

REGULATION OF BUSINESS AND VOCATIONS

TABLE OF CONTENTS

CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS	665
CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS	669
CHAPTER 122 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.....	673
CHAPTER 123 - HOUSE MOVERS	677
CHAPTER 124 - JUNK YARD LICENSING	679
CHAPTER 125 - LICENSING OF ELECTRICIANS.....	681
CHAPTER 126 - LICENSING OF PLUMBERS.....	685
CHAPTER 127 - LICENSING OF GENERAL CONTRACTORS.....	689
CHAPTER 128 - TAXICABS	695
CHAPTER 129 - ADULT ENTERTAINMENT	697
CHAPTER 130 - PAWNBROKERS	705

CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

(Code of Iowa, Sec. 123.32[2])

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense

alcoholic liquor, beer or wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[2i])

12. Permit or allow any person under twenty-one (21) years of age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class "C" beer permit only.

120.06 AMUSEMENT DEVICES.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an "electronic or mechanical amusement device" means a device that awards a prize redeemable for merchandise on the premises where the device is located and which is required to be registered with the Iowa Department of Inspection and Appeals.
2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

o o o o o o o o o

CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-service Sales Prohibited
121.09 Permit Revocation

121.01 DEFINITIONS. For use in this chapter the following terms are defined:
(Code of Iowa, Sec. 453A.1)

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales or who engages in the business of selling tobacco products to ultimate consumers.
6. “Self-service display” means any manner of product display, placement or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED.

1. Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business.

The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

2. Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked or expired, the retailer shall not sell any cigarettes or tobacco products during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the Code of Iowa.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.

4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation with a period of four (4) years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

o o o o o o o o o o

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.11 Revocation of License
122.02 Definitions	122.12 Notice
122.03 License Required	122.13 Hearing
122.04 Application for License	122.14 Record and Determination
122.05 License Fees	122.15 Appeal
122.06 Bond Required	122.16 Effect of Revocation
122.07 License Issued	122.17 Rebates
122.08 Display of License	122.18 License Exemptions
122.09 License Not Transferable	122.19 Charitable and Nonprofit Organizations
122.10 Time Restriction	

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

122.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Police Chief for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business and the length of time sought to be covered by the license. An application fee for each person or agent in an amount set by Council resolution shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein. No license shall be issued until after the passage of five working days after the time of filing the application therefore, to permit the City time to complete processing thereof and not until after the filing of a bond as specified in Section 122.06.

122.05 LICENSE FEES. License fees for solicitors, peddlers and transient merchants shall be paid to the Clerk in amounts set by resolution of the Council prior to the issuance of any license.

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.07 LICENSE ISSUED. If the Police Chief finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

122.11 REVOCATION OF LICENSE. After notice and hearing, the Police Chief may revoke any license issued under this chapter for the following reasons:

1. **Fraudulent Statements.** The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. **Violation of Law.** The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. **Endangered Public Welfare, Health or Safety.** The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.12 NOTICE. The Police Chief shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.13 HEARING. The Police Chief shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Police Chief may proceed to a determination of the complaint.

122.14 RECORD AND DETERMINATION. The Police Chief shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Police Chief finds clear and convincing evidence of substantial violation of this chapter or State law.

122.15 APPEAL. If the Police Chief revokes or refuses to issue a license, the Police Chief shall make a part of the record the reasons therefore. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Police Chief by a majority vote of the Council members present and the Police Chief shall carry out the decision of the Council.

122.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.17 REBATES. No licensee shall be entitled to a rebate of any part of the fee paid.

122.18 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the West Delaware, Maquoketa Valley, Ed-Co, and St. Mary's Catholic School Districts conducting projects sponsored by organizations recognized by the schools.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Police Chief the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Police Chief finds that the organization is a bona fide charity or nonprofit organization the Police Chief shall issue, free of charge, a license containing the above information to the applicant. In the event the Police Chief denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.

o o o o o o o o o

CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than one hundred (100) square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the City Manager. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the City Manager a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$50,000 per person; \$100,000 per accident.
2. Property Damage – \$50,000 per accident.

123.06 PERMIT FEE. A permit fee in an amount set by resolution of the Council shall be payable at the time of filing the application with the City Manager. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the City Manager shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

CHAPTER 124

JUNK YARD LICENSING

124.01 Purpose
124.02 Definitions
124.03 License Required
124.04 Application
124.05 License Fee

124.06 Inspection of Site
124.07 License Issued
124.08 Public Safety
124.09 Nuisance

124.01 PURPOSE. The purpose of this chapter is to protect and preserve the public safety and well-being by licensing and regulating the operation and maintenance of junk yards.

