

## **TITLE XI: BUSINESS REGULATIONS**

Chapter

- 110. BUSINESS LICENSING REGULATIONS**
- 111. PEDDLERS**
- 112. CABLE COMMUNICATIONS**



## CHAPTER 110: BUSINESS LICENSING REGULATIONS

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### ' 110.01 LICENSE REQUIRED.

(A) It is unlawful for any person to carry on any trade, calling, profession, occupation or business without first having procured a license from the town to do so and without complying with any and all regulations of the trade, calling, profession, occupation or business as specified in this chapter.

(B) Every applicant for a license shall submit a written application, under oath, which shall state:

(1) The character of the business;

(2) The name, address and phone number of the principal place of business and any branch office;

(3) The name, address and phone number of the principal residence of the owner;

(4) Date business began operation in town; and

(5) Number of employees.

(1991 Code, ' 8-1-1) Penalty, see ' 10.99

**' 110.02 ISSUANCE OF LICENSE.**

(A) It shall be the duty of the Clerk to prepare and issue a license under this chapter for every person, firm, company or corporation liable to pay a license fee hereunder, and to state in each license the amount charged, the period of time covered, the name of the person, firm or corporation for whom issued, the trade, calling, profession, occupation or business licensed and the location or place of business where the trade, calling, profession, occupation or business is to be conducted.

(B) In no case shall any mistake of the Clerk, in stating the amount of a license, prevent or prejudice the collection for the town of what shall be actually due from anyone carrying on a trade, calling, profession, occupation or business, subject to license under this chapter.  
(1991 Code, ' 8-1-2)

**' 110.03 PAYMENT .**

(A) All business license fees shall be paid at the office of the Clerk of the town or in a manner as may be specified by the Clerk. Payment of license fees shall be made for the calendar year, January 1 to December 31. Fees shall be due and payable on January 1 of each year unless specified otherwise. Notices shall be sent to each place of business or person at least 30 days before January 1. Fees shall become delinquent March 1, and the Police Chief shall be empowered and authorized to collect all delinquent fees together with an amount as the Council may set by resolution from time to time.

(B) A separate license must be obtained for each branch establishment or separate place of business in which any trade, calling, profession, occupation or business is conducted. Each license shall authorize the person obtaining the license to carry on, pursue or conduct only the trade, calling, profession, occupation or business described in the license and only at the location or place of business which is indicated.  
(1991 Code, ' 8-1-3) (Ord. 90-1995, passed 3-20-1995)

**' 110.04 POSTING OF LICENSE.**

Every person, firm, company or corporation having a license under the provisions of this chapter and carrying on a trade, calling, profession, occupation or business at a fixed place of business shall keep the license posted and exhibited, while in force, in some conspicuous part of the place of business. Every person having a license, and not having a fixed place of business, shall carry the license with him or her at all times while carrying on that trade, calling, profession, occupation or business for which the same was granted. Every person, firm, company or corporation having a license under the provisions of this chapter shall produce and exhibit the same, when applying for a renewal thereof, and whenever requested to do so by any police officer or by any other officer authorized to issue, inspect or collect licenses.  
(1991 Code, ' 8-1-4)

**' 110.05 EXHIBITION OF LICENSE REQUIRED.**

The Chief of Police or any duly authorized official of the town shall have the power to enter free of charge at any time any place of business for which a license is required by this chapter, and to demand the exhibition of the license for the current term, from any person engaged or employed in the transaction of the business. It is unlawful for the person to fail to exhibit the license when requested to do so.

(1991 Code, ' 8-1-5) Penalty, see ' 10.99

**' 110.06 LICENSE NOT TRANSFERABLE.**

No license granted or issued under the provisions of this chapter shall be in any manner assignable or transferable to any other person, firm, company or corporation other than is herein mentioned or named without first obtaining permission from the Council.

(1991 Code, ' 8-1-6)

**' 110.07 EXEMPTION .**

Any person wishing to sell any form of agricultural products produced by himself or herself shall be exempt from any license tax imposed hereunder for the privilege of selling those products only. Before receiving the exemption, an affidavit of the facts entitling the seller to an exemption must be filed with the Clerk.

