

# **Town of Raymond Business License Ordinance**

Adopted 7/14/2020

## **Section 1. Purpose.**

The purpose of this Ordinance is to provide reasonable regulations for businesses, other than home occupations, operating in the Town of Raymond and to protect and promote the health, welfare and safety of Town residents and the general public.

## **Sec. 2. License required; expiration.**

- (a) The Board of Selectmen are authorized to grant, grant subject to conditions, or deny licenses for any business in accordance with the terms of this Ordinance. The Town Clerk is authorized to renew licenses and refer any license renewal applications to the Board of Selectmen for public hearing and action if, in the Town Clerk's judgment, the application merits such scrutiny.
- (b) Any such license shall expire on March 1 of each year, unless otherwise provided therein, except that a license for which a renewal application filed prior to March 1 shall continue in effect until the Town Clerk or the Board of Selectmen, if Board action is required under Section 7, has acted on the renewal application.
- (c) No person shall operate or conduct any business, except for home occupations, without first obtaining a license therefore, nor shall any person operate or conduct any business except in compliance with the terms of this Ordinance and any conditions imposed upon the license issued.

## **Sec. 3. Application.**

- (a) Any person who owns, operates or conducts any business in the Town of Raymond shall make an application for a license to conduct such business by submitting the following to the Town Clerk:
  - (1) A description of the business which the applicant proposes to operate or conduct and the location at which the licensed activity or business will occur.
  - (2) A statement that the applicant has secured or is in the processing of securing all state or local permits required for the licensed business, provided that any license issued by the Board of Selectmen prior to the receipt of such other permits shall not authorize the operation of the business until all such other permits are obtained.
  - (3) A statement that the business and the premises are in compliance with all local ordinances other than this Ordinance.
  - (4) Evidence of satisfactory resolution of any public health, safety or welfare problems occurring in the operation of that or a similar business at the same location in the immediately preceding year, including but not limited to neighborhood complaints, disorderly customers, and excessively loud or unnecessary noise that initiate complaints

to or require a response from the sheriff's department, fire department or other municipal regulatory body or employee.

- (5) A nonrefundable application processing fee as specified in Town Fee Schedule, unless the applicant has previously received a license under this Ordinance for the same business at the same location and the license had been applied for prior to the last day of February of the expiration year.
- (b) The Board of Selectmen may require further documentation of any of the information provided in the license application whenever the Board determines that such documentation is needed to process the application.

#### **Sec. 4. - Denial; imposition of conditions for issuance.**

- (a) Failure to provide any of the information required by Section 3 to the Town Clerk in a timely manner shall be cause for a denial of a license application.
- (b) The Board of Selectmen shall consider information provided by the applicant, the code enforcement officer, the town manager, the sheriff's department, the fire chief or any other municipal employee or the general public in determining whether to issue, issue subject to conditions, or deny any license requested. The Board of Selectmen may deny a license application if it finds that:
  - (1) The applicant does not have the legal right to occupy the premises for which the license is sought;
  - (2) Required state or local permits have not been obtained or applied for;
  - (3) The business or the premises are not in compliance with other local ordinances;
  - (4) Any public health, safety or welfare problems which occurred in the operation of the business or a similar business on the premises during the immediately preceding year were not satisfactorily resolved and are likely to recur;
  - (5) The applicant for the license has, during the immediately preceding year, committed or permitted, in the course of conducting a business subject to this Ordinance, an act or omission which constitutes a violation of this Ordinance;
  - (6) The applicant is delinquent in paying any personal or real property tax assessed by the Town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment;
  - (7) The licensed location has had three or more documented and relevant disturbances as verified by the sheriff's department within the previous licensing period, which documentation shall be provided to the Town Clerk by the sheriff's department;
  - (8) The applicant owes any fine, penalty or judgment to the Town as a result of any violation of this Ordinance and the fine, penalty or judgment, with any accrued interest, has not been paid in full; or
  - (9) The applicant owes any amount to the Town for services rendered by the Town or by Town employees to the applicant or the applicant's property, is in default on any performance guarantee or contractual obligation to the Town, or is otherwise delinquent in any financial obligation to the Town.

