

CHAPTER 9

LICENSES

ARTICLE I. GENERAL PROVISIONS.

Sec. 9-1. DEFINITIONS.

a. The word "license" or "licensed" as used in this chapter shall mean a license granted by the City Council.

b. The word "applicant" shall mean any person, partnership, business or corporation who causes an application to be presented under Sec. 9-9, or who seeks renewal under Sec. 9-10A.

Sec. 9-2. DURATION OF LICENSES, LICENSE PERIOD.

All licenses, unless otherwise provided, shall continue in force until the first day of April next, following the date of issuance unless sooner revoked, as hereinafter provided in this title.

Sec. 9-3. REVOCATION.

A license may be revoked at any time by the City Council, whereupon, unless such revocation is for cause, there shall be refunded to the licensee such portion of the fee received therefor as is proportionate to the unexpired term thereof.

Sec. 9-4. CAUSES FOR REVOCATION.

A license may be suspended or revoked by the City Council after notice and hearing for any of the following causes:

a. Fraud, misrepresentation or false statement contained in any application for permit or license.

b. Fraud, misrepresentation or false statement in the conduct of any business or activity authorized by such license or permit.

c. Conviction of the licensee for any felony or misdemeanor involving moral turpitude.

d. Any violation of this chapter.

e. Any violation of this revised code.

f. Any violation of the laws of the United States, the State of Vermont or any ordinance heretofore or hereafter adopted by the City of Montpelier in full force and effect.

g. Conducting the licensed business, trade, calling, profession or occupation, through the licensee himself or any of his agents, servants or employees, in any unlawful, disorderly or improper manner, or in such manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

h. The conduct of any licensed business or activity by any person who is of unfit character.

i. Violating or abusing the purpose for which a license has been issued to the detriment of the public, or the use of a license for a purpose foreign to that for which it was issued.

Sec. 9-5. NOTICE OF HEARING.

A license issued by the City of Montpelier shall not be revoked, cancelled or suspended until a hearing thereon shall have been held by the City Council. Written notice of the time and place of the hearing shall be served upon the licensee at least fourteen days prior to the date set for the hearing. The notice shall also contain a brief statement of the grounds to be relied upon for revoking, cancelling or suspending the license.

Sec. 9-6. SERVICE OF NOTICE.

Notice of hearing as set forth in subsection 9-5 may be given either by personal delivery to the person to be notified, or may be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to the person to be notified at the business address appearing on the license.

Sec. 9-7. HEARING PROCEDURE.

At the hearing before the City Council, the person aggrieved by the proposed suspension or revocation of the license issued by the City of Montpelier shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the City Council, the complaint may be dismissed, or if the governing body concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held by the licensee.

Sec. 9-8. REINSTATEMENT OF REVOKE LICENSES.

If any license shall have been revoked as provided in this section, neither the holder thereof nor any person acting in his behalf, directly or indirectly, shall be entitled to another license to carry on the same business within the City unless the application for such license shall be approved by the City Council.

Sec. 9-9. APPLICATION FOR LICENSE.

Before a license shall be granted, a written application shall be presented to the City Council signed by the applicant. On such application, the applicant shall state his place of residence, the particular kind of license desired and that he will observe the conditions of such license and all applicable laws and such license shall not be sold, assigned or transferred without consent of the City Council. In consideration of such application, the City Council may require the applicant to provide such evidence in support thereof as the Council deems necessary.

Sec. 9-10. ISSUANCE OF LICENSE.

If the City Council shall be of the opinion that the applicant has complied with all conditions respecting such application, it shall issue such license subject to the provisions of Sec. 9-16 of this chapter, upon condition that the license shall comply with all provisions of the ordinances of the City and of the laws of this State, or any amendments thereto, respecting such licensed privilege or occupation. The fee therefore shall be turned over to the City Treasurer for the use of the City. If the license is refused, the City Clerk shall so inform the applicant and return to him the fee advanced.

Sec. 9-10A. RENEWAL OF LICENSE.

With the exception of licenses issued under Article XIV, Peddlers, Solicitors, Itinerant Vendors and Transient Merchants, which shall be annually authorized for renewal by the City Council, a license, once issued by the City Council in accordance with Sections 9-9 and 9-10 of this Article, may be renewed, subject to the provisions of Sec. 9-16 of this chapter, by the City Clerk upon application by the licensee, and payment of the license fee, provided that the license issuance has not been contested, and that all requirements of state and local law have been met.

