

EXHIBIT A  
ARTICLE I.  
GENERAL REQUIREMENTS

**146-1 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Merchandise* means any goods, wares or commodities bought or sold in the usual course of trade or business.

*Merchant* means any person engaged in the business of selling merchandise at retail or wholesale.

*Business* means any person, firm, corporation, association, partnership, executor, administrator, trustee or other legal entity, singular or plural, as the context requires, or any agent or general manager thereof.

*Retail merchant* means any merchant who sells to the customer, or for any purpose other than resale.

*Sale* means the transfer of ownership, title or possession, whether conditional or otherwise, for a consideration.

*Wholesale merchant* means any merchant who sells to another for the purpose of resale.

*Notice of Violation* – a notice issued by an official of the City of Trenton advising a Business of a Violation of this Chapter and the penalty therefor.

**146-2 License Required.**

A license is required for the privilege of engaging in any business listed in Section 146-21 within the city. Such license fee shall be applicable to any business maintaining a permanent business location or branch office within the city.

**146-3 Required to engage in business.**

Every Business engaging in any activity described herein in the city, before entering in any such business, shall make application for a business license to the City Clerk, and no Business shall engage in any such business until after having made such application and obtaining the required license from the City Clerk and paying the amount of the license hereinafter described.

**146-4 Evidence of engaging in business.**

The fact that any Business represents itself as being engaged in any operation for the transaction of which a license is required, or that such a Business exhibited a sign or advertisement indicating such shall be evidence of strict liability of such Business to pay an license fee and/or penalties as set forth herein.

**146-5 Requirement to obtain a business registration.**

An application as supplied by the City Clerk must be completed. As a prerequisite to receiving a license receipt under this article or transferring a business license the applicant or new owner must present to the city a copy of the applicant's or new owner's current business registration, issued by the Division of Taxation of the New Jersey Department of Treasury.

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### **146-6 Persons holding state, county licenses.**

All Businesses lawfully engaged in any occupation, trade or business listed in Section 146-21 and holding valid state and county licenses shall be subject to the same regulations by this ordinance as are any other persons who subsequently seek to carry on any occupation, trade or business within the city.

### **146-7 Authorization.**

The City Clerk is authorized to levy and impose license fees, by ordinance, for the purpose of regulation and revenue, upon all businesses and to create and fix the amounts to be paid; to provide for the collection of the same and to provide penalties for failure or refusal to pay such licenses. Business licenses shall be issued for the periods and be transferable as provided by ordinance.

### **146-8 Appointment of business license inspector; duties.**

It is hereby made the duty of the City Clerk to appoint a license inspector of the city. Such license inspector shall have the authority to investigate all Businesses in the city. The inspector shall make such inquiry as necessary to determine whether or not a license as required under this ordinance has been procured for the Business. The inspector shall report to the City Clerk the names of all entities engaged in Business without a license. The license inspector shall also have the authority to issue a Notice of Violation for the violation of any provision of this Chapter.

### **146-9 Issuance subject to compliance with chapter.**

No license shall be issued or granted to any applicant to engage in the business of selling or disposing of merchandise of any kind, at retail or wholesale, or the practice or pursuit of any profession or occupation in this city, except upon the terms and conditions and subject to the provisions of this chapter.

### **146-10 Payment of taxes and city fees**

Prior to receiving a license under this article or transferring a business license the applicant or new owner must present to the City Clerk proof of property taxes paid to current status if said applicant is the owner of said premises where the Business is situated. In addition, any licensee considered delinquent or to have an outstanding fee and or fine for any service within the City shall be required to pay all outstanding fees prior to renewal of license.

### **146-11 Multiple licenses at one location; one license to be responsible for compliance with applicable code and regulations; new license application; prohibiting license issuance when known code violations exist; regular and non-regular code compliance reviews; code compliance review fees.**

(a) Where multiple license are issued for the same business location, the City Clerk shall ascertain which license holder is responsible for maintaining the business premises in complete compliance with all applicable codes and regulations including, but not limited to, the city property maintenance, health code, fire code, and the state building code. The clerk shall cause such responsible person to be designated on that person's license as the responsible person for code compliances..

(b) On any application for a new license there shall be an application review fee imposed and collected at the time of the application's submittal to the City Clerk for review. This fee shall be in the amount of fifteen dollars (\$15.00) and shall be separate and apart from any code compliance review and inspection fees as set forth below.

