

# City of Marshall

## TEMPORARY BUSINESS PERMIT APPLICATION

### **§120.02 Definitions.**

**Temporary Business.** Any profession, trade, occupation, shop, store and any other kind of calling carried on in a building that is not subject to Marshall City taxes on the subject lot or business.

Fees:	1-10 consecutive days	\$50.00
	Less than 30 consecutive days	\$120.00
	Less than 60 consecutive days	\$150.00
	Up to 90 consecutive days	\$200.00

Exempt from fees, **not registration**, are: Duly authorized solicitors on behalf of any religious organizations and entities which qualify or could qualify as tax-exempt organizations by the United States Internal Revenue Service.

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eye color: \_\_\_\_\_ Hair color: \_\_\_\_\_

Birth date: \_\_\_\_\_ Sex: \_\_\_\_\_ Driver's license or State ID: \_\_\_\_\_

Telephone: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Signature verifying receipt of ordinance regulations: \_\_\_\_\_

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Name of Business: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Location of Marshall site: \_\_\_\_\_

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As the owner of \_\_\_\_\_ (address) I give my permission for  
\_\_\_\_\_ (name of temporary business) to operate on my property. I acknowledge  
responsibility for the care and custody of said property.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

# City of Marshall

## TEMPORARY BUSINESS PERMIT APPLICATION

Proposed hours of operation: \_\_\_\_\_

Names and social security numbers of each employee, agent, or independent contractor working on behalf of the proposed business:

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Description of goods, wares, merchandise or services offered for sale:

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Address of most recent place of business: \_\_\_\_\_

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### Office use only

#### Approvals:

- |                          |                              |                          |                     |
|--------------------------|------------------------------|--------------------------|---------------------|
| <input type="checkbox"/> | Marshall Police Department   | <input type="checkbox"/> | Building Department |
| <input type="checkbox"/> | Planning & Zoning Department | <input type="checkbox"/> | Fire Department     |
| <input type="checkbox"/> | Engineering Department       |                          |                     |

#### Notes:

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Date Permit issued: \_\_\_\_\_ Date Permit Expires: \_\_\_\_\_

Amount Paid: \_\_\_\_\_ Check Number: \_\_\_\_\_ Exempt Status : \_\_\_\_\_

## **CHAPTER 120: Temporary Businesses**

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### **§ 120.01 PURPOSE.**

The purpose of this chapter shall be to protect the health, safety and welfare of citizens, as well as promote fairness to permanent businesses located within the city, through regulation of temporary businesses.

### **§ 120.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***PERMANENT BUSINESS.*** Any profession, trade, occupation, shop, store and any other kind of calling carried on in a building that is subject to Marshall City taxes on the subject lot or business.

**TEMPORARY BUSINESS.** Any profession, trade, occupation, shop, store and every other kind of calling carried on at a lot or business within the city, the instrumentalities of which are not subject to Marshall City taxes.

**§ 120.03 LICENSE REQUIRED.**

Temporary businesses shall not operate within the city without first obtaining a license in compliance with the provisions of this chapter. Permanent Businesses are exempt.

**§ 120.04 APPLICATION FOR LICENSE.**

Persons required to obtain a license shall apply for it at the office of the City Clerk. The content of the application form shall be prescribed by §120.07.

**§ 120.05 FEES REQUIRED.**

A license fee, set by resolution of the City Council, shall be paid in full prior to issuance of the license.

**§ 120.06 EXEMPTIONS.**

(A) The following persons and entities shall not be required to obtain licenses as specified herein and shall not be required to pay the fees prescribed herein: Duly authorized solicitors on behalf of any religious organization; Entities which qualify or could qualify as tax-exempt organizations by the United States Internal Revenue Service; Governmental entities. The City Clerk shall make the final determination regarding exemptions. Exempt persons or organizations shall be required to register with the City Clerk for identification purposes when engaging in any activity regulated by this chapter.

**§ 120.07 APPLICATION AND CONDITIONS; NOTICE OF DENIAL.**

(A) The applicant shall provide the following information to the City Clerk:

1. Applicant's name, location of business, home address, social security number and preferred telephone number.
2. A description of the type of business operation the applicant will conduct, including hours of operation.
3. Name and social security number of each employee, agent, or independent contractor working on behalf of the proposed business within the City.
4. A description of the goods, wares, merchandise or services the applicant will offer for sale.
5. Written permission from the owner of the business location, acknowledging responsibility for the care and custody of the property from/on which the business will operate.

