking any license erroneously issued and refunding the fee collected.

C. No greater or lesser amount of money shall be charged or received by the Clerk for any license than is provided for in this article, and no license shall be issued for any period of time other than as provided herein.

D. All charges for a license required by this article shall be paid in advance and in lawful money of the United States of America at the office of the Clerk.

§111.57 - Term of Licenses.

A. The renewal charge for annual licenses provided herein shall become due and payable between January 1 and January 31 of each calendar year and each year thereafter, except that any new license charge shall become due and payable and be paid on or before the day of commencing to carry on, transact or practice the trade, calling, profession, occupation or business for which a license is required by this article.

B. The charge for daily licenses required by this article shall become due and payable and be paid before each day for which required.

§111.60 - Number of Licenses.

A. A separate charge for a license shall be paid for each branch establishment or separate place of business in which any person, corporation or partnership shall carry on, transact or practice a trade, calling, profession, occupation or business.

B. When more than one trade, calling, profession, occupation or business is carried on, transacted or practiced by the same person, corporation or partnership at one fixed place of business, only one license shall be required and the charge for such license shall be the highest charge applicable to any of the activities, and all activities shall be listed on the license issued.

C. When more than one trade, calling, profession, occupation or business shall be carried on, transacted or practiced by the same person, corporation or partnership without any fixed place of business, a separate license shall be required and a separate appropriate charge be paid for each activity for which a license is required this article.

§111.62 - License to be Exhibited.

A. Each person, corporation or partnership having a license and having a fixed place of business shall keep said license, while in force, at some conspicuous place or location within the place of business.

B. Each person, corporation or partnership having a license and having no fixed place of business shall carry such license with them at all times, while engaged in any activity for which the license was issued, except that a person acting for any such corporation, firm or company and not being the only person acting for such corporation, firm or company may carry with them a copy of the license which has been issued by the Clerk and plainly marked or stamped "Duplicate".

C. Each person, corporation or partnership having a license shall produce and exhibit the same whenever requested to do so by any designated officer of the Town or by the Clerk.

§111.64 - Inspector of Licenses.

A. The Clerk shall be inspector of licenses and may appoint, with approval of the manager, such assistant inspectors as may be required to enforce these regulations.

B. Each assistant inspector of licenses, immediately upon the facts coming to his knowledge, shall report to the Clerk the name of any person, corporation or partnership carrying on, transacting or practicing any trade, calling, profession or business within the Town without first having obtained a license as required by this article.

Section 111.68 - Duties and Powers of Inspectors.

A. The inspector of licenses and the assistant inspectors, each in the discharge and performance of his duties, shall have and exercise the following powers:

1. To file a complaint for any violation of the provisions of this chapter with the Town magistrate.

2. To enter, free of charge and at any reasonable time, any place of business for which a license is required by this article and to demand exhibition of the license for the current period of time from any person, corporation or partnership engaged in carrying on, transacting or practicing any trade, calling, profession, occupation or business at such place of business and, if such person, corporation or partnership shall fail then and there to exhibit such license, such person, corporation or partnership shall be liable to the penalties provided for violation of this article.

B. When the charge for any license required hereunder shall remain unpaid for ten days from and after the due date, such charge shall be delinquent and the Clerk, on the day upon which said charge becomes delinquent, shall add thereto an amount equal to twenty-five percent (25%) of said charge as a penalty and no receipt or license shall be issued thereafter by the Clerk until the charge and penalty shall be paid in full.

§111.95 – Appeals.

A. Notice of the hearing for restrictions, suspension or revocation of a license shall be given in writing, by the Town Clerk, setting forth specifically the grounds for the restrictions, suspension or revocation and the time and place of the hearing. Such notice shall be mailed to the licensee at the address listed on the business license application at least ten days prior to the date set for the hearing. The mailing of such notice shall constitute proper notice to the licensee.

B. Any person aggrieved by the denial of an application for license or by the restrictions placed upon the license or by the suspension or revocation of such license shall have the right of appeal to the council. Such appeal shall be taken by filing with the Town Clerk, within fourteen days after such denial, restriction, suspension or revocation, a written statement setting forth fully the grounds for the appeal. The council shall set a time and a place for hearing of such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided for notice of a hearing on suspension or revocation. The decision and order of the council on such appeal shall be final.