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(c) No license required by this article shall be issued for a Business location when the director of health, planning, zoning, economic development and/or the chief building official has actual knowledge that at the time of application the location does not comply with the applicable zoning ordinances of the city and all other applicable codes and regulations, applicable provisions in the health, electrical, mechanical, plumbing, and fire safety sections of the applicable New Jersey Building Code, the city's utilities ordinances, the city's zoning ordinances, or the city's property maintenance ordinances.

(d) Business shall be subject to code compliance reviews during the course of the year to help ensure that they continue to satisfy applicable provisions in the health, electrical, plumbing, mechanical, and fire safety sections of the applicable state building code, the city's utilities ordinances, the city's zoning ordinances, and the city's property maintenance ordinances. This code compliance review shall be mandatorily conducted when a new or transfer license is applied for. A code compliance review of a Business may be ordered by the director of planning, zoning and economic at any time.

(e) There shall be imposed a regulatory fee for each premises that requires a re-inspection during code compliance review. The fee shall be equal to the sum of the re-inspection costs for each type of inspection determined to be necessary, where no other code compliance inspection fee for such discipline is set than each individual re-inspection will be charged a rate of forty-five dollars (\$45.00) per discipline and inspection. Failure to pay all fees shall charged shall result in an automatic denial of renewal upon application.

### **146-12 Expiration date; transfer of license.**

(a) All licenses issued under this article shall expire on the thirty first day of January of each year. No license shall be issued for more than one (1) year. Any owner of a license must surrender their license to the City Clerk when he ceases to engage in such enterprise within the city.

(b) All licenses may be transferred to a new owner where there is a bona fide sale of the business upon payment of a transfer fee of equal to ten (10) percent of the annual license. Such fee shall be accompanied by the presentation of the original license and evidence of the sale.

(c) Upon written request and presentation of the original license, any license may be transferred from one (1) location to another location in the city upon payment of a transfer fee equal to ten (10) percent of the annual license and the applicable inspection fees.

### **146-13 Renewal; property maintenance.**

(a) Every Business issued a license under this article shall make application for renewal of such license to the City Clerk for each year, or any portion thereof, beginning on the first day of December, and shall pay the amount of the license hereinafter described; provided, however, that no such Business operating in the city who maintains or is responsible for maintaining the property of such business shall be eligible for renewal of such license unless the property has been maintained in a neat manner consistent with applicable commercial building requirements of the City of Trenton Code Chapter 56. The property shall be clear of all debris with the proper trash receptacles on the exterior of building, signage must be maintained in accordance with City of Trenton Code Chapter 233 and clearly state the name of the business. No store front shall be cluttered as to obscure the signage, to hinder access to the business or a clear line of site into the premise. No business shall operate in such a manner to prohibit right of access on the adjacent sidewalk.

(b) Any Business who is denied the issuance of a renewal license for failure to comply with the requirements in subsection (a) above shall have a thirty-day extension period from the date of such denial to replace or restore the property to an acceptable manner. During the thirty-day extension

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period granted to allow compliance with this section, such Business may continue to operate in the city.

(c) The business license official or designee shall determine whether or not any applicant has complied with the requirements of this section. The determination of the business license official or designee shall be conclusive and final.

(d) Business license official may for good cause shown allow an applicant two (2) additional thirty-day extension periods on the previously issued license, in order to comply with the requirements of this section.

(e) Each applicant shall pay an additional fee of one-twelfth the applicant's annual license fee for each thirty-day extension period, or any portion thereof, needed to comply with the provisions of this section.

(f) The failure of any applicant to obtain the renewal of such license within the thirty-day extension period provided after an initial denial thereof under the provisions of this section, or within such additional thirty-day extension periods as may be granted by the business license official, shall require such applicant to immediately cease engaging in or managing his business, profession or occupation in the city until such time as his license is renewed.

### **146-14 Separate licenses required for each business; duration.**

An individual license shall be required for each location of a Business operating in the City regardless of affiliation with any other licensee.

### **146-15 Exhibit on demand.**

Every Business having a license shall exhibit same when called upon to do so by an authorized official of the City and all licenses must be conspicuously displayed at all times. Failure to exhibit the license shall be deemed a violation of this Chapter.

