

ORDINANCE NO: 70
LICENSING AND REGULATION

70.1 – BUSINESS LICENSE

A. PURPOSE.

The purpose of this Section is to aid in the development of a business data file to provide for the health, safety and general welfare of the citizens of the Town of Grand Rapids, and conduct routine safety inspections of the premises occupied by businesses operating within its boundaries, to ensure compliance with Town ordinances, assist in emergency situations, and foster economic development.

B. DEFINITIONS.

The following words, phrases and terms wherever they occur in this Ordinance section, shall be interpreted as herein defined:

1. **Business:** shall be defined as any trade, occupation, profession, or other kinds of commercial activity, with a permanent physical location in the Town and where money is exchanged for goods or services, or access to the general public is allowed.

C. BUSINESS LICENSE REQUIRED.

1. It shall be unlawful for a person to conduct any business within the Town without first having secured a business license as provided in this Ordinance. No permits issued by the Town, including but not limited to building permits, occupancy permits, or town conditional use permits shall be granted to a business operator or the property owner until a business license has been obtained.
2. No business license shall be required and no fee shall be charged for any person or organization conducting or operating a nonprofit enterprise, when it is without profit, for a public, charitable, educational, literary, fraternal, or religious purpose.
3. No business license shall be required and no fee shall be charged for any home occupation permitted under Town Ordinance 52.3(L).
4. No business license shall be required and no fee shall be charged for Mobile Food Vendors subject to a Mobile Food Vending License in the Town.
5. Businesses lawfully in existence on the effective date of this Ordinance may continue to and thus operate hereunder without the requirement of securing a business license. Such exemption from the business license requirements under this ordinance shall be terminated upon a change of use or ownership of the business.

D. BUSINESS LICENSE APPLICATION:

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

1. Applications for a Business License shall be made to the Zoning Administrator on forms approved by the Town Board. The application shall be accompanied by the full amount of the required business license fee.
2. The Zoning Administrator shall investigate all applications and determine if the business conforms to all of the rules and regulations of the Town, and whether or not the business constitutes a significant threat to the health, welfare, and safety of the community. No license shall be issued under the section until the Building Inspector, Zoning Administrator and Fire Inspector have reviewed and made recommendations for approval of the application. Upon the Zoning Administrator's determination of an application meeting the requirements for licensing, he or she shall issue a business license. If the above prerequisites are not complied with, the application shall be denied in writing with the reasons for denial being stated.
3. Any person denied a business license may appeal the denial to the Town Board by filing a written statement within fourteen (14) days after the date registration was denied, setting forth the grounds for appeal. The Town Clerk will notify the applicant, at least 48 hours prior to the hearing date, time and place of such hearing. Notice will be personally served on the appellant.
 - a) In determining whether to overturn a denial under subparagraph (3), the Town Board may require, as a condition to granting the license, a business owner implement measures to promote health, safety and general welfare of the community, including but not limited to installation of digital security imaging systems, outdoor lighting, providing adequate parking, or obtaining a required state or county license for a specific business.

E. BUSINESS LICENSE FEES.

The license fee for a Business License shall be set by the Town Board for said license as per Ordinance 39- "Schedule of Fees and Forfeitures," and must be paid to the Town at the time of application.

F. BUSINESS LICENSE CONDITIONS.

1. When there is a change in business name, owner(s) addresses, phone numbers or any other pertinent information since the original business application, the Zoning Administrator must be contacted and the license amended accordingly. No fee shall be required for a license amendment.
2. Each business location shall obtain a business license from the Zoning Administrator. Any operating business which has not obtained a business license prior to operation or within six (6) months after the effective date of this Ordinance shall be subject to penalties as enumerated in Section 70.1(H) of this ordinance.
3. Business licenses are not transferable from person-to-person or to another location within the Town under any circumstance. A change in the type of business shall require a new business license. A change to another Location shall require filing an Application for

Transfer, along with payment of a required Relocation Fee.