124.02 DEFINITIONS. A “junk yard” means any site used for storage of scrap, unusable vehicles, trash, rubbish or any other material of any nature for the purpose of salvage or collection of usable material. A “junk dealer” is anyone who is in the business of buying or selling of salvage or scrap materials.

124.03 LICENSE REQUIRED. It is unlawful for any person to engage in the business of being a junk dealer or to operate or maintain a junk yard in the City without a valid license from the City.

124.04 APPLICATION. Application for a license to engage in the junk business in the City shall be made in writing to the Clerk. The application shall include:

1. Name and address of the applicant, or if a corporation or partnership, the names and addresses of all officers and owners.
2. An accurate description of the site proposed for use, the type and condition of fencing and building to be used, and the proposal for obstructing the site from view to the public.

124.05 LICENSE FEE. A license fee in an amount set by Council resolution shall be payable at the time of filing the application with the Clerk.

124.06 INSPECTION OF SITE. The site and all buildings shall be inspected by the Fire Department, the City Manager, City Building Inspector and Police Chief, and all shall certify as to the fitness of the site for its intended use prior to a license being issued.

124.07 LICENSE ISSUED. Upon completion of all requirements, a license may be issued by the Council, valid for only one year from the date of issue.

124.08 PUBLIC SAFETY. Any person engaged in operating a junk yard or acting as a junk dealer shall have the site enclosed with a permanent fence at least eight (8) feet in height and of solid material so that the fence blocks from view all materials inside of the fence. The fence shall at all times be kept in good repair. When the yard is not in use the gates shall be kept closed and locked.

124.09 NUISANCE. It is hereby declared that any junk yard or junk business operated in violation of the provisions of this chapter is a nuisance within the meaning of Section 657.1 of

the Code of Iowa and may be abated in accordance with Chapter 50 of this Code of Ordinances.

CHAPTER 125

LICENSING OF ELECTRICIANS

125.01 Purpose	125.08 Scope and Manner of Examination
125.02 Definitions	125.09 Reexamination
125.03 Surety Bond	125.10 License Year; Fees
125.04 License Required	125.11 Transferability
125.05 Transfer of Credentials	125.12 Suspension or Revocation
125.06 Applications	125.13 Appeals
125.07 Examination Fees	125.14 Installation by Owner

125.01 PURPOSE. The purpose of this chapter is to provide for the examination and licensing of electrical contractors and journeyman electricians in order to protect public safety, health and welfare. The provisions of this chapter do not apply to any regular employees of a public utility who do electrical work for such public utility only, to the electrical work of a telephone or telegraph company, to any persons who perform electrical work for such telephone or telegraph company when such electrical work is an integral part of the plant used by such telephone or telegraph company in rendering its duly authorized service to the public, or to regular employees of any railroad who do electrical work as a part of their employment only.

125.02 DEFINITIONS. For use within this chapter, the following terms are defined:

1. "Electrical contractor" means any person who undertakes or offers to undertake to plan for, layout, supervise and do electrical work for a fixed sum, price, fee, percentage or other compensation.
2. "Electrical equipment" means all electrical materials, wiring, conductors, fittings, devices, non-portable appliances, fixtures, signs, and apparatus or parts thereof.
3. "Electrical work" means the installation, alteration, repair, removal, renewal, replacement, disturbance, connection, disconnection and maintenance of all electrical wiring.
4. "Journeyman electrician" means a person having the necessary qualifications, training, experience and technical knowledge to do electrical work in accordance with the standard rules and regulations governing such work.
5. "Licensed" means licensed under this chapter except if otherwise specified.

125.03 SURETY BOND. Each electrical contractor shall file a corporate bond, with sureties to be approved by the Council, in the penal sum of five thousand dollars (\$5,000.00) conditioned that said contractor will indemnify and keep harmless the City from all liability for any accidents or damages arising from any negligence and unskillfulness and from any unfaithful or inadequate work done under such license.

125.04 LICENSE REQUIRED. No person shall engage in business as an electrical contractor within the City unless said person has first obtained from the City an electrical contractor's license. No person shall engage in the practice of doing electrical work unless licensed as an electrical contractor or journeyman electrician except as provided in this chapter. No electrical contractor shall employ for electrical work any electrical journeyman

not licensed pursuant to this chapter. Apprentices and helpers employed to assist a licensed electrician in the practice of doing electrical work need not be licensed; however, apprentices and helpers shall perform their work under the direct supervision of a licensed electrician.