(1991 Code, ' 8-1-7)

**' 110.08 FEES .**

All businesses, occupations, professions, trades or callings shall pay annually a license fee of an amount as the Council may set by resolution from time to time.

(1991 Code, ' 8-1-8) Penalty, see ' 10.99

**' 110.09 REVOCATION .**

Licenses issued under the provisions of this chapter may be revoked by the Town Clerk after notice of hearing, for any of the following causes:

(A) Fraud, misrepresentation or false statement contained in the application for license;

(B) Any violation of this chapter; or

(C) Conducting a trade, business, game or amusement, calling, profession or occupation in violation of state law.

(1991 Code, ' 8-1-9) Penalty, see ' 10.99

#### **' 110.10 NOTICE OF HEARING AND APPEAL.**

(A) Notice of the hearing for revocation of license shall be given, in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. The notice shall be mailed, postage prepaid, certified mail to the licensee at the address shown on the application for license at least ten days prior to the date set for hearing.

(B) Any person aggrieved by the denial of an application for license as provided herein or the decision with reference to the revocation of a license shall have the right of appeal to the Council. The appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of has been mailed to the person=s address shown on the application for license, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on the appeal and notice of the hearing shall be given to the applicant in the same manner as provided for notice of hearing on revocation. The decision and order of the Council in the appeal shall be final and conclusive, except any person aggrieved may pursue any proper judicial proceedings.

(1991 Code, ' 8-1-10)

## CHAPTER 111: PEDDLERS

### Section

- 111.01 Definitions
- 111.02 License required; renewals; restrictions
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### ' 111.01 DEFINITIONS .

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

**PEDDLER.** Any person, whether a resident of the town or not, traveling by foot, motor vehicle or any other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meat, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers or who, without traveling from place to place, shall sell or offer the same for sale from a motor vehicle, railroad car or other vehicle or conveyance, or from a fixed location on foot; and further provided that one who solicits orders and as a separate transaction makes delivery to purchasers as a part of the scheme or design to evade the provisions of this chapter shall be deemed a **PEDDLER** subject to the provisions contained in this chapter.

**SOLICITOR** or **CANVASSER.** Any individual, whether a resident of the town or not, traveling either by foot, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether he or she is collecting advance payments on the sales or not, provided that the definition shall include any person who, for himself, herself or for another person, hires, leases,

uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the town for the sole purpose of exhibiting samples and taking orders for future delivery.

**TRANSIENT MERCHANT, ITINERANT MERCHANT or ITINERANT VENDOR.** Any person, whether owner or otherwise, whether a resident of the town or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the town, and who, in furtherance of that purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, boat, public room in a hotel, lodging house, apartment, shop or any street or other place within the town, for the exhibition and sale of the goods, wares and merchandise, either privately or at public auction; provided, that the definition shall not be construed to include any person, firm or corporation who, while occupying that temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting the transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer.

(1991 Code, ' 8-2-1) (Ord. 54, passed 8-20-1984)

#### **' 111.02 LICENSE REQUIRED; RENEWALS; RESTRICTIONS.**

(A) It is unlawful for any peddler, solicitor, canvasser, transient merchant, itinerant merchant or itinerant vendor as the same is herein defined, to engage in the business within the corporate limits of the town without first obtaining a license therefor in compliance with the provisions of this chapter; provided, however, that the provisions of this chapter shall not apply to the producers of agricultural products as defined in A.R.S. " 3-561 through 3-563, or to any member of the family or agents or persons in the service of the producer when the agricultural products are sold or disposed of on behalf of and for the benefit of the producer.

(B) Licenses which are continually renewed shall pay only the applicable fees prescribed in ' 111.05. Licenses which are not continuously renewed, upon application for renewal, shall be treated as an original application.

(C) If the license of the licensee has been revoked pursuant to provisions of ' 111.12, the Town Clerk shall designate a period of time not exceeding three years, during which time a renewal or a new license may not be issued to the same licensee or to a corporation controlled by that licensee. Unless otherwise specified by the Town Clerk, the period of disqualification shall be the maximum three-year period.

