

ORDINANCE NO. 123

An Ordinance Regulating the Carrying on of Certain Professions, Trades, Callings, Businesses and Occupations Within the Town of Jerome, Prescribing License Fees Therefore, Providing for the Collection of Licenses, The Punishment for Violation of Said Ordinance, and for other Purposes.

Be it ordained by the Mayor and Common Council of the Town of Jerome:

Section 1. It shall be unlawful for any person or persons or body corporate to engage in or carry on within the corporate limits of the Town of Jerome any business, profession or occupation for the transaction or carrying on of which a license is required without first taking out or procuring the license required for such business, profession or occupation.

Section 2. Any person who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or not less than the amount of the license herein required to be paid by said person, provided, that in no event shall said fine exceed the sum of three hundred dollars (\$300.00), or by imprisonment in the Town Jail for a period of not more than three (3) months, or both.

A civil action may also be brought in any court of competent jurisdiction for the recovery of the license taxes herein provided for.

Section 3. No license granted or issued under any of the provisions of this Ordinance shall be in any manner assignable or transferable, or authorize any person other than therein mentioned or named to do business, or authorize any other business than is therein mentioned or named to be done or transacted at any place other than is therein mentioned or named without the permission of the Common Council endorsed thereon.

Whenever the Common Council shall grant such privilege they shall immediately report the same to the collector of license.

Every such license shall specify by name the person, the firm or corporation to whom or to which it is issued and shall designate the particular place at which the business shall be carried on.

Section 4. Upon the trial of any criminal action brought under or arising from any provision or provisions of this Ordinance, the defendant shall be deemed not to be procured the municipal license for the current time unless he, she or they shall either procure the same or prove having paid for the same to the proper officer.

Section 5. Any action brought under or arising out of any provisions of this Ordinance, the fact that the party thereto represented himself as engaged in any business or calling for the transaction of which a license is by this Ordinance required, or that such party exhibited a sign indicating such business or calling for the transaction of which a license is by this Ordinance required, shall be prima facia evidence of the liability of the party to pay for a license.

Section 6. If any person shall furnish such evidence as shall satisfy the committee on license that he, she or they, by reason of misfortune or physical infirmities merits exemption from this Ordinance a free or gratuitous license may be issued upon the recommendation of such committee, said license to be countersigned by a majority of the committee.

Section 7. All license except as herein provided, shall date from the first day of January, April, July and October of each year and shall be issued for three (3) months from either of aforesaid dates, except such license as hereinafter provided to be paid annually in advance.

An application being made for license for the first time after the first day of the first month of any quarter, the collector of license shall issue a license for the unexpired quarter.

All license for theaters, concert-halls, places of amusement, entertainments or exhibitions may be issued for one year, three months, one month or for one day.

Section 8. All license shall be paid for in advance. Said payments to be made for the Town License Collector at the Town Hall in the Town of Jerome on or before the fifth (5th) day of the first (1st) month of the term for which the license runs.

It is hereby made the duty of the police officers of this Town to cause complaints to be filed against all persons violating any of the provisions of this Ordinance.

Such police officers as such inspectors of license shall make out once a month a list of persons, firms or corporations carrying on business within their respective beats and having no license with their address and deliver such list carefully and legibly written to the Town License Collector, and also report to the Town License Collector the names of all such doing business without a license, immediately upon the fact coming to their knowledge. The Chief of Police is hereby directed to carry into effect the provisions of this paragraph.

No receipt for license shall be issued by the Collector of License on any other blank that those received from the Town Clerk.

Section 9. Every person having a license under the provisions of this Ordinance shall produce the same when applying for a renewal or when requested to do so by any councilman or any officer of the license or police department.

Every peddler while engaged in pedaling shall carry his or her license and exhibit the same if requested to do so by any municipal officer.

Section 10. In all cases where the amount of license to be paid by any person, firm, company or corporation is based upon the number of companies represented, or the number of tables used for any game or games, or the number of rooms in any building, or upon any other classification arrived at by number, measurement, amount or volume, than such person, firm, company or corporation shall, before obtaining for his, their or it business, and within ten (10) days from the beginning of such license period. If such business is an established business in operation during any part of the said ten (10) days, render to the said License Collector his his guidance in fixing the amount of license to be

paid by said person, firm, company or corporation, a written statement showing total amount of receipts from sales or of business transacted by such person, firm, company or corporation during the license period next preceding the date of such payment, or the volume or amount necessary to compute and fix the license fee under this Ordinance. Such statement shall not be conclusive as to the amount of license to be paid by such person, firm, company or corporation, and in the event that the Town License Collector shall not be satisfied as to the correctness of such statement it shall be his duty to make such investigation as he may deem necessary to ascertain the true and correct amount, number or measurement upon which the said license fee is based.

If any person, firm, company or corporation hereby required to make such statement shall fail to do so, or shall fail upon demand of the License Collector to exhibit to him such books, papers or other data as is necessary to enable him to ascertain the true facts required in such statement, or oppose or obstruct such officer in his efforts to ascertain the facts, or deny such officer access to any building, or oppose him in making of any lawful examination, inspection or count, such person, firm, company or corporation shall be required to pay a license at the maximum rate herein prescribed for the trade, calling, profession, occupation or business carried on by such person, firm, company or corporation, which sum may be recovered by said Town in a civil action as hereinbefore provided, and in addition thereto shall be deemed guilty of a violation of this Ordinance and shall be punished for such violation in accordance with the provisions hereof.

PROVIDED, where the first license issued is for a newly established business no statement need be made of the amount of receipts or sales, or business transacted, and the minimum rate herein prescribed shall be charged for any newly established business for the first quarter or portion thereof for which a license is issued.