125.05 TRANSFER OF CREDENTIALS. Any electrical contractor or journeyman electrician coming to the City from another city or town having similar licensing standards and who can produce credentials showing proper accreditation as a electrical contractor or journeyman electrician shall, upon approval of the credentials, be excused from taking the examination required under this chapter and a license shall be issued to said person upon payment of the required license fee.

125.06 APPLICATIONS. Any person desiring to be licensed as an electrical contractor or a journeyman electrician shall make application, upon forms provided for that purpose, to the Building Inspector for an examination. The completed forms shall include the applicant's name, home address, business address and a brief resume of training and experience. As an alternative to the local testing procedure, the applicant can request permission to take a nationally accredited electrical test. This alternative testing process would require prior written approval by the City's Building Inspector.

125.07 EXAMINATION FEES. Each person taking the local examination or reexamination for an electrical contractor's license or a journeyman electrician's license shall first pay a fee in an amount established by resolution of the Council. Examination fees shall be paid to the Clerk, and a receipt therefore shall be attached to each application for a license. Examination fees shall not be refunded.

125.08 SCOPE AND MANNER OF EXAMINATION. The examination shall be practical, written, oral or a combination thereof, and shall be of such a nature as to uniformly test the capabilities of all applicants for the same type of license. The applicant shall clearly demonstrate qualifications for the particular type of license sought, and satisfactory knowledge of the methods and standards for doing electrical work.

125.09 REEXAMINATION. Upon the failure of an applicant for a license required by this chapter to pass an examination, the applicant may apply for reexamination after the expiration of thirty (30) days, upon payment of another examination fee.

125.10 LICENSE YEAR; FEES. Before a license required by this chapter is issued, the applicant shall pay a license fee. All licenses shall expire on December 31 of each year and may be renewed thereafter annually upon application of the licensee and payment of the license fee to the Clerk. Any license not renewed prior to the last day of December shall expire on the fifteenth day of January and may not be renewed without examination. Fees for the licenses shall be charged according to a schedule established by resolution of the Council.

125.11 TRANSFERABILITY. It is unlawful for any person holding a license issued pursuant to this chapter to transfer it or to allow the use of it, directly or indirectly, by any other person.

125.12 SUSPENSION OR REVOCATION. In addition to the standard penalty, when any holder of a license issued under the provisions of this chapter shall have substantially violated this chapter, the Building Inspector may revoke or suspend the license. The licensee, upon receipt by certified mail of written notice of revocation or suspension, shall surrender the

license. A person whose license has been revoked or suspended shall not be permitted to apply for another license for a period of one year from date of such revocation or suspension.

125.13 APPEALS. In the event any person feels aggrieved by any action of the building inspector, said person may appeal such action to the Board of Construction Review by filing written notice of appeal within ten (10) days from the date of the action. The Board shall give five days' written notice by certified mail of the date, time and place of hearing to the appealing party and to the building inspector. All interested persons shall be given the opportunity to be heard at the hearing, and the Board may affirm, modify or overrule the action of the Inspector.

125.14 INSTALLATION BY OWNER. Nothing in this chapter shall be construed to prohibit the owner or owners from performing electrical work without a license if said owner demonstrates a capability to do the specific work for which the owner desires a permit, to the satisfaction of the Building Inspector.

o o o o o o o o o o

CHAPTER 126

LICENSING OF PLUMBERS

126.01 License and Permit Required	126.09 Appeals
126.02 Application for License	126.10 Bond Required
126.03 Examination Fees	126.11 Installation by Owner
126.04 Scope and Manner of Examination	126.12 Application for Permit
126.05 Reexamination	126.13 Issuance of Permit
126.06 License Fee; Expiration Date	126.14 When Permits Not Required
126.07 Transferability	126.15 Permits Required for Additional Work
126.08 Suspension or Revocation	

126.01 LICENSE AND PERMIT REQUIRED. No person shall begin the construction, reconstruction, alteration or repair of any plumbing system in any building or connect any building with any sanitary sewer, private disposal plant or water main in the City unless such person is a licensed plumber holding a valid plumber's license from the City and unless said person has obtained a permit therefore from the City. The plumber to whom such permit is issued shall give direct supervision to such work and be responsible for its complete and satisfactory execution. Each plumbing permit, when issued to a firm or corporation engaged in the business of plumbing, shall show the name of the member or employee of such firm or corporation who holds a valid plumber's license in the City.

