

**VILLIAGE OF TUSCUMBIA CODE  
CHAPTER 236  
MERHCANT'S LICENCES**

**CHAPTER 236  
MERCHANT'S LICENSES**

**Section 1. Definition.** For the purpose of this ordinance "merchant" will be defined as: a person or legal entity selling goods or services, soliciting business or offering goods or services for sale or hire from a premises located within the city limits of the Village of Tuscumbia.

**Section 2. Requires generally.** It shall be unlawful for any person or legal entity to act as a merchant as defined in Section 1 of this Ordinance without first obtaining a license. Therefore it is the intention of the Village to exercise the fullest extent of its licensing power, and to require a license from any and all businesses, trades and professions that can be legally required to obtain a license. Each license shall be issued for a calendar year. Each renewal license applicant shall apply and pay for the required license in January of each year; such license shall be delinquent in February. Each new license applicant shall apply for, pay for and receive the required before doing any business within the Village of Tuscumbia. All licenses herein shall be issued for the calendar year, are non-transferrable, and shall not be prorated on application for a partial year upon cancellation.

**Section 3. Failure to obtain prohibited.** It shall be unlawful for any merchant, either directly or indirectly, to conduct any business, or to use in connection therewith any vehicle, premises, machine ore device for which a license permit is required by this Ordinance without a license or permit so required having been first obtained and thereafter kept in effect at all such times as required by this Ordinance.

**Section 4. Operating more than one business at the same location.** When any merchant engages in two or more businesses at the same location, under one license, he shall pay a license fee equal to the sum of all the fees for each business so licensed.

**Section 5. Responsibility of representatives for compliance of principals, etc.** The local agents or other representatives of nonresidents who are doing business in this Village shall be responsible for the compliance of their principals and of the businesses and enterprises they represent with all applicable provisions of this Ordinance.

**Section 6. License not required for delivery of goods or services purchased outside Village** Except as may be provided otherwise by this Ordinance, no license shall be required for the delivery of any goods or services purchased or acquired outside the city limits of the Village of Tuscumbia, where no intent by such merchant was shown to exist to evade the provisions of this Ordinance.

**Section 7. Village License Officer: Village Clerk designated**

The village clerk shall be the license officer. The village clerk, subject to the approval of the board of trustees, unless otherwise specified in this ordinance, shall issue all licenses required by the village.

**Section 8: Application, original license or renewal**

Every person required to have a license or to renew a license shall submit an application to the village license officer by a written statement upon forms provided by the village license officer, which shall disclose all information which the village license officer shall find to be reasonably necessary to the fair administration of this ordinance, and which shall be accompanied by the full amount of the fees chargeable for such license, which receipt shall not be construed as approval for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to this ordinance.

**Section 9: Refunds upon disapproval of license application; engaging in business during appeal prohibited**

The village license officer shall, upon disapproval of any application by the board of trustees, refund all money paid in advance; provided, the applicant is not otherwise indebted to the village. When the issuance of a license is refused and any action or proceeding is brought by the applicant to compel its issuance, such applicant shall not engage in the business for which the license is refused.

**Section 10: Confidentiality of information**

The village license officer and all other village officers who may be officially concerned with administering and enforcing this ordinance shall keep all information furnished or secured under the authority of this ordinance in strict confidence. Such information shall not become known, except to the persons charged with the administration of this ordinance; provided that this section shall not prohibit any village officer from testifying as to such information in compliance with a subpoena issued from a court of competent jurisdiction or from the board of trustees in any proceedings before it.

**Section 11 Posting or displaying of license**

All merchants shall display, in plain view and on the premises of the business operated within the city limits of the village of Tuscumbia, the original license as issued by the village clerk.

**Section 12. Revocation of Licenses**

All licenses are revocable at any time by the board of aldermen upon satisfactory proof that the licensee has violated this ordinance or any other ordinances relating to the business or acts done under the license, or that the licensee has been misrepresenting his goods or services sold or offered for sale in the city, has been practicing fraud upon the public or has been selling for food human beings or animals any unwholesome or unfit substances, or has been conducting any immoral or disorderly place or business, or has been conducting any place or business dangerous to public health or safety or detrimental to public morals. If any license issued pursuant to this ordinance is terminated by revocation, death of the licensee or other causes, all fees paid the city shall be forfeited to the use of the city. No person whose license has been revoked by the board of aldermen shall thereafter be entitled to engage in the business or do the acts for which the license was issued in the city, unless the board of aldermen, for a good cause shown, shall remove such disqualifications. Any person engaged in any business, conducting any place of doing any act for which a license is or may hereafter be required in the city, who shall be convicted of violating this ordinance or any other ordinance relating to his business shall, without action by the board of aldermen, have his license revoked.

**Section 13. Village Clerk to keep record of licenses issued.**

The city clerk shall keep an accurate record of all licenses issued, showing the nature of the business, the name and address of the licensee and any other information deemed proper.

**Section 14. Interpretation of Ordinance.**

In construing the provisions of this ordinance, any non-defined terms shall be given meanings generally ascribed to such terms.

**Section 15. Schedule of Fees.** All persons or legal entities deemed merchants as defined in this Ordinance shall not operate, practice, engage in or otherwise conduct business within the city limits of the Village of Tuscumbia, unless and until the owner, operator, manager, proprietor or practitioner thereof shall have applied for and obtained a license to operate, practice, engage in or otherwise conduct same from the Village License Officer and shall have paid to the Village Clerk the license fee herein after set forth, such license and fee therefore to be issued and paid on an annual basis, unless where specifically provided for herein:

Annual Merchant License Fee.....\$15.00

Temporary Merchant License Fee.....\$10.00

Any temporary merchant associated with a community event or an organization scheduled to rent the grounds of the Village Park for an event, will be issued a temporary license, upon approval by the Village Board of Trustees, in conjunction with the agreement between the Village of Tuscumbia and the renter. One license, to include all temporary merchants associated with the event, will be issued.

**Section 16. Enforcement of Ordinance.** The Village Clerk and Board of trustees shall see that this Ordinance and all sections are fully complied with and shall send notice to any merchant found in violation of Ordinance. A hearing before the Board of Trustees will be held within ten (10) days of notification unless violation is otherwise abated. The Board of Trustees has the power to impose a fine of not less than \$5.00 and not more than \$100.00 for each violation and no license shall be issued until such fine and the license fee shall have been paid in full.

**Section 17. Conflicts.** All other Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Read First Time \_\_\_\_\_

Read Second Time \_\_\_\_\_

Read Third Time and passed this 12<sup>th</sup> day of July, 2004.

Melissa Ferry  
Chairperson

Lynna Thompson

Nannie S. Ablett

Scotty Johnson

Chris Lawless

Cheryl E. Sears  
City Clerk