Sec. 9-10B. CONTEST OF LICENSE.

The renewal of any license under this chapter may be contested by any person for just cause through a complaint in writing signed by the complainant and addressed to the City Clerk, stating with particularity the nature of the complaint and the reasons for contesting the renewal of the license. The City Clerk, upon receipt of said complaint, shall forward a certified copy to the City Council, which shall, at the next regular meeting following receipt of said complaint, consider its merits and, if found justified, shall order a hearing before the Council in accordance with the procedures outlined in Sections 9-5, 9-6 and 9-7.

Sec. 9-11. DISPLAY OF LICENSE.

The City Clerk, at the expense of the City, shall, upon the issuing of any license, furnish the licensee a suitable card, plate or badge bearing the number of his license, and the same shall be conspicuously placed or worn by the licensee, in the exercise of said license, to the approval of the Chief of Police.

Sec. 9-12. FEE FOR FRACTION OF LICENSE YEAR.

For a license issued under provisions of this title on or after September 30 of any year, for the remainder of such license year the fee shall in each case be equal in amount to one-half the amount of the fee required for such license if issued prior to April 1 of any year.

Sec. 9-13. DELINQUENT LICENSE FEES: PENALTY.

Each person delinquent in the payment of any license fee required by ordinance to be paid may procure a license on or before April 15, following the normal date of expiration of the last day of March, by paying a fee of 25% in excess of that otherwise required to the City Clerk. Each person delinquent in the payment of any license fee beyond the extended grace period of April 15 may only procure a license after he/she has paid a fee of 50% in excess of that otherwise required to the City Clerk.

Sec. 9-14. LICENSEE'S DUTIES AND OBLIGATIONS.

All licenses shall be subject to the conditions that the license shall be liable to any person who shall receive actionable injury through the exercise thereof, and shall also be liable to indemnify and save harmless the City in all things relating to the exercise of such license; and such conditions shall be obligatory upon licensees without other notice than that to be implied from this section. All licenses shall be further subject to the condition that the licensee shall keep his place of business safe at all times for the use of the public invited thereon, and such condition shall be obligatory upon licensees without other notice than implied from this section.

Sec. 9-15. VIOLATIONS.

It shall be unlawful for any person to violate the provisions of this chapter, and upon conviction thereof shall be subject to general penalty provision in Section 1-9 of this Code.

Sec. 9-16. PROPERTY TAXES DELINQUENT.

No license shall be issued under Sec. 9-10 or renewed under Sec. 9-10A of this chapter:

- (a) to any applicant who is delinquent in the payment of any property taxes, water, sewer or sewer benefit assessments, or related fees, costs or penalties applicable by law and due the City of Montpelier as of the date of application;

- (b) to any applicant whose principal, general partner, president, treasurer or Board of Directors includes a principal, general partner, president, treasurer or director of any business or corporation delinquent in the payment of any property taxes, water, sewer or sewer benefit assessments, or related fees, costs or penalties applicable by law and due the City of Montpelier as of the date of the application.

Notwithstanding the provisions of (a) or (b) of this Section, a license may be issued pursuant to Sec. 9-10 or renewed pursuant to Sec. 9-10A upon confirmation by the appropriate administrative office that all such property tax delinquencies, costs, fees and penalties have been paid, except where acceptable arrangements have been made, and are being maintained, with the City's Tax Collector.

Sec's. 9-17 to 9-999 reserved.

Enacted October 25, 1972.

Amendment enacted January 23, 1974 [Sec. 9-10A added]. Effective six days after publication. Date of Publication: 2/01/74. Effective Date: 2/07/74.

Amendment enacted July 28, 1976 [Sec. 9-5 rewritten]. Date of Publication: 8/02/76. Effective Date: 8/09/76.

Amendment enacted October 11, 1978 [Sec. 9-10A rewritten; Sec. 9-10B added]. Effective six days after publication. Date of Publication: 10/18/78. Effective Date: 10/24/78.

Amendment enacted May 10, 1989 [Sec. 9-13 rewritten]. Date of Publication: 5/17/89. Effective Date: 5/23/89.

Amendment enacted February 27, 1991 [Sec's. 9-1, 9-10 and 9-10A rewritten; Sec. 9-16 added]. Date of Publication: 3/11/91. Effective Date: 3/18/91.