126.02 APPLICATION FOR LICENSE. Any person desiring to be licensed as a plumbing contractor shall make application, upon forms provided for that purpose, to the Building Inspector for an examination. The completed forms shall include the applicant's name, home address, business address and a brief résumé of training and experience. As an alternative to the local testing procedure, the applicant can request permission to take a nationally accredited plumbing test. This alternative testing process would require prior written approval by the City's Building Inspector.

126.03 EXAMINATION FEES. Each person taking the local examination or reexamination for a plumbing contractor's license shall first pay a fee in an amount set by resolution of the Council. Examination fees shall be paid to the Clerk, and a receipt therefore shall be attached to each application for a license. Examination fees shall not be refunded.

126.04 SCOPE AND MANNER OF EXAMINATION. The examination shall be practical, written, oral or a combination thereof, and shall be of such a nature as to uniformly test the capabilities of all applicants. The applicant shall clearly demonstrate qualifications for the license and satisfactory knowledge of the methods and standards for doing plumbing work.

126.05 REEXAMINATION. Upon the failure of an applicant for a license required by this chapter to pass an examination, the applicant may apply for reexamination after the expiration of thirty (30) days, upon payment of another examination fee.

126.06 LICENSE YEAR; EXPIRATION DATE. Before a license required by this chapter is issued, the applicant shall pay an annual license fee in an amount established by resolution of the Council. All licenses shall expire on December 31 of each year and may be renewed thereafter annually upon application of the licensee and payment of the license fee to the Clerk. Any license not renewed prior to the last day of December shall expire and shall

not be renewed without examination, except on recommendation of the Board of Construction Review.

126.07 TRANSFERABILITY. It is unlawful for any person holding a license issued pursuant to this chapter to transfer it or to allow the use of it, directly or indirectly, by any other person.

126.08 SUSPENSION OR REVOCATION. In addition to the standard penalty, when any holder of a license issued under the provisions of this chapter shall have substantially violated this chapter, the Building Inspector may revoke or suspend the license. The licensee, upon receipt by certified mail of written notice of revocation or suspension, shall surrender the license. A person whose license has been revoked or suspended shall not be permitted to apply for another license for a period of one year from date of such revocation or suspension.

126.09 APPEALS. In the event any person feels aggrieved by any action of the Building Inspector, said person may appeal such action to the Board of Construction Review by filing written notice of appeal within ten days after the date of the action. The Board shall give five days' written notice by certified mail of the date, time and place of hearing to the appealing party and to the Building Inspector. All interested persons shall be given the opportunity to be heard at the hearing, and the Board may affirm, modify or overrule the action of the Inspector.

126.10 BOND REQUIRED. Plumbing contractors shall file a corporate bond, with sureties to be approved by the Council, in the penal sum of five thousand dollars (\$5,000.00) conditioned that said contractor will indemnify and keep harmless the City from all liability for any accidents or damages arising from any negligence and unskillfulness and from any unfaithful or inadequate work done under such license. The expiration date on bonds shall be December 31.

126.11 INSTALLATION BY OWNER. Nothing in this chapter shall be construed to prohibit the owner or owners from performing plumbing work without a license if said owner demonstrates a capability to do the specific work for which the owner desires a permit, to the satisfaction of the Building Inspector.

126.12 APPLICATION FOR PERMIT. Any person desiring a plumbing permit shall file an application in writing at the office of the Building Inspector on the form provided by the City.

126.13 ISSUANCE OF PERMIT. Upon approval of the application by the Building Inspector and the approval of the plans and specifications, if required, the Inspector shall issue a plumbing permit therefore and retain a record thereof. Said permit shall not be in force and effect until all inspection or other fees, as provided herein, have been paid. The permit shall not be valid for work other than under the direct supervision of the licensed plumber to whom such permit was issued.

126.14 WHEN PERMITS NOT REQUIRED. No permit will be required for the repair of faucets or closet tanks, for replacing a valve when used for the same purpose, for forcing out stoppages in soil and waste pipes or for repairing leaks in distribution piping if there is no change in any form from the existing location and the pipe being replaced was of adequate size to carry the unit fixture load.