(D) No licensee shall knowingly permit a person whose license is under suspension or has been revoked to be employed in any capacity by the licensee during the period of suspension or the period of time that a renewal or new license may not be issued to the person pursuant to provisions of division (C) of this section.



(E) Every licensee whose license has been revoked may be disqualified from obtaining or retaining a privilege tax license for a period of up to one year from the date of the revocation. (1991 Code, ' 8-2-2) (Ord. 54, passed 8-20-1984) Penalty, see ' 10.99

### ' 111.03 APPLICATION AND APPLICATION FEE.

(A) Applicants for a license under this chapter shall file with the Town Clerk a sworn application in writing on a form to be furnished by the Town Clerk, which shall contain but not necessarily be limited to the following information:

(1) Name and description of the applicant;

(2) Address (legal and local);

(3) A brief description of the nature of the business and goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant;

(4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(5) The length of time for which the right to do business is desired;

(6) If a vehicle is to be used, a description of the same, together with license number or other means of identification;

(7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

(8) The fingerprints of the applicant, the names of at least two reliable property owners of the town, who will certify as to the applicant=s good character and business responsibility, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate the character and business responsibility; and

(9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal laws, the nature of the offense and the punishment or penalty assessed therefor.

(B) No license issued hereunder shall be transferable. At the time of filing the application, a fee of an amount as the Council may set by resolution from time to time shall be paid to the Town Clerk, no part of which shall be refunded. (1991 Code, ' 8-2-3) (Ord. 54, passed 8-20-1984)

**' 111.04 INVESTIGATION OF APPLICANT; ISSUANCE OF LICENSE.**

Upon receipt of the application, the Town Clerk shall cause an investigation of the person's business responsibility or moral character to be made as he or she deems necessary to the protection of the health, safety and welfare of the public. If, as a result of the investigation, the applicant's business responsibility and character are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, and if a privilege license as set forth in the Town Tax Code is required by the nature of the business the applicant desires to carry on, and has been obtained by the applicant, a license shall be issued by the Town Clerk upon payment of the required fee.

(1991 Code, ' 8-2-4) (Ord. 54, passed 8-20-1984)

**' 111.05 FEES .**

The license fee for any peddler, solicitor, canvasser or transient merchant shall be an amount as the Council may set by resolution from time to time per quarter if paid on a quarterly basis, or an amount as the Council may set by resolution from time to time per year if paid on an annual basis. All fees shall be paid in advance.

(1991 Code, ' 8-2-5) (Ord. 54, passed 8-20-1984)

**' 111.06 BOND REQUIRED.**

(A) Before any license as provided in this chapter shall be issued for engaging in the business of peddler, solicitor, canvasser or transient merchant, as defined in this chapter, every applicant, plying his or her trade as an individual, shall file with the Town Clerk a surety bond running to the town in the amount of \$1,000. Every business, firm, company or corporation, which has employees or agents acting in the capacity of peddler, solicitor, canvasser or transient merchant, shall file with the Town Clerk a blanket surety bond covering all those employees or agents and running to the town in the amount of \$5,000.

(B) Every bond for those engaging in a transient or an itinerant business or as a peddler, solicitor or canvasser as defined in this chapter shall be executed by the applicant as principal with at least one surety upon which service of process may be made in this state. The bond shall be approved by the Town Attorney, conditioned that the applicant and all of the applicant's agents and employees shall comply fully with all of the provisions of the laws of the town and the state statutes regulating and concerning the sale of goods, wares and merchandise and will pay all judgments rendered against the applicant for any violation, together with all judgments and costs that may be recovered against him or her by any person for damage arising out of any misrepresentation or deception practiced on any person transacting any business with the applicant, whether the misrepresentations or deceptions were made or practiced by the applicant or its agents or employees, either at the time of making a sale or through any advertising of any nature whatsoever, printed or circulated with reference to the goods, wares, merchandise sold or any part thereof. In addition, if the applicant is a solicitor or canvasser, the bond shall be conditioned

that the applicant and all of the applicant=s agents and employees shall comply fully with all of the provisions of the laws of the town and the state statutes regulating and concerning the business of solicitor or canvasser and guaranteeing to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor or canvasser, and further guaranteeing any citizen of the town, doing business with the solicitor or canvasser, that the property purchased will be delivered according to the representations of the solicitor or canvasser.

