

ORDINANCE NO. 81-O-353

AN ORDINANCE AMENDING ORDINANCE NO. 80-O-334, REGARDING THE REGULATION AND LICENSING OF BUSINESSES, PROFESSIONS, PURSUITS AND OCCUPATIONS IN THE CITY OF BROOKINGS. [September 8, 1981]

[See Ordinance No. 81-O-334, Sections 13 and 14 for amendments.]

[See Ordinance No. 81-O-353 in its entirety in original ordinance books.]

[Ordinance No. 81-O-353 superseded by Ordinance No. 91-O-334.A and Ordinance No. 93-O-334.E]

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Sections:

- Section 1. Deletion of Sections 13 and 14 of Ordinance No. 80-O-334.**
- Section 2. Restatement of Section 13 of Ordinance No. 80-O-334.**
- Section 3. Restatement of Section 14 of Ordinance No. 80-O-334.**
- Section 4. Severability clause.**

The City of Brookings ordains as follows:

Section 1. Deletion of Sections 13 and 14 of Ordinance No. 80-O-334. Sections 13 and 14 of Ordinance No. 80-O-334 shall be and hereby are stricken and deleted in their entirety.

Section 2. Restatement of Section 13 of Ordinance No. 80-O-334. Section 13 of Ordinance No. 80-O-334 shall be restated as follows:

Section 13. Required Application Statements - Renewal. Before being issued a license, the applicant shall fill out a license application form provided by the City pursuant to Section 11. The form shall require a statement in writing, signed by the applicant, describing (1) the type of business, (2) its name and location, (3) the telephone number of the business, (6) the fire preventative measures to be taken and/or installed about the business premises location in the City of Brookings, (7) the number and location of sanitary facilities for business invitees, customers and other persons using the business premises located in the City of Brookings on the location where it will be maintained, and (8) any other information reasonably needed to issue a license certificate. Applicants who fail to pay the license fee in full or who hold a license certificate that is revoked, expired, or ceased for any reason are required to make a new and initial application.

So long as a business has been continually operated without interruption during a fiscal licensing year, upon premises for which an original license certificate was issued, persons operating said business may renew a license certificate issued to them before June 30, 1980, if renewal is made before the end of the fiscal year 1979-80, and if made before the end of all fiscal years thereafter. If a license certificate is so renewed, the certificate holder need not make a new license application; however, new applications are necessary if there has been any break in the business or its operation upon the premises during the preceding year or if there have been any change of circumstances necessitating a correction or amendment to the information above-required as it may vary at the time of renewal from that so stated in the prior application.

Section 3. Restatement of Section 14 of Ordinance No. 80-O-334. Section 14 of ordinance No. 80-O-334 shall be restated as follows:

Section 14. License Certificate - Review by City Council - Appeal to City Council. If the application does not state with substantial detail the items required upon said application in Section 13 or if said application does not describe with specificity that adequate fire prevention measures or sanitary facilities are upon the business premises, then the application, before a license certificate is issued, shall be referred to the Chief of Police through the City Manager for investigation of the application with regard to the missing information not therein contained or with regard to the health, safety and welfare of the customers, business invitees, and the citizens of the City of Brookings who may be on or about the business premises.

The investigating officer shall cause to be made an investigation as aforementioned and report his findings thereon to the City Council within thirty (30) days of the date of the application; and further, upon receiving said findings, the City Council shall hold a hearing on said application within said thirty (30) day period for the purposes of reviewing said application and the report of the aforesaid investigating officer. At the hearing the City Council may take any action necessary to promote or insure the health, safety and welfare of the customers, business invitees or citizens of the City of Brookings who are or may be on the business premises.

Unless the Recorder otherwise believes the application does not conform to this Ordinance, when the application and license fee are given to the Recorder, he shall issue a license certificate to the applicant. The license certificate is evidence of the applicant's privilege to conduct business in the City, and the certificate shall bear the printed signature of the Mayor and be counter-signed by the Recorder.

When the Recorder believes the application does not conform to this Ordinance, he shall give written notice to the applicant of the reason therefor, and that the license will not be issued at that time. If, as above stated, the application has been referred to the Chief of Police or City Manager for investigation, the applicant shall be notified of such and the procedure by which the Council shall review the investigative officer's findings of facts and hold a hearing hereon. If the application has not been referred to the Chief of Police or City Manager for investigation, then the applicant may appeal to the City Council to reverse the decision of the Recorder by filing a written notice with the Recorder not later than ten (10) days after the day he receives notice of the action taken by the Recorder. The appeal shall recite the facts upon which the appeal is based.

Within thirty (30) days after the day the appeal is filed with the Recorder, the Council, at its next regular Council meeting, shall hear the arguments of the applicant. If the Council finds for the applicant, it shall enter an Order upon the minutes of the meeting directing the Recorder to issue the license certificate within thirty (30) days after the Order is entered on the minutes. The Recorder shall comply with the Order. If the City Council finds for the City Recorder, he shall not issue the license certificate.

Section 4. Severability clause. Other than as herein deleted, altered and amended, each and every other provision of Ordinance No. 80-O-334 shall be and hereby remain in full force and effect.

Effective September 8, 1981

BOB KERR, Mayor