126.15 PERMITS REQUIRED FOR ADDITIONAL WORK. When a permit has been issued for plumbing work, no additional work, not included in the permit, may be completed or additional fixtures set until a new permit for such additional work has been first obtained.

o o o o o o o o o o

CHAPTER 127

LICENSING OF GENERAL CONTRACTORS

127.01 General Contractor Licenses
127.02 Transferability
127.03 Suspension or Revocation

127.04 Appeals
127.05 Installation by Owner

127.01 GENERAL CONTRACTOR LICENSES. All general contractors shall be registered with the City. All general contractors must provide the following:

1. Insurance. The applicant shall file a certificate of insurance indicating the applicant is carrying liability insurance in the minimum amount of \$500,000.
2. State of Iowa Contractor Registration Number.
3. Fee. A fee in the amount set by resolution of the Council is due at the time of registration. All licenses shall expire on December 31 of each year and may be renewed thereafter annually upon the application and payment of the license fee to the Clerk.

127.02 TRANSFERABILITY. It is unlawful for any person holding a license issued pursuant to this chapter to transfer it or to allow the use of it, directly or indirectly, by any other person.

127.03 SUSPENSION OR REVOCATION. When any holder of a license issued under this chapter has substantially violated the provisions of this chapter, the Building Inspector may revoke or suspend the license. The licensee, upon the receipt by certified mail of revocation or suspension, shall surrender the license. A person whose license has been revoked or suspended shall not be permitted to apply for another license for a period of one year from date of such revocation or suspension.

127.04 APPEALS. In the event any person feels aggrieved by any action of the Building Inspector, said person may appeal such action to the Board of Construction Review by filing written notice of appeal within ten days from the date of the action. The Board shall give five days' written notice by certified mail of the date, time and place of the hearing to the appealing party and to the Building Inspector. All interested persons shall be given the opportunity to be heard at the hearing, and the Board may affirm, modify or overrule the action of the Inspector.

127.05 INSTALLATION BY OWNER. Nothing in this chapter shall be construed to prohibit the owner or owners from performing general contractor work without a license if said owner demonstrates a capability to do the specific work for which the owner desires a permit, to the satisfaction of the Building Inspector; provided, however, a permit shall be issued as required.

[The next page is 695]

CHAPTER 128

TAXICABS

128.01 Definition
128.02 License Required
128.03 Liability Insurance
128.04 License Fee
128.05 Additional and Replacement Vehicles

128.06 Qualifications of Drivers
128.07 Obligation to Accept Passengers
128.08 Additional Passengers
128.09 Revocation of License

128.01 DEFINITION. For use in this chapter, the term “taxicab” means any motor vehicle carrying passengers for hire for which patronage is solicited publicly. This chapter shall not be applicable to:

1. Motor vehicles operating over established routes;
2. Vehicles rented to be driven by the renter; and
3. Vehicles operated solely as funeral cars or ambulances.

128.02 LICENSE REQUIRED. No person shall operate a taxicab within the City without first having obtained from the City Manager a license therefore, and without having complied with all other provisions of this chapter.

128.03 LIABILITY INSURANCE. Any person desiring a license for a taxicab or taxicabs shall make application therefore to the City Manager. Before the City Manager shall issue the license, the applicant shall furnish a certificate of insurance thereby providing assurance that the applicant has liability insurance with a company licensed to do business in the State which will insure the said applicant from liability in an amount at least as great as provided by the Code of Iowa. The insurance shall be in full force on each and every taxicab which the applicant proposes to license at the time of application and shall remain in force throughout the calendar year during which the license is obtained.

128.04 LICENSE FEE. The annual fee for a taxicab license for each taxicab shall be as set by resolution of the Council. The license year shall extend from the first day of January to the last day of December following and the full license fee must be paid for any part of the license year.

128.05 ADDITIONAL AND REPLACEMENT VEHICLES. Any additional or replacement motor vehicle to be used as a taxicab must be licensed by the City Manager before the new vehicle can be placed in use as a taxicab. Proof of insurance coverage of the new vehicle must be shown before approval to operate is obtained.

128.06 QUALIFICATIONS OF DRIVERS. Taxicab drivers must have a valid motor vehicle license issued by the State and must be of legal age as provided by the Code of Iowa, in good mental and physical condition, be of good moral character, have no criminal record, and not be addicted to the use of intoxicants.

128.07 OBLIGATION TO ACCEPT PASSENGERS. No taxicab driver shall refuse to carry any orderly person to or from any part of the City with reasonable promptness.