## **ARTICLE II PENALTY**

### **146-16 Revocation.**

At any time during the period for which a license is issued, it is discovered and determined by the City Clerk or other municipal official that any statement contained in the application upon which the license is issued is untrue, or if the Business to whom such license is issued has violated the ordinances of the City or laws of the State of New Jersey in any way related to the use or operation of the premises or the operation of the Business thereon for which such license was issued, the City Clerk may revoke such license so issued, in which event no portion of the license shall be refunded to the person to whom it is issued.

### **146-17 Rebate of fees.**

No portion of any license assessed in this article shall be rebated, unless it clearly appears that such license was collected by mistake or error, and before making such rebate to a license holder all amounts payable under a proper license shall be paid by such license holder.

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### **146-18 Unlawful usage or procurement of a license.**

(a) It shall be unlawful for any Business or individual authorized to act on the Business' behalf to willfully make any false written affidavit and file such affidavit with the City Clerk or any other city official, for the purpose of procuring a license for a less sum than is lawfully payable by the applicant, or his principal, and any such license so obtained shall be void.

(b) No person shall sell, lease, rent, lend, give or otherwise dispose of any certificate of license or permit issued by the City, or any badge, insignia, number or any other article delivered with any certificate of license or permit. Certificates of license, permits, badges and insignia shall be used, shown or displayed only by licensees and only in the manner prescribed by this chapter.

### **146-19 Due date; penalty for delinquency.**

(a) License receipts shall be sold beginning December 1 of each year and the applicable fee shall be due and payable on or before January 31 of each year. If January 31 falls on a weekend or holiday, the fee shall be due and payable on or before the first working day following January 31. Those licenses not renewed when due and payable are delinquent and subject to a late fee of twenty-five dollars (\$25.00) for the month of February, plus an additional twenty dollar (\$20.00) penalty for each subsequent month of delinquency until paid. However, the total late fee shall not exceed one hundred twenty-five dollars (\$125.00) per Business location. The penalties imposed by this section shall be collected in addition to the amount of the license, and the payment of such penalty shall not be a defense in any proceedings charging the offense of doing business without a license under this article.

(b) Any Business operating in the City without first obtaining a license as required by this chapter shall be subject to a penalty of one hundred fifty dollars (\$150.00) to be due, in addition to any other penalty provided by law or ordinance. The penalty under this subsection will apply to Businesses not initially obtaining a license, as opposed to non-renewals, for which non-renewals subsection (a), above, will apply.

(c) Any Business engaging in any operations covered by this article that does not pay the required license within ninety (90) days after the initial notice of fee due, and that does not obtain the required license:

1. Shall be required to immediately cease operation of the Business in the City until such time as the license is renewed.
2. Shall incur an additional penalty of two hundred fifty dollars (\$250.00).
3. Shall be subject to administrative and/or civil action for collection of the fee, as well as be liable for court costs, reasonable attorneys' fees, additional administrative costs incurred by the City as a result of collection efforts

## **ARTICLE III. FEES**

### **146-20 License schedule.**

License receipts shall be issued to cover only one (1) location and only one (1) of the occupations or business classifications hereinafter set out, unless stated otherwise.

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The license fees affixed are for the purpose of regulation and control shall be paid annually, in the amount hereinafter set forth, to the City of Trenton for conducting or engaging in business, at the place designated in the license certificate issued:

(1) ADULT ENTERTAINMENT. . . . \$1,000

*Location must comply with the zoning requirements as set forth in Chapter 315 Section 135 of the City of Trenton Code Book*

(2) AMUSEMENT AND ENTERTAINMENT FACILITIES and related ancillary uses and devices for other businesses

a. Adolescent recreation center . . . . 300.00

b. Amusement arcades per location (not including machines, game, etc.) . . . . 525.00

c. Fairs and Festivals . . . . 100.00

d. Theaters, per location . . . . 300.00

e. Sporting Stadium with seating greater than 3000 (outdoor), per location . . . . 8,000.00

f. Entertainment Arenas with seating greater than 2000 (Concerts, sporting events, entertainment or exhibitions for which admission is charged or tickets are sold) per location . . . . 5,000

