

TITLE III COMMUNITY PROTECTION

CHAPTER 16 HOUSEMOVERS, JUNK DEALERS, AND SWIMMING POOLS

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3-16-1 PURPOSE. The purpose of this ordinance is to assure that in the conduct of the activities, vocations, public amusements and professions licensed and regulated by this ordinance, the public health, safety and welfare will be protected and maintained.

3-16-2 DEFINITIONS. For use in this ordinance the following terms are defined:

1. The term "open to the public" shall mean a place in which a public amusement is conducted for, engaged in, or performed by the general public and to which the general public is admitted or is in attendance. It does not include places that the general public is not free to enter and to which admission is restricted to members of a club fraternal organization, or religious or educational group.
2. The term "public amusement" shall mean any public dance hall, skating rink, swimming pool, billiard hall, or bowling alley that is open to the public.
3. The term "housemover" shall mean any person who undertakes to move a building or similar structure upon or across the public streets, alleys, walks or property.
4. The term "junk dealer" shall mean any person engaged in collecting, storing, buying or selling junk. "Junk" means articles or materials that, because of age, deterioration or use, have lost their original utility or desirability but that by alternation, restoration or salvage may furnish an item or items of value.
5. The term "person" shall mean any individual, firm, corporation or association of any kind.

3-16-3 LICENSE REQUIRED. It shall be unlawful for any person to engage in any activity, vocation, profession or public amusement regulated by this ordinance without a valid license from the city of Scranton, Iowa.

3-16-4 APPLICATION FOR LICENSE. Application for any license under this ordinance shall be made in writing on forms furnished by the clerk-treasurer. One application shall be filed with the clerk-treasurer and shall include:

1. The applicant's full name and address, the address of his local business establishment, and the nature of his business.
2. If the applicant is not the owner of the place in which the business is to be conducted, the name and address of the owner.
3. If the applicant is a corporation or other association, it shall also list the names and addresses of its principal officers.
4. The attachment of a receipt from the city, showing payment of all fees.

3-16-5 FEE PAYMENT. All fees required by this ordinance shall be paid to the clerk-treasurer, who shall give the applicant a written receipt showing the sum received and the time of receipt. The clerk-treasurer shall deposit all such fees, not later than ten (10) days following the issuance of a license.

3-16-6 ISSUANCE OF A LICENSE. If the clerk-treasurer finds that all of the prescribed conditions for the issuance of a license have been satisfied, that no grounds for revocation under Section 9 of this ordinance exists, and the special requirements of Section 6 of this ordinance have been complied with, the license shall issue immediately to the applicant. The clerk-treasurer must make a determination whether to issue the license within ten (10) days from the date a completed application is submitted. If the clerk-treasurer refuses to act within this ten (10) day period, the applicant shall have a right to a hearing before the council at its next regular meeting on whether the license should be issued.

3-16-7 FEES AND DURATION OF LICENSE.

1. An applicant may apply for an annual or a daily license. The annual license shall be valid for one year after the date on which it is issued. The daily license shall be valid for only one twenty-four (24) hour period, but the applicant may apply for and receive five (5) daily licenses at one time. However, no daily license shall be issued more than seven (7) days before the date for which the license is valid.

2. The fees for licenses shall be:

	<u>Daily</u>	<u>Annual</u>
A. Junk Dealers	\$5.00	\$100.00
B. Mechanical swings and amusement rides	\$10.00	
C. Shows of wild animals, circuses, menageries, rodeos, dog and pony shows	\$25.00	

3-16-8 POWER TO INSPECT AND INVESTIGATE. Upon receipt of an application for a license, the clerk-treasurer shall forward it immediately to the chief of police, who shall conduct an investigation and submit a written report concerning the truth of the facts stated in the application and a recommendation concerning whether or not a license should be issued. The clerk-treasurer shall notify the local health officer, the building inspector and the fire chief immediately, and they shall inspect the premises immediately to determine whether they meet the standards of the applicable municipal ordinances and state statutes. These officials shall submit written reports of the results of their investigation. No license shall be issued until these reports have been submitted to the clerk-treasurer and such reports shall be submitted within seven (7) days after the clerk-treasurer receives the application.

3-16-9 REVOCATION OF LICENSE. After giving a licensee two (2) days notice and after a hearing, the clerk-treasurer may revoke any license issued under this ordinance for the following reasons:

1. The licensee has made fraudulent statements in his application for the license or in the conduct of his business.
2. The licensee has violated this ordinance or has otherwise conducted his business in an unlawful manner.
3. The licensee has conducted his business in such a manner as to endanger the public welfare, health, safety, order or morals.

The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation.