128.08 ADDITIONAL PASSENGERS. Any patron who first engaged service in a taxicab shall receive individual service unless said patron shall give consent to additional passengers being carried.

128.09 REVOCATION OF LICENSE. The City Manager may revoke any taxicab license whenever a violation of any provision of this chapter is shown.

CHAPTER 129

ADULT ENTERTAINMENT

129.01 Definitions

129.02 Regulations

129.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
2. “Adult book store or gift shop” is an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.
3. “Adult hotel or motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the individuals therein.
4. “Adult photo studio” is an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas or specified sexual activities, as defined herein.
5. “Adult theater” is a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the patrons therein.
6. “Adult uses” includes adult amusement or entertainment, adult book store or gift shop, adult hotel or motel, adult photo studio, adult theater and massage parlor.
7. “Massage parlor” is any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on specified sexual activities or specified anatomical areas, as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician’s direction, physical therapist, podiatrist, registered speech pathologist and physical or occupational therapist who treats only patients recommended by a licensed physician and operates only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices, and includes Turkish bath houses. The term does not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

8. "Specified anatomical areas" means less than completely and opaquely covered human genitalia, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state – even if completely and opaquely covered.
9. "Specified sexual activities" means patently offensive acts, exhibitions, representations, depictions or descriptions of:
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
 - C. Intrusion, however slight, actual or simulated, by an object, of any part of an animal's body or any part of a person's body into the genital or anal openings of any person's body;
 - D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated;
 - E. Flagellation, mutilation or torture, actual or simulated, in a sexual context.

129.02 REGULATIONS.

1. **Location.** An adult use shall not be located within 1,000 feet of another adult use, nor shall the adult use be located within 1,000 feet of any public or parochial school, regularly scheduled school bus stop, licensed day care facility, church, public park, or any dwelling (one-family, two-family or multiple dwelling) or within 1,000 feet of City Hall. The 1,000-foot restriction shall be computed by measurement from the nearest property line of the land used for another adult use or in the case of any regularly scheduled school bus stop, public or parochial school, licensed day care facility, church, public park, dwelling or City Hall, by measurement to the nearest entrance of the building in which adult uses are to occur, using a route of direct horizontal distance.
2. **Concealment.** All building openings, entries, windows, etc., of an adult use shall be covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways or from other public or semi-public areas.
3. **Minors.** No minor shall be permitted in any establishment in which adult uses are permitted.
4. **Alcohol.** No alcohol shall be permitted in any establishment in which adult uses are permitted, unless such is specifically allowed pursuant to the Code of Iowa. This prohibition applies equally to the proprietor and the patrons of the establishment involved.
5. **Public Exposure.** Except as hereinafter provided, no person shall expose those parts of his or her body which are hereinafter listed to another in any public place, in any privately owned place open to the public, or in any place where such exposure is seen by another person or persons located in any public place:
 - A. A woman's nipple, the areola thereof, or full breast, except as necessary in the breast-feeding of a baby.

B. The pubic hair, pubes, perineum or anus of a male or female, the penis or scrotum of a male or the vagina of a female, excepting such body parts of prepubescent infants of either sex.

This subsection does not apply to limited or minimal exposures incident to the use of public rest rooms or locker rooms or such other places where such exposures occur incident to the prescribed use of those facilities. This subsection also does not apply to exposures occurring in live stage plays, live theatrical performances or live dance performances conducted in a theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

[The next page is 705]

CHAPTER 130

PAWNBROKERS

130.01 Purpose	130.11 Suspension and Revocation
130.02 Definitions	130.12 Records Kept
130.03 License Required	130.13 Prohibited Transactions
130.04 Eligibility for Pawnbroker's License	130.14 Time to Redeem
130.05 Conditions for Approval of License	130.15 Unlawful to Operate Without License
130.06 Application for License	130.16 Searching for Stolen Property
130.07 Investigation of the Applicant	130.17 Examination of Premises by Officers
130.08 Simplified Application for Renewal	130.18 Disposing of Stolen Goods or Goods for Which There is an Adverse Claim
130.09 Bond	
130.10 Nature of License or Permit	

130.01 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulation and procedures for the conduct of a pawnbroker's business for the protection of the safety, moral and general welfare of the City.