(3) FOOD SERVICE, restaurants, bars, nightclubs, restaurant bars, hotel bars, restaurant entertainment facilities, Caterers or confectioners not in conjunction with a restaurant, Carry-out or delivery only establishments and public eating places where food is served in connection with or separate from other business. . . . 300.00

a. Entertainment facilities

If establishment provides live entertainment or Disc Jockey (DJ) at any time during the year, add \$500.00 to the license

*If the business is a bar, hotel bar or nightclub, such activity described shall be typed on the issued license to identify which type of food services classification is being conducted. If a restaurant has a restaurant bar or restaurant entertainment facility, such use shall be typed on the issued license. No license issued by the city for any one premise shall have more than one of the following types of activity descriptions typed thereon: bar, nightclub, restaurant bar, restaurant entertainment facility.*

(4) GASOLINE SERVICE STATIONS including car wash and retail sales . . . . 300.00

a. Establishments that perform repairs add an additional 200.00 to the license

(5) MANUFACTURES, MANUFACTURING, ASSEMBLY, ASSEMBLY LINE, each location . . . . 500.00

(6) MERCHANTS AND RETAIL SALES . . . . 300.00

a. Temporary License Permit (special event vendors, free standing (non-rolling stock) per engagement) . . . . 25.00

b. Auctioneers (not to firm or corporation; individuals only) . . . . 125.00

c. Seasonal sales (not in connection with other business issued a license) i.e.. ice cream parlor, outdoor stadium vendor. . . . 150.00

d. Distributors, including import/export with no retail establishment . . . . 300.00

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e. Pawnbrokers (must meet state record keeping requirements) . . . . . 500.00  
*Proof of current registration issued by the New Jersey Department of Revenue is required before a license is issued.*

(7) MOVING AND STORAGE COMPANIES plus proof of liability insurance . . . . . 300.00

(8) NONPROFIT ORGANIZATIONS, Permanent office . . . . . 50.00

Proof of existence evidenced by a Certificate of Status issued by the New Jersey Department of State is required before a license is issued.

(9) PROMOTERS (for profit and non ancillary with a licensed business) . . . . . 1,000.00

Temporary promoters for profit and non ancillary with a licensed business  
Nonrefundable (limited to 30 days) . . . . . 150.00

(10) RECORD, COMPACT DISC AND AUDIO-VISUAL COMPANIES, including recording, reproduction, manufacturing and shipping . . . . . 250.00

(11) RENTALS

a. hotels or motels renting furnished rooms or apartments (does not permit dining room without restaurant license). . . . . 150.00

b. Self Storage warehouse or storage rooms including cold storage for hire or use, not otherwise licensed by occupant. . . . . 150.00

(12) REPAIR AND MAINTENANCE (non ancillary to a licensed business) . . . . . 300.00

a. Automobile, motorcycle and/or motor vehicle (not part of a dealership or gas service station including detail carwash), all types

b. Computers, appliances, electronic or office equipment

c. Detailing and carwash

d, Firearm

e. Jewelry and watch repair

f. Keys, locks, knives, lawnmowers, sharpening and grinding, shoe repairs and/or boot black

(13) SCRAP METAL, SAVAGE AND RECYCLING YARDS . . . . . 300.00

(14) SERVICES (non home based occupations) . . . . . 300.00

a. Agency, or agents, where no other applicable classification is provided

b. Answering services

c. Burglar alarm companies or agents - monitoring only

d. Check cashing

e. Collection and claim agencies

f. Dry cleaning, linen supply, diaper supply and laundry

g. Employment agencies

h. Janitorial services--Office/house cleaner

i. Machine shops, not working on vehicles

j. Photographer

k. Pressure cleaner

l. Printers, directories, lithographing, embossing book publishing, rubber stamps, engravers, blueprinting, and typesetting

m. Tailors (service only)

n. Upholsterers, cabinetmakers, refinishers, woodworkers

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o. Weight control clinics/systems, etc.

p. Window tinting

(15) SERVICE PROVIDERS

a. Barbershops, beauty shops, styling shops, nail establishments, including cosmetologists, manicurists and bootblack stands . . . . . 300.00

b. Bondsmen, bail bondsmen . . . . . 500.00

c. Massage salon . . . . . 250.00

d. Tanning and toning or body wrapping salon . . . . . 250.00

(16) TELEVISION OR RADIO STATIONS, commercial . . . . . 300.00

(17) VEHICLE AND MARINE DEALERS, including autos, trucks, four-wheel drive vehicles, all terrain vehicles, motorcycles, trailers, mobile homes, boats, yachts, ships.