4. Any license issued under this chapter shall be placed in a conspicuous place within the business establishment. Any licensee who fails to post a license as required shall be presumed to be operating without a license.
5. Each year, the Zoning Administrator shall request reports from the Town of Grand Rapids Police Department and the Fire Department regarding any complaints received, calls for service or actions taken regarding the business. Staff reports received indicating that there are complaints or actions involving the property may be recommended to the Town Board for suspension or revocation of the business license.
6. A business license acquired under this Ordinance may be suspended or revoked by the Town Board upon its finding, after notice to the license holder of the meeting at which suspension or revocation will be considered, that the terms of this ordinance or a license issued thereunder have been violated. The appeal process under Section 70.1(D)(3) of this Ordinance is available for license holders who have been suspended or revoked under this subsection.

G. OUTSTANDING CLAIMS AS A CONDITION OF LICENSE ISSUANCE.

The Town shall not issue any license to transact any business within the Town, or may imitate procedures to suspend or revoke a Business License of any applicant whose Business permanent physical location:

1. Has delinquent taxes within the Town or who has delinquent assessments, forfeitures or other financial claims owed to the Town.
2. As it relates to taxes, subparagraph (1) shall not cause the suspension or revocation of an existing license if real taxes are delinquent for not more than one year.

H. PENALTIES.

1. Any person who operates a business within the Town of Grand Rapids without a license, or who violates any term or provision of this Ordinance shall, upon conviction, be subjected to forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures," together with the costs of prosecution. Each day a violation exists or continues shall constitute a separate offense.
2. In addition to any other penalties provided in this Section, whenever a business is being operated illegally or without a valid business license, the Town may seek to close down said business through any lawful process, including, but not limited to, injunctive measures.

70.2 – MOBILE FOOD VENDING LICENSE

A. DEFINITIONS.

The following words, phrases and terms wherever they occur in this Ordinance section, shall be interpreted as herein defined:

1. **Fixed Food Establishment:** shall mean a restaurant or food establishment where food is prepared or served that is a permanent fixed location.
2. **Mobile Food Vehicle:** shall mean a self-contained, moveable food unit, including vehicles, carts and trailers, where food is prepared, processed, served or sold from, and which periodically or continuously changes location. A Mobile Food Vehicle does not include vehicles that are used solely to transport or deliver food.
3. **Mobile Food Vendor:** shall mean the owner of a Mobile Food Vehicle, hereinafter referred to as "Vendor."

B. MOBILE FOOD VENDING LICENSE REQUIRED.

1. It shall be unlawful for any person to operate a Mobile Food Vehicle within a public right-of-way, on public property, or from private property open to the public in the Town of Grand Rapids, without first having obtained a valid mobile food vending license as prescribed in this Ordinance.
2. No Mobile Food Vending License shall be required and no fee shall be charged for any person or organization vending within an event location area upon which a public event licensed or sanctioned by the Town is occurring.

C. MOBILE FOOD VENDING LICENSE APPLICATION.

Any person desiring to operate a Mobile Food Vehicle will make written application for a mobile food vending license to the Town Zoning Administrator's office. The application for such license shall be provided by the Town Zoning Administrator's office.

1. Upon receipt of an application for a mobile food vending license, the Zoning Administrator may conduct a background check of an applicant and any proposed operator of a Mobile Food Vehicle, and may refer to the Chief of Police or his or her designee who may make and complete an investigation of the statements made in such application. Any such investigation will be completed as soon as practicable. The Town Zoning Administrator may refuse to register the applicant if any of the following is determined:
 - a) The application contains any material omission or materially inaccurate statement.
 - b) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct sales of food.
 - c) The applicant failed to comply with any requirements of local or state agencies directly related to establishment as a mobile food vendor.
2. In review of the application, the Town of Grand Rapids may request additional information of an applicant to determine if issuance of a mobile food vending license to a particular applicant would be in the best interest of the public.
3. Any person denied a mobile vending license may appeal the denial to the Town Board by filing a written statement within fourteen (14) days after the date registration was denied, setting forth the grounds for appeal. The Town Clerk will notify the applicant, at

least 48 hours prior to the hearing date, time and place of such hearing. Notice will be personally served on the appellant