(C) Action on the bond may be brought in the name of the town to the use of the aggrieved person or directly by the aggrieved person.  
(1991 Code, ' 8-2-6) (Ord. 54, passed 8-20-1984)

#### **' 111.07 LICENSE TO BE POSTED.**

The license issued to the licensee pursuant to this chapter by the Town Clerk shall be posted in a conspicuous place if the licensee is using a vehicle or building in his or her business and otherwise must be kept by the person and exhibited at any time upon request.  
(1991 Code, ' 8-2-7) (Ord. 54, passed 8-20-1984)

#### **' 111.08 LOCATION RESTRICTIONS.**

(A) No licensee hereunder shall have any exclusive right to any location in a public street, nor shall any be permitted a stationary location thereon, nor within 300 feet of a public school ground, nor shall any be permitted to operate in any congested area where operations might impede or inconvenience the public. For the purposes of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(B) No business activity shall be carried on in any area of the town by any licensee who is licensed pursuant to this chapter, where the business activity is prohibited by the town zoning code.  
(1991 Code, ' 8-2-8) (Ord. 54, passed 8-20-1984) Penalty, see ' 10.99

#### **' 111.09 NOISE ; HOURS OF OPERATION.**

Licensees, agents and employees of licensees and persons acting on behalf of licensees shall not yell, shout, cry out, blow a horn, ring a bell or use any sound-amplifying devices such as loudspeakers, microphones, radios, sound-amplifying systems or any other similar devices for the purpose of attracting attention to any goods wares or merchandise, if the sound emitted or produced is of sufficient volume that it can be plainly heard upon the public thoroughfares. Licensees, agents and employees of licensees shall not conduct any business activities between the hour of 8:00 p.m. of any day and the hour of 8:00 a.m. of the following day.  
(1991 Code, ' 8-2-9) (Ord. 54, passed 8-20-1984) Penalty, see ' 10.99

**' 111.10 SIGNS TO BE OBSERVED.**

It is unlawful for any peddler, solicitor, canvasser or transient merchant in the course of business to ring the doorbell or knock at any building whereon a sign bearing the words ANo Peddlers or Solicitors@ or a similar message is exposed to public view.  
(1991 Code, ' 8-2-10) (Ord. 54, passed 8-20-1984) Penalty, see ' 10.99

**' 111.11 ENFORCEMENT BY POLICE DEPARTMENT.**

It shall be the duty of any police officer of the town to enforce this chapter. The Chief of Police shall report to the Town Clerk all violations of this chapter.  
(1991 Code, ' 8-2-11) (Ord. 54, passed 8-20-1984)

**' 111.12 SUSPENSION AND REVOCATION OF LICENSE; APPEAL.**

(A) The Town Clerk shall immediately suspend the license and give the licensee notice by registered mail of the suspension and of a hearing to be held within ten days to determine whether or not the permit should be revoked, whenever the Town Clerk has reason to believe that any licensee is guilty of any of the following acts:

(1) Fraud, misrepresentation or false statement contained in the application for license;

(2) Fraud, misrepresentation or false statement made in the course of carrying on his or her business;

(3) Violation of any of the provisions of this chapter;

(4) Conviction of any crime or misdemeanor involving moral turpitude;

(5) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public; and

(6) Failure to file an additional surety bond as required by ' 111.06, within ten days after the liability of the surety on the previous bond has been exhausted.

(B) The notice shall contain a statement of the purported reason for the suspension. At the hearing, the licensee shall have the right to be represented by counsel, to introduce witnesses on his or her behalf and at his or her own expense, and to have the testimony given at the hearing transcribed. Within the next three days after the hearing, if the Town Clerk determines that there is a good and sufficient reason for revocation of the licensee=s license, the Town Clerk shall enter an order revoking the license effective immediately and notify the licensee by registered mail.

(C) Within five days, excluding weekends and legal holidays, an applicant for a license or a licensee may appeal to the Council, from either the refusal of the Town Clerk to issue a license under this chapter or from the revocation of any license granted in accordance with this chapter.

