

**Chapter 10 -- LICENSES****Sec. 10-1. Issuance of permits and licenses; procedure.**

(a) Before any license or permit is granted under provisions of the charter or this Code, written application shall be made to the clerk, in absence of provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid, and such additional information as may be needed for the proper guidance of the city officials in issuing the permit or license. Forms for all licenses and permits and applications therefore shall be prepared by the manager, with the approval of the council; or shall be forms furnished by the state.

(b) Whenever a license is required for the maintenance, operation or conduct of any business or establishment, or doing business or engaging in any activity or occupation, a person shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefore; or performs or attempts to perform any part of such business or occupation in the city.

(c) Upon the receipt of an application for a license or permit, where any provision of this Code requires an inspection or investigation before the issuance of such permit or license, the clerk or other officer receiving the application shall immediately give it to the manager. The manager shall forthwith refer such application to a proper officer of the city, who shall make a report thereon within the time limited by the manager, which shall not be in excess of ten (10) days.

(d) All applications for a license or permit shall be referred for action by the manager to the council or other officer designated by the council. Any report on investigation or inspection shall accompany the application.

**Sec. 10-2. Fees**

(a) The fee for any permit or license shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate change thirty (30) days prior to the effective date of the rate change. It shall be payable on making application, and returned if the permit or license is denied. (Ord. No. 2005-1, 8-18-05)

(b) Before commencement of prosecution for failure to procure a permit or license, a person may apply for a required license or permit, as the case may be, but in such case the license fee or the permit fee shall be increased by fifty (50) per cent; provided, however, that he shall, after such application do no act or anything requiring such license or permit, until he is issued such license or permit.

**Sec. 10-3. Term.**

All annual licenses shall terminate at the end of the last day of December of each year. (Ord. No. 1983-1, 1-13-83)

**Sec. 10-4. Partial year's operation; fees prorated.**

When an applicant has not engaged in the business or activity until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof; provided nevertheless that in no case shall the fee be less than two dollars (\$2.00), where no provision to the contrary is made.

**Sec. 10-5. Compliance with Code mandatory.**

No license shall be issued for the conduct or any business or activity, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with the requirements of this Code. No license or permit shall be issued for the conduct or any business or performance of any act which would involve the violation of any provision of this Code.

**Sec. 10-6. Activity not to constitute nuisance.**

No business or activity, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

**Sec. 10-7. Location; change permitted.**

The location of any licensed business or occupation, or of any permitted act, may be changed upon giving ten (10) days notice in writing to the council, in absence of any provision to the contrary; provided nevertheless that the council grants permission to make such change.

**Sec. 10-8. Right of entry.**

Whenever inspections of the premises used for or in connection with the operation of a licensed business or activity are provided for or required by this Code, or are reasonably necessary to secure compliance with this Code provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection of any officer or employee of the city who is authorized or directed to make such inspection, at any reasonable time that admission is requested.

**Sec. 10.9. Display mandatory.**

Unless otherwise provided in this Code, it shall be the duty of any person conducting a licensed business in the city to keep his license posted in a prominent place on the premises used for such business or other place designated in this Code providing for the license.

**Sec. 10-10. Same--On vehicles.**

Whenever a vehicle or a number of vehicles used is the basis of a license fee, the manager shall furnish each licensee with a tag or sticker for each vehicle covered by the license, and such tag or sticker shall be posted in a prominent place on the premises used for such business or other place

designated in this Code providing for the license.

**Sec. 10-11. Identification card; carrying mandatory; surrender.**

When a licensee is carrying on a licensed occupation, business or activity off his premises or premises leased or rented by him, unless otherwise provided, he shall wear a badge or carry an identification card, furnished by the manager, which shall briefly describe the license. The manager shall make a charge of one dollar (\$1.00) or actual cost, whichever is higher, to the licensee for such badge or identification card. The badge or card shall remain the property of the city and shall be surrendered to the manager, if the license is suspended or revoked.

**Sec. 10-12. Suspension; revocation.**

The council, after due notice and hearing afforded the licensee, may suspend or revoke any permit or license, for cause.