130.02 DEFINITIONS. The following terms are defined for use in this chapter:

1. "Pawnbroker" means any person who loans money on deposit or pledge of personal property or other thing of value, or who deals in the purchasing of personal property or other things of value, on condition of selling the same back at a stipulated price or who receives actual possession of personal property as security for loans with or without a bill of sale.
2. "Person of good moral character" means any person who meets all of the following requirements:
 - A. Has financial standing and good reputation as will satisfy the Council that said person will comply with all Iowa laws and ordinances of the City applicable to said person's operation.
 - B. Has not had a pawnbroker's license revoked within the last two (2) years.
 - C. Is a citizen of the United States and a resident of Iowa, or licensed to do business in Iowa, in the case of a corporation.
 - D. Has not been convicted of a felony. (However, if this conviction occurred more than five years before the date of the application for a license or permit, and if said person's rights of citizenship have been restored by the Governor, the Council may determine that the person is of good moral character notwithstanding such conviction.)

If the licensee is a corporation or partnership, the requirements of this subsection shall apply to each of the officers, directors or partners and to any person who directly or indirectly owns or controls ten percent (10%) or more of any class of stock of such corporation or has an interest of 10% or more in the ownership or profit of such business. For purposes of this provision, an individual and spouse shall be regarded as one person.

130.03 LICENSE REQUIRED. Before engaging in business, a pawnbroker shall apply for and obtain a license from the City, which shall be issued without charge, but which must be renewed by the licensee annually provided said licensee remains qualified.

130.04 ELIGIBILITY FOR PAWNBROKER'S LICENSE. Upon meeting any requirements imposed by State law and the ordinances of the City, a person who is of good moral character as defined by State law and this chapter may apply for a pawnbroker's license. In the case of a corporation or partnership, the officers of the corporation or the partners of a partnership shall be persons of good moral character as defined by State law and this chapter.

130.05 CONDITIONS FOR APPROVAL OF LICENSE. An applicant for a pawnbroker's license, as a further condition for approval, must give consent in writing on the application that members of the Police Department and the Building Inspector may enter upon the premises without warrant to inspect for violations of the provisions of State law or the ordinances of the City.

1. No pawnbroker's license shall be approved for any premises which do not conform to all applicable laws, ordinances, resolutions and health and fire regulations.
2. All licenses provided for in this chapter shall be displayed in a conspicuous place on the premises of the holder of the permit and shall at all times be subject to inspection.
3. No pawnbroker's shop shall be operated in conjunction with or share a common exterior access with any arcade, coin-operated amusement center or other establishment housing or using coin-operated amusement devices open or available to minors.
4. No alcoholic liquor, alcoholic beverage or intoxicating liquor shall be sold, consumed or kept on the premises of the holder of a pawnbroker's license and no pawnshop shall be established or maintained upon or within any premises or building in which it shares a common access or entrance with any establishment selling or serving alcoholic beverages or holding a liquor control license or beer or wine permit.

130.06 APPLICATION FOR LICENSE. The application for a pawnbroker's license shall be in writing on a form provided by the Clerk and subscribed and sworn to by one of the owners, setting forth the name of each person who is owner of said business or, if a corporation, the names of the officers and directors of the corporation, and the principal place of business thereof, stating the name and address of the manager, the address of the business location and such other information as may be required in order to investigate the good character of the applicant.

130.07 INVESTIGATION OF THE APPLICANT. Upon receipt of an original application for a pawnbroker's license by the Clerk, it shall be forwarded to the Police Chief, who shall conduct an investigation and shall submit a written report on the application and a recommendation to the Mayor as to the approval of the license.

130.08 SIMPLIFIED APPLICATION FOR RENEWAL. Upon receipt of an application for the renewal of a pawnbroker's license, it shall be forwarded to the Police Chief, who shall conduct an investigation and shall submit a written report on the application as to the truth of the facts answered in the application and a recommendation to the Mayor as to approval of the license or permit.

130.09 BOND. No pawnbroker's license shall be issued until a bond, for the period of said license is in effect, is filed, which bond shall be in the penal sum of one thousand dollars (\$1,000.00), conditioned that said business will be conducted in accordance with the provisions of this chapter and the laws of the State, and that such pawnbroker will account for and deliver to any person legally entitled thereto any goods, wares, or merchandise or other things of value, which may have come into said person's hands in such business as pawnbroker, or in lieu thereof, that said person will pay money to the person entitled thereto for the reasonable value thereof.

130.10 NATURE OF LICENSE OR PERMIT. A pawnbroker's license shall be a purely personal privilege and be revocable for cause. It shall not constitute property or be subject to attachment and execution or be alienable or assignable and in any case it shall cease upon the death of the licensee. However, the Mayor may allow the executor or administrator of a licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the license. Every license shall be issued in the name of the applicant setting forth the location on which the business is located and no person holding a license shall allow any other person to use the same or operate the business on any other location.

