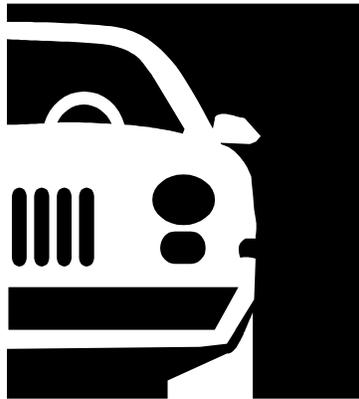


MOTOR VEHICLE DEALER ORDINANCE



**CITY OF PASADENA
PLANNING DEPARTMENT
(713) 475-5543**

MOTOR VEHICLE DEALERS

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

For the purposes of this chapter, the following definitions shall apply:

City. The term "city" refers to the City of Pasadena, Harris County, Texas.

Dealer in new motor vehicles. The term "dealer in new motor vehicles" shall be construed to include and mean any person who, primarily or incidentally, wholly or part time, publicly engages in, conducts, or carries on the business of buying, selling, offering for sale to the public, consigning to be sold to the public, trading or otherwise dealing in new motor vehicles or new motor vehicle trailers, or both, with and to the public, under a franchise from either a manufacturer or authorized distributor of motor vehicles.

Dealer in used motor vehicles. The term "dealer in used motor vehicles" shall be construed to include and mean any person who, primarily or incidentally, wholly or part time, publicly engages in, conducts, or carries on the business of buying, selling, offering for sale to the public, consigning to be sold to the public, trading or otherwise dealing in used motor vehicles or used motor vehicle trailers, or both, with and to the public.

Demonstrator. The term "demonstrator" shall mean any motor vehicle which has been used by any dealer in new motor vehicles in effectuating sales and which has been driven more than one hundred fifty (150) miles.

Existing nonconforming license location. The term "nonconforming license location" means the location identified by an applicant for a motor vehicle dealer's license under section 22-22(a)(5) and (6) at which a person will engage in the activities for which a license is required under section 22-21. Said location is also further defined as license location and was lawfully operating prior to June 19, 2001, but is not in conformance with all requirements of this amendment.

Inoperable used motor vehicle. Any used motor vehicle not capable of spontaneous use and immediate independent propulsion.

Itinerant dealer. The term "itinerant dealer" shall be construed to include and mean any person who engages in the temporary or transient public business of selling or offering for sale new or used motor vehicles, trailers, or any or all of the same, or publicly exhibiting any or all of the same for public sale, and who, for the purpose of carrying on such public business or conducting such public exhibits, either hires, rents, leases, or occupies any room or space in any building, structure, lot or enclosure in the city in, through or from which such article or articles are or may be sold, offered for sale, or exhibited for sale. The word "temporary," as used herein means and shall be construed to mean any such business transacted or conducted in the city for which definite arrangements have not been made for the hire, rental or lease of premises for at least

three (3) months upon which such public business is to be operated or conducted. The word "established," as used herein, means and shall be construed to mean any such business transacted or conducted in the city for which definite arrangements have been made for the hire, rental or lease of premises for at least three (3) months. The word "itinerant," as used above, means and shall be construed to mean such business as may be operated or conducted by a person who does not have a fixed place of business (other than a temporary place as herein defined) in the city or now has his principal place of business in a place other than the city, and moves stock or goods or articles into the city for public sale with the purpose or intention of removing the unsold portion thereof away from the city and ceasing to engage in business in the city before the expiration of three (3) months from the commencement of such business. It is specifically provided that the term "itinerant dealer" shall also include any person engaged in the business or businesses herein above mentioned, who associates himself temporarily with any local licensee under this chapter, by conducting such temporary or transient business in connection with or as a part of the business of any local licensee.

License location. The term "license location" means the location identified by an applicant for a motor vehicle dealer's license under sections 22-22(a)(5) and (6) at which a person will engage in the activities for which a license is required under section 22-21.

Outside sales display. The term "outside sales display" shall relate to all non-enclosed portions of a licensed location except for those areas behind an opaque fence where inoperable, wrecked, dismantled, disabled or junked vehicles are kept on site.