(1991 Code, ' 8-2-12) (Ord. 54, passed 8-20-1984)

**' 111.13 EXEMPTIONS .**

(A) Any person whose activities are regulated exclusively by this state shall be exempted from the provisions of this chapter.

(B) Any person selling subscriptions for delivery of newspapers to the door of a residence on a regular or weekly schedule shall be exempted from the provisions of this chapter.

(C) Any organization operated exclusively for educational, religious, charitable public service, fraternal or other nonprofit purposes and having a permanent address within the confines of this county may be exempted from the provisions of this chapter.

(1991 Code, ' 8-2-13) (Ord. 54, passed 8-20-1984)



## CHAPTER 112: CABLE COMMUNICATIONS

### Section

#### General Provisions

- 112.01 Definitions
- 112.02 Grant of license

#### License Terms

- 112.15 Liability; indemnification
- 112.16 Installations
- 112.17 Use of streets
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- 112.21 Television receivers; prohibition
- 112.22 Fee to town
- 112.23 Compliance with license terms
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### GENERAL PROVISIONS

#### ' 112.01 DEFINITIONS .

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

**GRANTEE.** Any cable company within whom the town contracts to provide cable pursuant to the provisions of this chapter.

**PROPERTY.** All rights and contracts of whatsoever kind, and all poles, wires, cables, apparatus and other appliances, appurtenances and fixtures owned by the licensee and located within the corporate limits of the town.

(1991 Code, ' 15-1-1) (Ord. 58, passed 10-19-1987)

**' 112.02 GRANT OF LICENSE.**

(A) There is hereby granted to the grantee the right, privilege and authority to construct, lay, maintain and operate and remove a system of poles, wires, conduits and other fixtures in, upon, across, along and under and over the streets, alleys, parkways, easements, public grounds and other places in the town for the purpose of constructing, maintaining and operating a cable television system in the town.

(B) The non-exclusive license herein shall not be construed and it is not the intention of the town that the rights herein granted shall be exclusive. Any and all other licenses, if any, for cable television service shall be granted on the same or similar terms.

(1991 Code, ' 15-1-2) (Ord. 58, passed 10-19-1987)

**LICENSE TERMS****' 112.15 LIABILITY ; INDEMNIFICATION.**

The grantee shall defend the town against all lawful claims for injury to any person or property caused by the negligence of the grantee in the construction or operation of its property, and in the event of a determination of liability, shall indemnify the town. More particularly the grantee herein, its successors and assigns, does hereby agree to indemnify and hold harmless the town from any and all liability, claim, demand or judgment growing out of any injury to any person or property as a result of the violation or failure on the part of the grantee, its successors or assigns, to observe their proper duty or because of negligence in whole or in part arising out of construction, repair, extension, maintenance or operation of its distributing lines, amplifiers or equipment of any kind or character used in connection with this authorization.

(1991 Code, ' 15-2-1) (Ord. 58, passed 10-19-1987)

**' 112.16 INSTALLATIONS .**

(A) The grantee shall at all times make and keep full and complete plats, maps and records showing the exact location of all poles, wires, guy poles, guy wires, amplifiers and all construction upon the streets, parkways and other public places in the town.

(B) All of the installations shall be of a permanent nature, durable and of sufficient height not to interfere in any manner with the rights of the public or individual property owners and shall not interfere with the travel and use of public places by the public nor during the construction, repair and removal shall not obstruct nor impede traffic unduly. The town reserves the right of reasonable regulation of the erection and construction of any work by the grantee and to reasonably designate where the works and construction shall be placed. The grantee agrees that, when requested by the town to make minor changes in its distribution system, in wires, poles or apparatus to conform to the reasonably necessary



requirements of small localized areas, the changes will be effected when so requested within a reasonable time.

(1991 Code, ' 15-2-2) (Ord. 58, passed 10-19-1987)

**' 112.17 USE OF STREETS.**

(A) The grantee shall have the non-exclusive right to furnish and distribute television signals during the existence of this permit to all public and private customers and shall have the right to extend its lines upon the streets, alleys, easements and public grounds of any addition hereafter made in the town=s corporate limits and to use the streets, alleys, easements and public grounds to continue the television signals to points beyond the corporate limits of the town.