Display room or lot for new or used vehicles . . . . . 500.00

*Any person applying for a license must exhibit or prove the existence of an active state certificate, registration or license, before a license is issued.*

(18) WHOLESALERS, per location . . . . . 500.00

**ARTICLE IV.  
BUSINESS REGULATIONS**

**146-21 Outdoor display of merchandise.**

It shall be permissible for any Business operating in the City to place for sale or sell its merchandise, equipment and materials outside of an enclosed building for which the occupational license has been obtained where such merchandise, equipment and material are customarily stored within an enclosed building. No display of merchandise, equipment or material for sale or lease shall be permitted as to interfere with the right of access of pedestrians, vehicular traffic or emergency vehicles.

**ARTICLE V  
HOURS OF OPERATION**

**146-22 Hours of operation.**

a. No establishment on a premises whose building or grounds are closer than 100 feet to the closest point of the building or grounds of a residential property situated within any residential zone of the City shall not be open for business or conduct business or invite or permit access by the general public for any purposes between the hours of 11:00 p.m. of any day and 6:00 a.m. of the following day, prevailing time.

b. During the hours of closing prescribed herein the property shall be securely closed against access by the public to the building and to the parking areas by the use of appropriately sized and placed fencing, posts or chains and by posting "No Trespassing" signs.

c. Locations that operate primarily as a licensed alcoholic beverage premises shall not be open for business or conduct business or allow the service, consumption, or delivery of any alcoholic beverage directly or indirectly during the hours as set by Chapter 10, Section 5 of the City of Trenton Code



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d. At no time shall any business, operation or establishment other than a licensed alcoholic beverage premise shall be allowed to operation between the hours of 2:00 a.m. and 6:00 a.m.

### **146-23 Applicability**

Merchants who sell to the general public goods, merchandise, food or material; specifically exempted from **section (a)** immediately above; are establishments which have been in operation prior to October 6, 1988, are in the same location in question and are primarily and substantially operated as:

- a) hotels
- b) diners,
- c) restaurants,
- d) pharmacies,
- e) licensed alcoholic beverage premises,
- f) gasoline stations
- g) bakeries in which baking operations are actually conducted on the premises.
- h) Located within the City's established Entertainment District

### **146-24 Violations and penalties.**

Any person who shall violate this article shall be subject to a penalty of \$250.00 and shall be subject to license suspension or revocation in accordance with the provisions of Article VI of this chapter.

### **146-25 Exceptions.**

This article shall not apply to the operation of a retail portion of a business which is primarily a gasoline filling station in operation as such on or before December 1, 1988, provided that the proprietor of the business cannot reasonably operate the gasoline retail portion of the business without accessing the retail portion.

## **ARTICLE VI SUSPENSION AND REVOCATION**

### **146-26 Suspension -Causes.**

Any license or permit issued by the city clerk may be suspended by the city clerk for no more than 7 (seven) days for the following reasons:

1. Failure to satisfy any Notice of Violation within 5 business days of issuance and remedying the circumstances that served as the basis for issuance of the Notice of Violation.
2. Any violation by the Business, its agents, assigns, servants employees or affiliates of the ordinances of the City or laws of the State of New Jersey in any way related to the use or operation of the premises or the operation of the Business thereon for which such license was issued.
3. Permitting minors to congregate or remain on the licensed premises or the premises to which the permit pertains in violation of Chapter 58, Curfew. It shall be a sufficient defense to a charge brought under this subsection that the licensee made timely complaint of the apparent violation in question to the Police Department.

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### **146-27 Notice of Suspension**

- a. Written notice of the suspension shall be served upon the licensee immediately at the licensed address in accordance with section 146-30. The notice shall also contain a brief statement of the grounds to be relied upon for the suspension of the license.
- b. The Licensee shall have the right to file a written appeal of the suspension to the City Clerk within 72 hours of the date of notice of the suspension. The appeal shall be reviewed by City Clerk at a hearing as prescribed in section 146-31. The filing of a notice of appeal shall toll any such suspension during the pendency of the appeals process.
- c. The Licensee shall have the write to file a written appeal of the City Clerk's decision to the City Council within 24 hours of written notice of the Clerk's ruling. The appeal shall be reviewed by the City council at a hearing as prescribed in section 146-31.