**Sec. 10-13. Billiard rooms; bowling alleys.**

(a) No person shall open a bowling alley, shooting gallery, or place wherein the game of billiards, pool, tenpins, or other like games are played or set up, keep, maintain any billiard or pool table, bowling floor or other contrivance for playing games in this city, for public use, until he shall have first obtained a license therefor, which license shall be issued by the clerk who shall keep a record of the same on file in his office and shall have paid to the city treasurer for the use and benefit of the city treasury. The fee for the permits shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate changes thirty (30) days prior to the effective date of the rate changes. (Ord. No. 2005-1, 8/18/05)

(b) All licenses shall specify the time for which the same are granted, and shall in no case have force longer than to the first day of April next following the date thereof and shall not be assigned or transferred without the approval of the council. The council may at any time upon hearing and sufficient cause being shown revoke any license granted under the provisions of this article.

(c) No person keeping any billiard room or other place as aforesaid or having the care or control thereof, shall allow, suffer or permit the same to be kept open or used between the hours of 12:00 midnight and 6:00 a.m.

(d) No person keeping any billiard room or other place as aforesaid, or having the care or control thereof, shall allow, suffer or permit any gambling or gambling therein.

(e) No person keeping any billiard or pool room, or having the care or control thereof shall erect or cause to be erected or maintained any partition or other obstruction in such a manner as to prevent clear and unobstructed vision of all parts of such pool or billiard room from the street, adjacent to such poolroom.

(f) No person shall open any establishment which has upon its premises for the use of the public any kind of video game until he shall have first obtained a license therefor, which said license shall be issued by the clerk who shall keep a record of the same on file in his office and shall have paid to the city treasurer for the use and benefit of the city treasury. The fee for the permits shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate changes thirty (30) days prior to the effective date of the rate changes. (Ord. No. 1983-1, 1-13-83; Ord. No. 1983-2, 2-15-83, Ord. No. 2005-1, 8/18/05)

**Sec. 10-14. Eating establishments.**

(a) No person, firm or corporation shall operate a hotel, victual house, lunchroom, diner or lunch wagon, or any other establishment where food is sold or offered for sale to be consumed on the premises, until a license has been obtained therefore from the council, which said license shall be issued by the clerk and shall have paid to the city treasurer the license fee prescribed in this section. (Ord. No. 97-3, 11-24-97)

(b) No person, firm or corporation shall operate a food vending vehicle, lunch wagon, take out, or ice cream stand where food is sold or offered for sale to be consumed only off premises, until a license has been obtained therefore from the council, which said license shall be issued by the clerk and shall have paid to the City Treasurer the license fee prescribed in this section. (Ord. No. 97-3, 11-24-97)

(c) Fees will be assessed for each food vending vehicle, lunch wagon, take out and ice cream stand for strictly off premise consumption, season and year-round eating establishments. The fees for the permits shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate changes thirty (30) days prior to the effective date of the rate changes. (Ord. No. 1989-4, 6-6-89, Ord. 97-3, 11-24-97, Ord. No. 2005-1, 8/18/05)

(d) No license shall be so issued without the approval of the Board of Health.

(e) Written applications for license shall be filed with the clerk on or before December 31st in each year by persons then engaged in such business and the required fee shall be deposited with the application. Written application by persons beginning such business after December thirty-first shall be made at least ten (10) days before such license is granted. Licenses shall expire on the last day of December of each year. (Ord. 1983-1, 1-13-83)

(f) Such license is not transferable.

(g) The board of health, after due notice and hearing, may revoke or suspend any license issued under this section, whenever it shall determine that the licensee has violated any of the provisions of this chapter, or any amendments hereto, or of any order and regulation of the board of health, and without giving notice, the board of health may suspend such license temporarily, when said board deems it necessary for the public good.

(h) Upon approval of the application, a license certificate signed by the clerk and countersigned

by the board of health, shall be issued to the licensee, who at all times shall keep said certificate posted in a conspicuous place in his place of business and upon notice of suspension or revocation of license, shall surrender forthwith such license certificate to the board of health. (Ord. No. 1983-1, 1-13-83)

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Sec 1974a and Sec. 1977 et seq. A civil penalty of not more than \$500.00 may be imposed for a violation of this civil ordinance, and the waiver fee shall be set at \$fifty dollars (\$50.00) for the first offense, One hundred dollars (\$100.00) for the second offense within a six month period, and three hundred dollars (\$300.00) for all subsequent offenses within a six month period. Each day that the violation continues will constitute a separate violation of this ordinance. Provisions of this section may be enforced by any law enforcement officer. (Ord. No. 97-3, 11-24-97)

**Sec. 10-15. Roller skating rinks.**

(a) No person shall operate a roller skating rink within the city, until he shall have obtained a license from the council, which license shall be issued by the clerk. The fee for the permit shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate changes thirty (30) days prior to the effective date of the rate changes. (Ord. No. 2005-1, 8/18/05)

(b) All licenses granted under the provisions of this section shall specify the time for which the same are granted and shall in no case continue or be in force longer than until the first of April next ensuing, and the fees paid thereof shall be for the benefit of the city treasury. (Ord. No. 1983-1, 1-13-83)

**Sec. 10-16. Itinerant vendors, peddlers, showmen, etc.**

(a) No person shall exhibit a show or carnival of any kind within the city until he shall have obtained a license therefore, from the council, which said license shall be issued by the clerk who shall keep a record of the same on file in his office, and shall have paid to the city treasurer a license fee as provided in this section.

