

TOWN OF HOUSTON

Chapter 150 Business License

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ARTICLE I - ONE-TIME LICENSE REQUIRED

A one-time Business License is required for any persons, firms or corporations, within the corporate limits of the Town of Houston, engaged for profit in selling any and all merchandise and/or given commodities from any given establishment, providing facilities for use, entertainment, or enjoyment, providing services for use, service food, door-to-door solicitation, peddlers or hawkers, manufacturing, whether industrial or otherwise, and any person, firm or corporation providing services not herein mentioned doing business in Town.

Such application can be obtained from the Town Council and will be reviewed for compliance prior to receiving approval. All applications are subject to the fees established in Chapter 175, Fees.

ARTICLE II - EXEMPTIONS

The following exemptions are not required to apply for a business license permit within the Town of Houston

- A. All nonprofit organizations
- B. The selling of any form of produce grown upon a farm and/or property owned by the vendor or any member of his or her family with whom he or she resides.
- C. Anyone under sixteen (16) years of age to perform services such as grass cutting, lawn mowing and shoveling snow.

ARTICLE III - ENFORCEMENT

The Town Council of the Town of Houston here-in-after known as (Council) and/or its designee shall, unless specifically provided otherwise, supervise the enforcement of this chapter and have authority to grant, deny and revoke license and permits

ARTICLE IV - POWER AND DUTIES

The Council and/or its designee shall:

- A. Collect all license fees, issue licenses to and maintain all license records in the name of the Town of Houston for all qualified persons.
- B. Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this chapter.
- C. Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers.
- D. Require applicants to submit all affidavits and oaths necessary to the administration of this chapter.

- E. Submit all applications, in a proper case, to interested Town officials for their endorsements thereon as to compliance by the applicant with all Town ordinances which they have the duty of enforcing.
- F. Investigate and determine the eligibility of any applicant for a license pursuant to this chapter, if required.
- G. Notify any applicant of the acceptance or rejection of his/her application and, upon the refusal of any license or permit, and at the applicant's request, state in writing the reasons therefore and deliver them to the applicant.
- H. Keep all information furnished or secured under the authority of this chapter in strict confidence. The information shall not be subject to public inspection and shall be kept so that its contents shall not become known except to the persons charged with the administration of this chapter.

ARTICLE V - COMPLIANCE

It shall be unlawful for any person, either directly or indirectly, to conduct any business or to use in connection therewith, any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required by this Code, without a license or permit therefore being first procured and kept in effect at all times required.

ARTICLE VI - LICENSE REQUIRED FEE

- A. Persons engaged in professional services, such as accountants, certified or public, landscape architects, architects, optometrists, lawyers, dentists, physicians and surgeons, psychologists, physical therapists, podiatrists, professional engineers, and veterinarians, shall pay a one-time license fee for engaging in such professional services within the Town.
- B. No license shall be required of any individual practicing a profession or trade who is in the employ of any corporation licensed under any other provision of this chapter and who does not practice his/her profession except in his/her capacity as an employee of such corporation; and provided further that no attorney in the employ of any such corporation shall be required to obtain a license under this section so as to fulfill assignments made to him/her by any state court.
- C. No person shall conduct or engage in any of the following trades, businesses, or occupations within the Town without a license and paying the appropriate fee as set forth in Chapter 175, Fees:
 - (1) Distributors.
 - (2) Gas, light, power, cable TV, telephone companies and IT.
 - (3) Hotels.
 - (4) Manufacturers.
 - (5) Motels.

ARTICLE VII - RECEIPT FOR PAYMENT OF FEES

Whenever a license cannot be issued at the time the application for it is made, the Council and/or its designee shall issue a receipt to the applicant for the money paid in advance. The receipt shall not be construed as the approval of the Council and/or his/her designee for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter.

ARTICLE VIII - APPLICATION

- A. Every applicant for a license under the provisions of this chapter shall make an application for such license upon forms provided by the Council and/or its designee which shall include the following information:

- (1) The name and business address of the licensee.
- (2) The trade, business or occupation for which a license is requested.
- (3) A statement that the applicant has complied and will continue to comply with all the ordinances of the Town. The application shall be verified by the oath or affirmation of the individual licensee or of one member of a partnership, firm or association, or of the president, secretary or a director of a corporation applying for a license.
- (4) Such other information as the Council and/or its designee deems necessary.

ARTICLE IX - ISSUANCE, EXPIRATION AND FORM

- A. Upon proper application and payment of the prescribed fee, as established in Chapter **175**, Fees, a license shall be issued to each such applicant, signed by the Council and/or its designee. Each such license shall be valid and effective the date of issuance, to the last day of the business operation. A record of all licenses issued and license fees paid shall be maintained by the Council.
- B. Each such license shall be upon a form provided by the Council and/or its designee, which shall set forth the following information:
 - (1) The name and business address of the licensee.
 - (2) The trade, business or occupation for which the license is granted.
 - (3) The date of issuance of the license.
 - (4) The amount of the license fee paid to the Town.

ARTICLE X - DENIAL OF LICENSE

- A. The Council and/or its designee shall not approve, any application submitted or renewed under the provisions of this chapter, unless all taxes and fees owed to the Town are paid in full on the property at which the business is conducted.
- B. When the issuance of a license is denied and any action is instituted by the applicant to compel its issuance, the applicant shall not engage in the business for which the license was refused unless a license is issued to him/her pursuant to a judgment ordering it.

ARTICLE XI - PENALTY FOR FAILURE TO OBTAIN LICENSE

If the license fee is not paid within 30 days of being due, the owner shall be in violation of this chapter. The owner shall be assessed a fine as set forth in Chapter **175**, Fees, for each month the business remains in operation without a license.

ARTICLE XII - COLLECTION OF FEES

- A. The amount of any unpaid fee, the payment of which is required pursuant to this chapter, shall constitute a debt due the Town of Houston.
- B. The Town Solicitor shall, at the direction of the Council and/or its designee, institute civil suit in the name of the Town of Houston to recover any unpaid fee.
- C. No civil judgment, or any act by the Town Solicitor, the Council and/or its designee or the violating licensee, shall bar or prevent a criminal prosecution for each violation of this chapter.

ARTICLE XIII - SUMMARY ACTION

- A. When the conduct of any licensee, agent or employee is so inimical to the public health, safety and general welfare as to constitute a nuisance and thus give rise to an emergency, the Council and/or its designee shall have the authority to summarily order the cessation of business and the close of premises or to suspend or revoke the license.
- B. Unless waived in writing within 10 days after he/she has acted summarily, the Council and/or its designee shall conduct a special hearing for the action in respect to the summary order as may be therein determined. Notice of the hearing shall be given to the affected person in the manner prescribed herein.

ARTICLE XIV - APPEALS

- A. Any person aggrieved by any decision of the Council and/or its designee, after a hearing conducted pursuant to this chapter shall have the right to appeal to the Council by filing a written appeal with the Council within 30 days following the effective date of the action or decision complained of. The appeal shall set out a copy of the order or decision appealed from and shall include a statement of the facts relied upon to avoid the order.
- B. The Council shall fix a time and place for hearing the appeal and shall serve a written notice upon the person requesting the appeal, informing such person of the hearing. The Council shall also give notice to its designee, if any, who shall be entitled to appear and defend the order. The findings of the Council shall be final and conclusive and shall be served upon the person who requested the appeal.