### **146-28 Revocation - Causes**

Any license or permit issued by the city clerk may be revoked by City Council for the violation by the licensee, after notice and hearing, and for any of the following causes:

1. Fraud, misrepresentation or false statement contained in any application for permit or license.
2. Fraud, misrepresentation or false statement in the conduct of any business or activity authorized by such license or permit.
3. Any violation by the Business, its agents, assigns, servants employees or affiliates of the ordinances of the City or laws of the State of New Jersey in any way related to the use or operation of the premises or the operation of the Business thereon for which such license was issued
4. Any violation of this chapter.
5. Conducting the licensed business, trade, calling, profession or occupation through the licensee himself/herself or any of his/her agents, assigns, servants employees or affiliates , in any unlawful, disorderly or improper manner, or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
6. Violating or abusing the purpose for which a license had been issued to the detriment of the public; or the use of a license for a purpose foreign to that for which it was issued.
7. Permitting minors to congregate or remain on the licensed premises or the premises to which the permit pertains in violation of Chapter 58, Curfew. It shall be a sufficient defense to a charge brought under this subsection that the licensee made timely complaint of the apparent violation in question to the Police Department.

### **146-29 Notice of hearing.**

A license issued by the City shall not be revoked until a hearing thereon shall have been held by the City Council. Written notice of the time and place of the hearing shall be served upon the licensee at least three days prior to the date set for the hearing. The notice shall also contain a brief statement of the grounds to be relied upon for revoking the license.

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### **146-30 Service of notice.**

Notice of hearing as set forth in section 31 may be given either by personal delivery upon the Business' agent or representative listed on the license or may be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to the Business to be notified at the address appearing upon the license.

### **146-31 Hearing procedure.**

At the hearing before the City Clerk or City Council the Business aggrieved by the proposed suspension or revocation of any license issued by the City shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the City Clerk or City Council, the notice of violation may be dismissed, or if the City Clerk or City Council concludes that the charges have been sustained and substantiated, it may suspend or revoke the license held by the licensee as applicable.

### **146-32 Reinstatement of revoked licenses.**

If any license shall have been revoked, as provided in this article, neither the holder thereof nor any person acting in his/her behalf, directly or indirectly, shall be entitled to another license to carry on the same business within the City unless the application for such license shall be approved by the City Council.

### **146-33 Denial of application or renewal.**

Any Business aggrieved by the denial of any application for permit or license, or the refusal to renew the same, may appeal to the City Council by filing with the City Clerk, within 14 days after the applicant or licensee has been notified of such action, a written statement setting forth the grounds of the appeal. The City Council shall set a time and place for a hearing on the appeal and notice shall be given to the appellant in the manner provided in section 31. The decision and order of the City Council on the appeal shall be final and conclusive

## DIVISION I UNCLASSIFIED OCCUPATIONS

### **146-34 Unclassified occupations; display, sale of Christmas trees and other seasonal items.**

(a) Every Business, fixed or temporary, engaged in by any persons for a period less than thirty (30) days, whether in a building, tent or upon a street, vacant lot or any where in the open air, within the city, and not specifically designated in this article, shall pay a license of fifty dollars (\$50.00) per event.

(b) The display and sale of Christmas trees and other seasonal items such as Mother's Day flowers upon vacant property is limited to non-residentially zoned property and must be conditionally permitted by the City Clerk. Such conditional approval shall include, among other conditions, a cash bond for site cleanup in the minimum amount of one hundred dollars (\$100.00), methods and means of securing safe on site traffic circulation and ingress/egress from public rights-of-way, limitations on the days and hours of operation of activities, the provision of security and public safety (police, fire, and EMS) personnel, and other measures as the City Clerk deems appropriate given the size, type, location, estimated attendance, and character of the activity. Such display and sale must be behind the property setback lines established by the city zoning regulations and each applicant shall post with the city a cash bond in addition to the fifty dollars (\$50.00) license due per event. The cash bond is required to ensure that the property is fully cleaned and cleared and returned to its original condition,

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and failing to be returned to proper condition as set forth in this subsection, the bond shall be retained by the city and the city shall use it to defray the cost of having the property cleaned and cleared and any materials on it removed. The city shall not be responsible for any property so removed. Further, one (1) temporary building may be placed upon the property for use during the sale period which must be inspected for safety by the building department; however, no permit fee shall be required.