6. Address of the applicant's most recent place of business.
7. Issuance of City license does not absolve applicant of responsibility to obtain all applicable county, state and federal licensing.

(B) Upon the receipt of application, the City Clerk will issue a notice of review for:

1. Approval of a criminal background check by the Police Department.
2. Approval by the Planning & Zoning Department with respect to compliance with the City's Zoning and Sign ordinances.
3. Approval through the City Engineers office with respect to the use of streets, sidewalks, and right-of-ways.
4. Approval by the Building Official with respect to the safety and compliance of any structures being used.
5. Approval by the Fire Department with respect to compliance with Fire Code.

(C) The City Clerk shall keep a full record in his or her office of all licenses issued, approvals given, and shall submit a copy of the record to the Chief of Police. Within ten working days of receipt of an application, the City Clerk shall either issue to the applicant the requested license or issue a written notice of denial and the reason therefor. The person whose license has been denied shall have the right to file an appeal to the City Council within ten days of the denial.

#### **§ 120.08 EXPIRATION OF LICENSE.**

All licenses issued under the provisions of this chapter shall expire within ten, thirty, sixty or ninety days of issuance. No business may be issued a license for more than ninety days in a twelve month period.

#### **§ 120.09 REVOCATION OR DENIAL OF LICENSE; APPEAL.**

(A) The licenses issued pursuant to this chapter may be revoked at any time by the City Clerk or the Chief of Police, or their duly authorized representatives, for any of the following reasons:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement contained in connection with the selling of goods, wares, merchandise or services;
- (3) Any violation of a city ordinance, including the city zoning code and the city sign code;

(4) Conviction of the applicant or other persons acting under the authority of the applicant's license for any felony or of a misdemeanor conviction involving moral turpitude within the preceding five years.

(5) Conducting the business permitted under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace, nuisance or a menace to the health, safety or general welfare of the public.

(B) Within three working days of the revocation of a license, the City Clerk shall send to the person whose license has been revoked, notice specifically setting forth the grounds of the revocation. The notice shall be mailed to the person to whom the license was issued at the address shown on the license application.

(C) The person whose license has been revoked shall have the right to file an appeal to the City Council within ten days of the revocation.

#### **§ 120.10 DISPLAY OF LICENSE.**

Any person or business licensed under the provisions of this chapter shall have the license issued to him or her in his or her immediate possession and shall display the same at the place of business.

#### **§ 120.11 LOCATION.**

Temporary businesses shall comply with the following location requirements:

(A) Temporary stands or businesses are allowed, with owner permission and license approval, on all non-residential, taxable parcels for a period of up to 90 days per calendar year.

(B) Stands or businesses must meet the following requirements:

(1) Structures must not be less than sixteen feet from the face of each curb abutting a street.

(2) Structures must provide not less than six feet clearance on all public walks or pedestrian ways.

(C) When located on public property other than the public rights-of-way, the stands or businesses shall be permitted at the discretion of the City Manager under the policy guidance of the City Council. The City Council may, by ordinance or resolution, establish such additional programs or requirements it deems fit for the operation on public property of any business regulated by this chapter.

## **§ 120.12 RESTRICTIONS ON OPERATIONS OF TEMPORARY BUSINESSES.**

(A) The City Manager, City Clerk or Chief of Police may place such reasonable restrictions upon the location, hours, provisions for parking, ingress or egress or methods of operation of any temporary business licensed under this chapter, as deemed necessary to protect the general public health, safety or welfare. The restrictions may be imposed, modified or withdrawn at the time of licensure or any point thereafter.

(B) The City Council may, by resolution, establish general policies and guidelines, in addition to the provisions of this chapter, governing the location, hours or methods of operation of temporary business. Any such resolution shall not have the effect of invalidating any license already issued.

## **§ 120.13 ENFORCEMENT.**

The Chief of Police and the City Clerk and their duly authorized representatives shall have the authority to examine all places of business and persons within the city, subject to the provisions of this chapter, to determine if this chapter has been complied with and to enforce the provisions of this chapter against any person found to be violating same.

## **§ 120.14 RELATIONSHIP TO OTHER ORDINANCES.**

The terms of this chapter shall in no manner alter the interpretation or requirements of any other chapter of the City Code, whether the person is licensed or exempt under this ordinance shall comply with all applicable provisions of the city's Zoning, Sign and Building Codes. The City Clerk may require evidence of compliance with the codes prior to issuing a license.