(b) No person shall pursue the vocation of an itinerant vendor or peddler within the city until he shall have first obtained a license therefor, which said license shall be issued by the clerk who shall keep a record of the same on file in his office, and shall have paid to the city treasurer a license fee as provided in this section.

(c) No person shall sell or peddle from vehicles about the city any meat, fish or other provisions until he shall have first obtained a license therefore, which license shall be issued by the clerk, who shall keep a record of the same on file in his office, and shall have paid to the city treasurer a license fee as provided in this section.

(d) The fees for permits and licenses in this section shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate changes thirty

(30) days prior to the effective date of the rate changes. Fees will be charged for:

- (1) The fee for the permits and licenses in this section shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate changes thirty (30) days prior to the effective date of the rate changes. Fees will be charged for: menageries, circuses, carnivals, all other shows, moving picture shows, itinerant vendors and peddlers of meat, fish and provisions. The city council shall have the authority to limit the number of vendors' permits issued in the city if the council deems that a nuisance is being created by said vendors. (Ord. No 2005-1, 8-18-05)
- (2) All vendors, peddlers and other persons covered by this section shall only be allowed to do business in the designated area adjacent to the easterly side of the city park at the intersection of Washington and Church Streets. These persons will be specifically located within the designated "sales zone" by the Barre City Police Department so as not to interfere with other vendors. Each vendor will be authorize one cart or table which will not exceed seventy-two (72) inches long by forty (40) inches wide by sixty (60) inches high. All carts, tables and other apparatus must be removed from the sales zone when the associated vendor is not present.
- (3) It shall be the duty of any police officer of the City of Barre to require any person seen peddling, soliciting, or doing business as an itinerant vendor or transient merchant and who is not known by such officer, to be duly licensed, to produce his license, and to enforce these provisions against any person found to be in violation thereof.
- (4) Upon application and payment of the requisite fee to the city clerk/treasurer, the city council may renew all existing licenses issued under this section as well as licenses previously issued under this section; provided, however, that this section shall not be construed so as to impair or limit the power of the city council to cancel or revoke any license issued under this section for failure to comply with conditions imposed upon said license, or for violation of the terms of this section in the exercise of said license, or for violation of any state law, rule or regulation in the exercise of said license. All initial applications for license under this section shall be considered by the city council.
- (5) A certificate of liability insurance must be presented to the city clerk at time of application for permit. Such certificate shall name the city as an insured and shall be of sufficient and customary limits and coverage to hold the city harmless from all liability, loss, damage and injury arising out of the activity for which the permit is issued. The city shall issue said license only upon receipt of cash or when the payment check has cleared the bank. (Ord. No. 1984-5, 12-4-84)

(e) All licenses granted under the provisions of this section shall specify the time for which the same are granted and shall in no case continue or be in force longer than until the first day of April next ensuing, and the fees paid therefore shall be for the use and benefit of the city treasury.

(f) No person licensed as provided herein shall interfere with the ordinary passage of business or travel on the streets or walks, and no license under this section shall prevent the suppression or discontinuance of any show or business if the same shall create a disturbance of the public peace and the same may be suppressed for such cause upon the order of the chief of Police. (Ord. No. 1983-1, 1-13-83; Ord. No. 1984-5, 12-4-84)

(g) A single entity or person may apply for an umbrella license to cover an event or series of events with multiple vendors. The applicant will be fully responsible for all vendors participating in the event. In addition to the requirements set forth in sec. 10-16, the applicant must provide a certificate of insurance naming the City as an additionally insured, and that shall cover all participants associated with the event. (Ord. No. 2016-02, 7-5-16)

**Sec. 10-17. Public dances.**

No person shall conduct or assist in conducting any public dance in any hall or building within the limits of the city after the hours of 12:00 midnight except by permit of the council first granted therefore.

**Sec. 10-18. Violation; penalty.**

Every person who shall violate any of the provisions of this chapter shall be punished by a fine of not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00).