### **146-35 Home occupations.**

Home occupations shall be permitted in the city's residential use districts subject to the city zoning code regulations contained in Chapter 315 "Zoning and Land Development" If business or occupation requires a license as per Section 146-21 and is permitted within a home under the above referenced zoning ordinance registration of the home based business shall be without a fee provided, however, that no application may be made and no license shall be issued for any business use involving any retail sale, whether by telephone, mail or otherwise. For purposes of this section, the term "retail sale" shall have the definition ascribed to it which appears in Chapter 315 "Zoning and Land Development". The licenses are subject to cancellation by the code enforcement or city council in the event the board or council determines that there is a violation of the zoning regulations, in which event no business activity may be conducted upon the premises. In addition, the City Clerk is not authorized to issue a license for a residence where the same owner or applicant had a license canceled as a result of violation of this Code prior to its expiration date.

### **146-36 Bazaars, festivals, fairs, etc.**

It is the stated intent of the city to permit local educational, charitable, rehabilitative, recreational or religious organizations consisting largely of resident citizens of the city to be permitted to conduct social or charitable festivities where any profit realized from such festivities (herein called bazaars, fairs or festivals) is to be channeled into local religious, charitable, educational, rehabilitative or recreational usage of direct benefit and impact to the citizens. Such locally sponsored and operated festivals of an essentially noncommercial nature shall be permitted to offer entertainment to their patrons with such rides, games, booths and refreshments as are permitted by the city after obtaining prior approval of same (and of the intended beneficiary of the profit realized therefrom if other than a house of worship, the police athletic league program, or a charitable or educational or rehabilitative program having a direct substantial impact on the citizens). No locally sponsored and operated fair, festival, bazaar, etc., will be permitted without the obtaining of such prior approval from the office of the City Clerk who may attach such conditions and safeguards, including dates and times of operation, as it deems necessary and advisable to the granting of such approval.

### **146-37 Dance halls; boxing and wrestling exhibitions.**

The city shall have the power to regulate, license, and/or suppress the use, operation and/or maintenance of any dancing hall, dancing academy and/or boxing or wrestling exhibitions.

**Cross References:** Chapter 158 – Meeting Halls

## DIVISION II.

### MOTION PICTURE AND TELEVISION PERMIT

### **146-38 Required; exceptions.**

(a) No person shall take still or moving pictures that involve the use of special settings, structures, apparatus, or the performance of a cast of persons, either amateur or professional, or the posing of

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professional models, on property located within the city without first having obtained a permit from the mayor.

(b) The provisions of this division shall not apply to nor in any way restrict the use of cameras by amateur or professional photographers not using set scenery, casts, or models. This division shall also not apply to bona fide newspaper, press association, newsreel, or television news media personnel.

### **146-39 Application.**

Any person desiring to obtain a permit shall apply to the City Clerk for approval by the Mayor and the application shall include, but not be limited to, the following:

- (1) Name, address, including local address, and telephone number;
- (2) Locations, dates of filming, special parking requirements, and scenes to be filmed, list of city personnel or equipment required;
- (3) The signature and title of an authorized representative of the company requesting the permit.

### **146-40 Insurance requirements.**

The applicant shall, as a prerequisite to the issuance of a permit, maintain in force at all times during the permit period, a comprehensive general liability policy with its limits determined upon a review of the motion picture or television project by the mayor of the circumstances involved. The applicant, as a prerequisite to the issuance of a permit, shall provide to the mayor a certificate of insurance evidencing that the insurance is in existence and certifying that the city is named insured and that the city be given thirty (30) days' notice prior to the expiration or cancellation of the policy. The limits of the policy shall range from three hundred thousand dollars (\$300,000.00) up to five million dollars (\$5,000,000.00) according to the degree of risk evidenced by examination by the mayor of the scripted scenes to be filmed.

### **146-41 Rates and fees for city services.**

Should it be determined that the production company will require the direct participation of one (1) or more city services, the production company will compensate the department directly for services rendered according to that department's rate structure. That department may also determine whether the production company will be billed for services rendered or will pay for services in advance.

### **146-42 Fee.**

The city will charge no fee for a motion picture and television permit.

### **146-43 Issuance.**

Upon presentation of the completed application and proof of insurance, the mayor shall cause the permit to be issued.