Used motor vehicles. Any self-propelled, free-moving vehicle usually with four (4) wheels constructed to transport passengers, licensed by a state agency as a vehicle, previously owned by a user and placed in service with an accumulation of mileage, not known as a new vehicle.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-2. Identification of demonstrators.

No motor vehicle which has been used as a demonstrator shall be sold or displayed for sale by any dealer unless the word "demonstrator" appears on a sticker of not less than three (3) inches in diameter attached to the windshield thereof.

(Ord. No. 03-174, § 2, 8-26-03)

Secs. 22-3, 22-4. Reserved.

Sec. 22-5. List of salesmen to be posted.

Each licensed motor vehicle dealer who employs salesmen to assist him in the sale of motor vehicles or motor vehicle trailers shall keep posted in the showroom of his business, or in some other conspicuous place, a list of the names of all such salesmen and the number of their licenses issued under this chapter, which list shall be open to the inspection of the chief of police or his duly authorized representative.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-6. Sale or exchange of improperly equipped vehicles.

It shall be unlawful for any motor vehicle dealer to sell, barter, or exchange any motor vehicle or motor vehicle trailer in the city, unless the same is equipped with the safety equipment specified and required by the provisions of any safety equipment ordinance of the city now in effect or which may hereafter be adopted or any safety equipment specified and required by laws of the state. This section shall not apply to sales for dismantling or export from the United States.
(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-7. Records to be kept.

(a) Every person who, as a dealer, shall make any sale, purchase, transfer or exchange of either a new or used motor vehicle or new or used motor vehicle trailer in the city shall keep a written record of any and all transfers and assignments, if any, made by such person, or chattel mortgages, liens or notes covered by or secured by lien upon such motor vehicles or motor vehicle trailers, such record to show the name and address of each transferee, description of the mortgage lien or note transferred and of the property affected thereby, including the VIN, model and license number of the motor vehicle or serial number of the trailer therein involved.

(b) Every licensee under this chapter who shall repossess any motor vehicle or trailer or foreclose any lien or mortgage upon any motor vehicle shall keep a written record thereof, and of each such repossession or foreclosure, stating the name of the mortgagor or mortgagors, the amount of indebtedness, principal, interest and other items, if any, separately, the date and manner of foreclosure, whether by suit or private sale, the description of the property repossessed or foreclosed upon, including the VIN, model and license number of the motor vehicle or serial number of the trailer therein involved, and the name and address of the purchaser thereof.

(c) Except as otherwise provided by this chapter, the records required to be kept under this chapter shall be retained for a period of not less than seven (7) years and shall at all times be available and open for inspection by the chief of police or his duly authorized representative.
(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-8. Report of purchases and sales to police.

Every person who, as dealer, shall make a sale, transfer or exchange of a new motor vehicle or motor vehicle trailer, or a purchase, sale, transfer or exchange of a used motor vehicle or motor vehicle trailer, shall, when requested, immediately furnish to the chief of police or his duly authorized representative an instrument in writing in the following form:

Year and Model

Make and Style

Motor No.

License No.

Name of Vendor: _____

Address of Vendor: _____

City County State

Name of Transferee or Purchaser: _____

City County State

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-9. Police records kept under chapter to be confidential.

All records filed with or kept by the police department under and by virtue of this chapter shall be kept confidential by such department and shall not be made available to the public.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-10. Penalty.

It shall be unlawful for any person, firm or corporation to violate any of the provisions of this chapter. Any infraction of this chapter as determined by the appropriate enforcing officer of these regulations shall be subject to the fines as enumerated in the general penal provisions of section 1-7 of this Code.

(Ord. No. 03-174, § 2, 8-26-03)

Secs. 22-11--22-19. Reserved.

ARTICLE II. DEALER'S LICENSE

Sec. 22-20. Required.