- (c) The Board of Selectmen may also impose conditions on the operation of any licensed business, such as restrictions on the hours of operation, a requirement of trash removal at specified intervals, or implementation of particular forms of crowd control, where the public interest so requires.
- (d) When the Board of Selectmen denies a license, written notice of the decision shall be provided to the applicant within ten days thereof, which shall set forth the reasons for the denial. The licensee shall receive written notice in the same manner of any conditions imposed upon the license whenever conditions are imposed, and any such conditions shall be noted on the license records maintained by the Town Clerk.

**Sec. 5. - Effective date; payment of full fee required.**

- (a) A license issued pursuant to this Ordinance shall be effective as of the date issued or as of the date payment of the appropriate license fee is received by the Town Clerk, whichever is later.
- (b) Payment in full of the license fee is required prior to the issuance of a license.

**Sec. 6. - Inspections.**

- (a) A licensee, as a condition of receipt of a license under this Ordinance, must also allow any Town official who is authorized to determine compliance with federal, state or town law or ordinance and who presents valid identification to enter at any reasonable time any portion of the licensed premises which the licensee has the right to enter or occupy.
- (c) Failure to allow entry required by this section shall constitute a violation of this Ordinance and shall constitute cause for nonrenewal, suspension or revocation of this license.

**Sec. 7. - Renewals.**

- (a) The Town Clerk is authorized to renew, without further action by the Board of Selectmen, the license of any person holding a license pursuant to this Ordinance, referred to as the "licensee," upon receipt of the required fee and of a written statement from the licensee that there has been no material change in the information provided in the licensee's previous application. The Town Clerk may not renew a license, but must refer the application to the Board of Selectmen, if:
  - (1) The license has been suspended or revoked by the Board of Selectmen during the preceding licensing cycle;
  - (2) The Town Clerk has received, during the past licensing cycle, any written complaint from any person charging that the licensee has violated the terms of this Ordinance or any other section of this Code or Town ordinance;
  - (3) The applicant is delinquent in paying any personal or real estate property tax assessed by the Town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment; or
  - (4) The licensed location has had three or more documented and relevant disturbances as verified by sheriff's department within the previous licensing cycle.

- (b) Notwithstanding the provisions in Section 7(a) above, a license must be reviewed and renewed by the Board of Selectmen every five years.

**Sec. 8. - Suspension or revocation.**

- (a) The Board of Selectmen, upon notice and after hearing, for cause, may suspend or revoke any license issued pursuant to this Ordinance. The term "cause" shall mean the violation of any license condition, any section of this Ordinance, any condition constituting a threat to the public health or safety, or the revocation or suspension of any state or local license that is a condition precedent to the issuance of a license pursuant to this Ordinance. The term "cause" shall also include any of the grounds for denying a license application under Section 4. Licenses may be temporarily suspended without prior notice and hearing if, in the judgment of the code enforcement officer, the town manager, or the Board of Selectmen, the continued operation of the licensed business constitutes an immediate and substantial threat to the public health and safety, provided the licensee receives written notification of the suspension and the reasons therefore, prior to its taking effect, and a hearing is scheduled as soon as possible thereafter.

**Sec. 9. - Violation and Penalties.**

- (a) Any person who operates or conducts any business for which a license is required under this Ordinance without first obtaining such license commits a civil violation and shall be subject to a fine not to exceed \$100.00 for the first day the offense occurs. The second day the offense occurs, the fine amount shall not exceed \$250.00. The third day and subsequent days thereafter, the fine amount shall not exceed \$500.00. Each day such violation continues shall be considered a separate violation.
- (b) All fines shall be recovered upon complaint for use by the Town and shall be placed in the town treasury.

**Sec. 10. - Enforcement.**

The code enforcement officer shall investigate any alleged violation of this Ordinance. Upon verification of the alleged violation, the Board of Selectmen may initiate any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, attorneys fees, and costs, that may be appropriate and necessary to enforce the provisions of this Ordinance in the name of the Town.