130.11 SUSPENSION AND REVOCATION. A pawnbroker's license may be suspended for a period up to one year or revoked by the Mayor following notice to the licensee and hearing by the Council, for good cause, upon finding of any of the following causes:

1. Misrepresentation of any material fact in the application of such license.
2. Any change in the ownership or interest in the business operated under a pawnbroker's license which change was not previously reported and approved by the Mayor.
3. Any event which would have resulted in disqualification from receiving such license or permit when originally issued.
4. The failure or refusal on the part of the licensee to render any report or permit any inspection required by this chapter.
5. A finding by the Council after hearing that such business is being managed, conducted or maintained in a manner that is detrimental to the public health, morals or welfare.

130.12 RECORDS KEPT. Every pawnbroker shall keep a book or electronic recording in which shall be plainly written, at the time of each loan, purchase or sale, an accurate account or description in the English language of the goods, articles or things pawned, pledged, purchased or sold, the amount of money loaned or paid therefore, the date and hour received, and the time when the article is to be redeemed or bought back, and the name, residence and social security number of the person pawning, pledging, selling or purchasing the same, which book or electronic recording, plus the pawned or purchased articles, shall at all reasonable times be open to the inspection of any law enforcement officer. Every pawnbroker purchasing or receiving on deposit for loan any article of personal property or other thing of value shall give to the person selling, depositing or purchasing the same a plainly written or printed ticket or receipt therefore, showing the terms of said sale or loan, and a copy of the entry in the book or electronic recording required herein to be kept. However, no pawnbroker shall be required to furnish such information with reference to property purchased from merchants, manufacturers or bona fide wholesale dealers having an established place of business when such property or goods are accompanied by a bill of sale or invoice, which must be shown to

any law enforcement officer upon demand. Any person shall be guilty of a misdemeanor who shall:

1. Fail to keep such records;
2. Fail to make the required entries therein;
3. Intentionally or knowingly make any false or unintelligible entry or any entry which said person has reason to believe is untrue;
4. Fail to make the inquiries necessary to enable said person to make such entries or any of them;
5. Fail to produce the license, book or copy of electronic records when requested by a peace officer;
6. Destroy or negligently permit such book or record to be destroyed, damaged, rendered unintelligible or lost;
7. Fail to require any person to show physical proof of that person's identification.

130.13 PROHIBITED TRANSACTIONS. It is unlawful for any pawnbroker to purchase or receive any property, goods or ether thing of value from any minor without the written consent of the parents or the guardian of said minor or from any person who, at the time of making the transaction, is under the influence of intoxicating drugs or liquors, or from any feebleminded person or person of unsound mind.

130.14 TIME TO REDEEM. No pawnbroker shall sell or dispose of any pawned or pledged article until the same shall remain in said pawnbroker's possession for thirty (30) days after the pledge or deposit thereof, and the same may be redeemed by the depositor or pledger at any time within said thirty (30) days.

130.15 UNLAWFUL TO OPERATE WITHOUT LICENSE. It is unlawful for any person to engage in business of a pawnbroker or to maintain a sign usually known as a pawnbroker's sign (such as three balls) or in any manner to advertise to loan money on pledge or deposit of personal property or any other thing of value without first having applied for and obtained a pawnbroker's license and without having complied with the regulations regarding signs in this Code of Ordinances.

130.16 SEARCHING FOR STOLEN PROPERTY. Whenever any peace officer has reason to believe that any pawnbroker has in his or her possession or on the premises any stolen property, said peace officer shall have the right and duty to enter and search the premises of such person for the purpose of discovering stolen property.

130.17 EXAMINATION OF PREMISES BY OFFICERS. No pawnbroker or any other person shall refuse, resist or attempt to prevent any peace officer, with or without warrant, from examining the premises occupied by the pawnbroker for the purpose of discovering stolen property.

130.18 DISPOSING OF STOLEN GOODS FOR WHICH THERE IS AN ADVERSE CLAIM. No pawnbroker shall sell or permit to be redeemed or otherwise dispose of any article which said pawnbroker has reason to believe has been stolen or which is adversely claimed by any person, or which the pawnbroker has been notified not to sell, release or

otherwise dispose of by any peace officer without first obtaining written permission to do so from the Police Chief.

[The next page is 735]