

COUNCIL OF THE TOWN OF RIVERDALE PARK
Ordinance 2014-OR-07

Introduced By: CM Jonathan Ebbeler

Date Introduced: August 25, 2014

Date Amendments Adopted:

Date Adopted: September 2, 2014

Date Effective: September 22, 2014

1 **An Ordinance concerning**

2
3 **GENERAL BUSINESS LICENSING**

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5 **FOR** the purpose of amending the Town's general business licensing ordinance to
6 exempt from its applicability certain activities that are subject to certain other Town
7 licenses; to alter certain license application requirements; to alter certain conditions
8 that may be imposed upon the granting of a license; to alter requirements for
9 payment of certain license fees; to provide for the severability of the provisions of
10 this Ordinance; and generally related to amendments to the Town's general
11 business licensing ordinance.

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15 **BY** repealing and reenacting, with amendments
16 Chapter 42 – LICENSES
17 Sections 42-1, 42-4(7), (8) and (11), 42-5(b), and 42-6(b)(1) and (2)
18 Code of the Town of Riverdale Park
19 (January 2008 Revision, as amended by Ordinance 2013-OR-06)
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22 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF**
23 **RIVERDALE PARK,** That Sections 42-1, 42-4(7), (8) and (11), 42-5(b), and 42-6(b)(1) and
24 (2) of the Code of the Town of Riverdale Park (January 2008 Revision, as amended by
25 Ordinance 2013-OR-06), Article 42 –LICENSESES, are hereby repealed and reenacted, with
26 amendments, to read as follows:

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Chapter 42 – LICENSES

§ 42-1. Scope.

(A) This chapter applies to the operation of a trade or business in the Town of Riverdale Park.

(B) For purposes of this chapter a trade or business includes commercial trades or businesses, not-for profit enterprises, religious institutions and enterprises affiliated with religious institutions.

(C) FOR PURPOSES OF THIS CHAPTER THE OPERATION OF ONE OR MORE SINGLE-FAMILY DWELLINGS OR DWELLING UNITS FOR RENT AND FOR WHICH LICENSES HAVE BEEN ISSUED UNDER CHAPTER 55 OF THIS CODE IS NOT THE OPERATION OF A TRADE OR BUSINESS WITH RESPECT TO SUCH RENTALS.

§ 42-4. Application.

Any person seeking a license, or the renewal of a license, under this chapter shall file with the Town Administrator a written application, under penalty of perjury, in a form prescribed by the Town Administrator. An application for the renewal of an existing license shall be filed not later than the May 1 before the license is scheduled to expire, unless otherwise authorized by the Town Administrator. An application that is filed later than the May 15 before the license is scheduled to expire, or such later date as authorized by the Town Administrator, shall be treated as a new application. The application for an initial license or the renewal of a license shall include or be accompanied by the following TO THE EXTENT REASONABLY AVAILABLE, and such other information and documentation as the Town Administrator reasonably may require:

* * *

(7) A copy of the ANY current fire inspection and OR occupancy limitation certificates, OR BOTH, for the use of the premises for the trade or business IF ANOTHER REGULATORY AUTHORITY REQUIRES A FIRE INSPECTION OR OCCUPANCY LIMITATION CERTIFICATE, OR BOTH.

(8) A copy of the current use and occupancy permit for the premises that shows that the trade or business is authorized at the premises IF ANOTHER REGULATORY AUTHORITY REQUIRES A USE AND OCCUPANCY CERTIFICATE.

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71 (11) A statement by the applicant and the owner of the premises that the filing of
72 the application and the acceptance of the license issued by the Town constitutes consent
73 to and authority for Town Code Enforcement Officers and police officers, and other
74 regulatory officials, to enter the premises OF THE BUSINESS without prior notice during
75 REGULAR business hours BEFORE APPROVAL OF THE LICENSE for the LIMITED
76 purpose of DETERMINING WHETHER REPRESENTATIONS CONTAINED IN THE
77 APPLICATION ARE ACCURATE, AND, AFTER A LICENSE HAS BEEN ISSUED,
78 investigating, BASED UPON PROBABLE CAUSE, ~~the information provided in the~~
79 ~~application and for inspecting the operation of the trade or business and investigating~~
80 ~~potential~~ violations of this chapter and the license. WHERE ENTRY TO A PREMISES IS
81 REFUSED, TOWN CODE ENFORCEMENT OFFICERS AND POLICE OFFICERS, AND
82 OTHER REGULATORY OFFICIALS, SHALL OBTAIN A WARRANT TO AUTHORIZE
83 ENTRY UNLESS OTHER LAWFUL GROUNDS EXIST TO ENTER THE PREMISES
84 WITHOUT A WARRANT.

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88 § 42-5. Application review and consideration.

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90 (B) After the Town Administrator completes the investigation, the Town
91 Administrator shall determine whether the license should be granted and whether any terms,
92 conditions and restrictions should be attached to the granting of the license, INCLUDING
93 PROVIDING THE APPLICANT WITH A REASONABLE TIME TO COME INTO
94 COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER. Any terms, conditions
95 and restrictions shall be based upon any impacts that the operation of the trade or business
96 reasonably may be expected to have on the surrounding community and the public health,
97 safety or welfare.

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99 § 42-6. License fees.

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101 (b) The amount of the annual license fee is \$150, except that for the following
102 types of trades or business the amount of the annual license fee is the amount specified:

103 (1) For the operation of an apartment house the amount of the annual
104 license fee is \$100 multiplied by the number of apartment units, EXCEPT THAT THERE IS
105 NO LICENSE FEE IF A LICENSE IS ISSUED AND LICENSING FEE IS PAID UNDER
106 CHAPTER 56 OF THIS CODE.

107 (2) For the operation of a rooming house or boarding house the amount of
108 the annual license fee is \$20 multiplied by the number of rooming units, EXCEPT THAT
109 THERE IS NO LICENSE FEE IF A LICENSE IS ISSUED AND LICENSING FEES ARE
110 PAID UNDER CHAPTER 55 OF THIS CODE.

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SECTION 2: AND BE IT FURTHER ENACTED that if any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Ordinance which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

SECTION 3: AND BE IT FURTHER ENACTED that this Ordinance shall become effective twenty (20) days after its passage by the Council.

ATTEST:

**COUNCIL OF THE TOWN OF
RIVERDALE PARK**



Town Administrator



Vernon Archer, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from the bill by amendment or deleted from the law.

* * * indicates omissions from existing law where no changes are made by this Ordinance