D. MOBILE FOOD LICENSE FEES AND CONDITIONS.

1. All Mobile Food Vendors shall pay an annual license fee. The annual license fee for mobile food vendors shall be set by Town policy for said license as per Ordinance 39-“Schedule of Fees and Forfeitures,” and must be paid to the Town at the time of application. This fee shall not be prorated.
2. Each mobile food vending license will expire on December 31 of each year.
3. A mobile food vending license is not transferrable from person to person.
4. The mobile food vending license must be permanently and prominently affixed to the Mobile Food Vehicle. A mobile food vending license is not transferrable between Mobile Food Vehicles.
5. A Mobile Food Vending License acquired under this Ordinance may be suspended or revoked by the Town Board upon its finding, after notice to the license holder of the meeting at which suspension or revocation will be considered, that the terms of this ordinance or a permit issued thereunder have been violated. The appeal process under Section 70.2(C)(3) of this Ordinance is available for license holders who have been suspended or revoked under this subsection.

E. APPLICATION FOR PERMIT.

1. Mobile food vehicle vending locations shall be allowed in all areas of the Town (subject to limitations within residential areas). All Vendors will maintain the appropriate distances from crosswalks and curbs. A Mobile Food Vehicle shall be arranged for waiting on customers and have customers line up in a way that avoids conflict between customers and the traveling public, including pedestrians, parked vehicles and moving vehicles. Mobile Food Vehicles are not permitted on any public sidewalk. Mobile Food Vehicle locations are not restricted on private property.
2. A person with a valid driver's license of such a classification to allow the operation of the Mobile Food Vehicle shall be with the vehicle at all times that any food service or sales activity is taking place from the Mobile Food Vehicle. Operators shall abide by all parking and traffic laws, ordinances, statutes, rules, and regulations at all times, except that a Mobile Food Vehicle that is of such a length that it occupies all or a portion of two marked parking spaces may park in said spaces so long as it abides by all other parking restrictions, when applicable. The Vendor is liable for any violation of this subsection.
3. No person shall park or operate a Mobile Food Vehicle in a location adjacent to or within a two-hundred (200) foot radius of the nearest edge of any building or section of a building comprising a licensed Fixed Food Establishment, excluding any patio, awning, or temporary enclosure attached thereto. This requirement may be waived if the most recent application for a mobile food vending license was submitted together with the written consent of the owner of the adjacent licensed fixed food establishment.
4. Mobile food Vehicles are allowed adjacent to or within parks within the Town, but shall not be parked or operate in a location adjacent to or within a two-hundred (200) foot radius of the nearest edge of any building or section of a building located in a Town park

that sells food or beverages.

- 5. No person shall operate a Mobile Food Vehicle in a location within two-hundred (200) feet of the event location area upon which a public event licensed or sanctioned by the Town is occurring, except when the Vendor has obtained a permit or otherwise properly obtained permission to do so through a written request submitted to the Town Zoning Administrator.
- 6. Mobile Food Vehicle shall be prohibited from connecting to light poles, utility poles, or any public source of electricity, water or sewer, or to any tree or other public amenity. Where applicable, authorization to use any utilities in Town parks may be granted by the Public Works Superintendent. The Vendor is liable for any violation of this subsection.
- 7. Mobile Food Vehicle vending hours on public property and in public right-of-way are from 8:00 a.m. to 9:00 p.m. (Sunday through Thursday) and from 8:00 a.m. to 10:00 p.m. (Friday and Saturday). Mobile food vehicles must be closed, the area cleaned and the mobile food vehicle removed by the time specified. Mobile Food Vehicle vending hours are not restricted on private property locations.
- 8. Nothing in this article shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking, except as specifically provided in the article. Vendors will take every precaution to ensure that their operations do not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing and unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare.

F. PENALTIES.

- 1. Any person who violates any of the provisions of this Ordinance shall, upon conviction, be subjected to forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution. Each day of violation shall constitute a separate offense.

This ordinance shall take effect from and after the date of its passage and publication as provided by law.

HISTORY

Declaration/Ordinance/Resolution No _____	Dated
RESOLUTION NO:	
2018-15	10-April-2018
2018-33	11-December-2018