3-16-10 APPEAL. If the clerk-treasurer revokes or refuses to issue a license, he shall endorse his reasons upon the application. The applicant shall have a right to a hearing before the council at its next regular meeting. The council may reverse, modify or affirm the decision of the clerk-treasurer by a majority vote of the council members present, if a quorum, and the clerk-treasurer shall carry out the council's decision.

3-16-11 EFFECT OF REVOCATION. Revocation of a license shall bar the licensee from being eligible for any license under this ordinance for a period of one year from the date of revocation.

3-16-12 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee he has paid if he surrenders his license before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least one dollar (\$1.00) of the original fee shall be retained by the city to cover administrative costs.

3-16-13 TRANSFER OF LICENSE PROHIBITED. In no case shall a license issued under this ordinance be transferred to another person or be used for a purpose other than that for which it was issued.

3-16-14 DISPLAY OF LICENSE. Every person who is issued a license under the provisions of this ordinance shall display the license in a conspicuous place on the premises on which the business is being conducted.

3-16-15 EXEMPTIONS. This ordinance shall not be construed to require a license of each employee or agent of one engaged in a licensed occupation. Only the owner, manager or agent of such an occupation need possess a license.

3-16-16 SPECIAL REQUIREMENTS. Every person who is granted a license under the terms of this ordinance shall comply with the following regulations that apply in his case:

1. Public dance halls. No place in which beer is sold shall hold a license for a public dance hall unless such place has complied with all the requirements of the city ordinances concerning dancing in connection with the operation of an establishment which sells beer for consumption on the premises.

2. Swimming pools.

a. Swimming pools shall display a written certificate from the local health officer that adequate provisions have been made to keep the water and bathhouse sanitary and healthful.

b. Lifeguard(s) shall be in attendance while the pool is open to the public.

c. Deep water shall be clearly marked.

d. The pool shall be enclosed by a fence or other means to prevent accidental or unauthorized entrance.

3. Housemovers.

a. An application for housemover's license shall describe the present location and the future site of the building or similar structure to be moved.

b. The applicant shall post with the clerk-treasurer a bond in the sum determined by the mayor. The bond shall guarantee the licensee's payment for any damage done to the city or to the public property in the course of moving the building or similar structure.

c. The applicant shall show evidence that he is insured for not less than \$300,000.00 for personal injuries and \$100,000.00 for property damage.

d. An exemption is granted for the posting of bond or evidence of insurance when the council determined that in appropriate circumstances the personal risk is minimal.

e. The application for the housemover's license shall be made to the mayor. The mayor shall grant the license if in his opinion the route in said application is the most feasible one. The license issued shall be effective only for a specified time period and for the specific route to be used to move the building.

f. The person, firm or corporation to whom a permit for moving a building is granted shall see that all telephone, telegraph and electric light wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same. Where such electric, telephone or telegraph wires do not belong to the town, the holder of the permit for moving a building shall give twenty-four (24) hours notice to the owner thereof to remove such wires and the owner of such wires may either remove or direct the removal and replacing of such wires, the holder of the permit paying the reasonable costs thereof. They shall also be liable for any damage to any pavement or sidewalk, caused by moving such building. And damage to any municipality property not repaired shall be repaired by the municipality and the cost thereof recovered from the house mover on his bond.

g. Whenever any person, firm or corporation, moving a building along any street or alley, shall willfully or negligently permit said building, while in transit, to remain upon any street, alley or sidewalk, the street commissioner is hereby authorized to remove the same to any point or place where the same shall not obstruct travel or inconvenience the public. He shall keep an account of the expense of such removal and the house mover shall be liable to the municipality on his bond for such expense.

h. It shall be unlawful to allow any building for the removal of which a permit shall have been obtained, to remain upon or occupy any street, alley or sidewalk after the expiration of the time as limited in the permit. If a certificate, signed by a majority of the members of the committee on streets and alleys, that a reasonable cause exists for the permit holder failing to remove the building from the street, alley, or sidewalk within the time limit, such certificate shall be a good and sufficient defense in any action commenced under this section.

4. Junk dealers.

a. Every junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid, and the time and date of the transaction.

b. Every junk dealer shall segregate each day's collection for a period of forty-eight (48) hours. During this period, no item shall be disposed of or altered in any manner.

c. A junk dealer shall not purchase or receive junk from a minor unless he first receives the written consent of the minor's parent or guardian. Such consent shall be attached to the record book as a part of the permanent record.

d. The city health officer and peace officers shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.

e. All junk yards shall be enclosed within a solid fence at least eight (8) feet in height, which hides the contents of the yard from public view. Materials within the yard shall not be stacked higher than the surrounding fence. Any gates in said fence shall be of solid material and equal height.