(B) The grantee shall restore any street or alley which might be excavated or damaged to any extent by its operations to the condition in which the street or alley existed prior to the excavation or damage as soon as is practicable thereafter. In the event that, at any time during the period of this non-exclusive license, the town shall lawfully elect to alter or change the grade of any street, alley or other public way, the grantee shall upon reasonable notice by the town remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

(1991 Code, ' 15-2-3) (Ord. 58, passed 10-19-1987)

**' 112.18 ASSIGNMENT .**

The grantee shall have the right to assign this authorization upon delivery of a copy of the assignment to the Mayor of the town.

(1991 Code, ' 15-2-4) (Ord. 58, passed 10-19-1987)

**' 112.19 INSURANCE REQUIRED.**

(A) The grantee shall, at all times during the existence of this license, carry and require its contractors to carry insurance as follows:

(1) Worker=s compensation insurance in accordance with the laws of this state, and amendments thereto;

(2) Bodily injury liability insurance with limits of \$500,000, each person, and \$300,000, each occurrence; and

(3) Property damage liability insurance with limits of \$1,000,000 each accident and \$2,000,000 aggregate.

(B) The insurance described in divisions (A)(2) and (3) of this section shall also provide contractual liability coverage satisfactory to the town with respect to all liabilities assumed by grantee under the

provisions of this agreement. The town shall notify the grantee=s representative in the town within 30 days after the presentation of any claim or demand, either by suit or otherwise, made against the town on account of any negligence as aforesaid on the part of the grantee. (1991 Code, ' 15-2-5) (Ord. 58, passed 10-19-1987)

#### **' 112.20 RULES AND REGULATIONS.**

The grantee shall have the authority to promulgate rules, regulations, terms and conditions of its business as shall be reasonably necessary to enable the grantee to exercise its rights and perform its services under this non-exclusive license and to assure an uninterrupted service to each and all its customers. (1991 Code, ' 15-2-6) (Ord. 58, passed 10-19-1987)

#### **' 112.21 TELEVISION RECEIVERS; PROHIBITION.**

Grantee, its agents, employees and assigns shall not engage in the rental, repair or sale of television receivers, either directly or indirectly. (1991 Code, ' 15-2-7) (Ord. 58, passed 10-19-1987)

#### **' 112.22 FEE TO TOWN.**

In consideration for the rights, privileges and non-exclusive license hereby granted and as compensation to the town for the use of its public ways and places by the grantee, and in lieu of all occupation and license or other taxes, the grantee shall on or before the first day of January and the last day of July each year in which this non-exclusive license is effective pay to the town a sum equal to 2% of the receipts derived from the collection of monthly service fees paid by subscribers residing within the town. The fee shall be levied as a tax upon grantee in lieu of all other license or permit fees. The grantee shall render a sworn statement of the receipts received under this non-exclusive license and deliver the same to the Town Clerk simultaneously with its payments. The town shall have the authority to audit the books and records of the grantee=s operation within the town under this non-exclusive license upon request and prior notice during normal business hours. (1991 Code, ' 15-2-8) (Ord. 58, passed 10-19-1987)

#### **' 112.23 COMPLIANCE WITH LICENSE TERMS.**

Failure or refusal to observe the terms and provisions of this non-exclusive license by the grantee, its successors or assigns shall entitle the town to forfeit and terminate this non-exclusive license and all rights thereunder, and the town may exercise these rights 90 days after service of notice upon grantee of failure to observe the terms thereof and upon refusal during the 90-day period to perform or act or

commence to perform or act as required by the non-exclusive license, after the failure or violation of the terms and provisions hereof.

(1991 Code, ' 15-2-9) (Ord. 58, passed 10-19-1987)

**' 112.24 EFFECT OF LICENSE.**

All provisions of law provided and prescribed for the granting of this non-exclusive license shall be binding upon the grantee and all successors and assigns of the grantee, whether expressly stated herein or not, and all rights, authorities, powers, grants and privileges secured by this nonexclusive license to the grantee shall be held to inure to the benefit of the grantee and all successors and assigns of the grantee.

(1991 Code, ' 15-2-10) (Ord. 58, passed 10-19-1987)

