

ORDINACE No. 05-2007

AN ORDINANCE SETTING OUT THE REGULATION OF BUSINESS LICENSES OF THE CITY OF AUSTIN.

SECTION A. PAYMENT OF PRIVILEGE TAX AND PROCUREMENT OF LICENSE REQUIRED

It is unlawful for any person, firm or corporation, whether as principal or agent, to commence, engage in, or carry on any of the businesses, occupations or professions within the city for which a license is required herein without having first paid the privilege tax and procured a license therefore.

SECTION B. PERIOD OF LICENSE

The period covered by any license paid shall be for one calendar year; provided however, that any license starting subsequent to June 1 of any year may have the annual privilege tax prorated for the remainder of the fiscal year.

SECTION C. LICENSE REQUIRED FOR EACH BUSINESS

Any person, firm or corporation engaging in more than one business, occupation or profession, and for which a license is required of each, shall pay for and take out a license for each such business, profession or occupation. There will be no exception for more than one business, occupation or profession operated on the same premises.

SECTION D. LICENSE TO OPERATE IN PROPERLY ZONED AREA.

No license shall be issued to any person, firm or corporation engaging in a business, profession or occupation if said business, profession or occupation is required to be operated in an area of the city zoned for that particular business, profession or occupation and said business, profession or occupation is not being operated in an area of the city properly zoned for that particular business, profession or occupation.

SECTION E. ISSUANCE OF LICENSE; INFORMATION INCLUDED IN APPRAIATION EXPIRATION.

It shall be the duty of the City Clerk-Treasurer or individual so designated by the City Clerk-Treasurer upon the receipt of the amount of the privilege tax provided herein to issue a license for every person, firm or corporation liable to pay such tax and to state in each license issued, the amount thereof, the period of time covered thereby, the name of the person, firm or corporation to whom issued and the business, occupation or profession to be carried on. In no case shall any mistaken stating or computing the amount of a license due prevent or prejudice the collection by the city of the amount

actually due thereunder. Licenses and permits issued hereunder shall expire on the May 31 of each year.

SECTION F. POSTING OF LICENSE.

Each license shall be posted in a conspicuous place where such business or profession is carried on and the holder of such license shall show such license to any agent of the city upon request.

SECTION G. TRANSFERABILITY.

The licenses issued hereunder shall not be transferable, and the licenses issued shall so state on the face thereof.

SECTION H. STATE LICENSE REQUIRED FOR CERTAIN ACTIVITIES.

No city license shall be issued upon any machine, device, game or mechanical vendor until a state license has been issued thereon where a state license is required by law.

SECTION I. ITINERANT MERCHANTS, VENDORS, AND THE LIKE, TO FILE WRITTEN APPLICATION; BOND.

- (A) Any person desiring license as an itinerant merchant, vendor, solicitor, door to door canvasser, photographer or salesman shall file with the City Clerk-Treasurer a written application containing:
- (1) Applicant's name and home address;
 - (2) Type of license applied for;
 - (3) Name of employer;
 - (4) Last two cities worked in;
 - (5) Address of business or premises to be used in the city;
 - (6) Period for which license is desired.

(B) The applicant for license described in division (A) of this section shall also file with the City Clerk-Treasurer a bond with sureties approved by the City Clerk-Treasurer in the sum of \$1000. Said bond shall be made payable to the city for this use and benefit of all patrons or customers of said licensee. The bonds shall be conditioned for the faithful performance of the license's promises and contracts made in the course of his business in the city and said bond shall further provide that any person injured by the breach of any obligation which said bond secures may sue on such bond in his own name to recover such damages as he may have sustained as a result of such breach.

SECTION J. WHEN TAX DUE AND PAYABLE.

The privilege tax shall be due and payable in advance on June 1 and any payments made later than July 1 of each year are delinquent payments and shall be subject to a penalty of 10%.

SECTION K. FALSE OR MISLEADING INFORMATION.

It is unlawful to willfully or knowingly make any false statement in the application for license hereunder for the purpose of defrauding the city of its just tax or license fee.

SECTION L. LICENSE RATES.

Pursuant to the determination that the carrying on of any business, profession or occupation within the city is a privilege, the following amount is due any payable: \$25. per year.

SECTION M. SEVERABILITY.

Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the affect the validity of remaining provisions.



Mayor

ATTEST:



City Secretary