It shall be unlawful and a Class C misdemeanor for any person, whether for himself or as agent or representative of another, to engage, primarily or incidentally, wholly or part time, in the business of buying, selling, or offering for sale, consigning to be sold, trading, bartering, or otherwise dealing in new or used motor vehicles or motor vehicle trailers, or either or both, within the corporate limits of the city, without first having obtained a license to do so or to violate any of the provisions of this chapter.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-21. Separate license for each place of business and each person engaging in business.

(a) Every person who desires to maintain and operate more than one (1) place of business or branch office or substitute place of business for which a license is

required by this article must designate in his application each and every such place of business, branch office or substitute place of business, giving each address, and pay a separate license fee and secure a separate license for each address.

(b) When more than one (1) person desires to engage in a business for which a license is required by this article at the same place of business, each such person must obtain a separate license.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-22. Application generally.

(a) Every applicant for a license required by this article shall make application therefor upon a form to be furnished by the city building official or his duly authorized representative. Said application form shall be signed and sworn to and shall include, but is not limited to, the following information:

- (1) The name and address under which the business is to be conducted.
- (2) Whether the applicant is the owner or lessee of the real property occupied. If the applicant is a lessee, he must provide the name and address of the landlord and attach a copy of the lease agreement to the application form.
- (3) A description of the business.
- (4) A statement of the method of distribution to be used.
- (5) The address of the applicant's principal office or establishment.
- (6) The number, name and location of branch establishments, if any.
- (7) The trade name of any business or businesses that the applicant was engaged in during the preceding five (5) years of the application date.
- (8) Whether the applicant has ever been arrested, charged and/or convicted of the offense of theft or fraud, or for any felony in this or any state. If the applicant is a partnership, the answer shall be as to all members of the partnership, and if a corporation, it shall be as to all officers of the corporation.
- (9) If the applicant is a corporation, a copy of its charter or permit to do business certified by the secretary of state and the names and addresses of the principal officers and of all officers of the corporation.
- (10) If the applicant is a partnership, the names and addresses of all the partners.
- (11) If the applicant is neither a partnership nor a corporation, the name and address of the applicant.

(b) If the application is by a corporation, the same shall be signed and sworn to by a duly authorized officer thereof; if by a partnership, then by all of the partners therein; and, if by an individual, then by such individual personally.

(c) All new license locations selling only used vehicles shall be required to comply with the following requirements as a condition of receiving a license under this article:

- (1) The entire outside area of the commercial establishment including all motor vehicle display areas, driveways, and means of ingress and egress, and parking areas shall be paved with concrete or blacktop in accordance with city standards. Said paved areas shall be maintained in a good and operable condition. Paving shall be promptly replaced upon determination by the city of any of the following conditions: failure of pavement, vegetative infiltration, excessive drainage slope failure, or any other associated pavement failure.
- (2) There shall not be in excess of one (1) motor vehicle per each one hundred fifty (150) square feet of outside sales display area.
- (3) No motor vehicle shall be placed on any city right-of-way or easement for display or storage for any amount of time.
- (4) There shall not be issued a new license for the operation of a used car lot within one hundred fifty (150) feet of the lot lines of a residential area or subdivision. Moreover, no existing licensee may expand its used car lot so as to place any portion of such dealership within one hundred fifty (150) feet of the lot lines of residential area or subdivision unless such expansion is onto contiguous real property owned by the licensee at least since June 19, 2001.
- (5) Each license location under this article, where inoperable vehicles will be kept on site, shall provide a fenced area to provide storage for inoperable, wrecked, dismantled, disabled or junk vehicles so that such vehicles are not visible to the general public. The fence shall be completely opaque and not extend lower than six (6) feet above grade.
- (6) All applications for a new license under this article shall also include evidence that the applicant has notified the owners of land located within one hundred fifty (150) feet of the proposed site at least ten (10) days prior to filing the application of their right to a hearing [with] the city building official prior to the license being issued. The hearing shall be to allow citizens to bring to the attention of the building official or his duly authorized representative any applicable laws, ordinances or regulations that would cause the application to be rejected.
- (7) Upon receipt of an application, the building official shall cause an on-site inspection by himself or his duly authorized representative, fire marshal, and the health department, to investigate the property for compliance with all applicable city ordinances before the initial license shall be issued. The building official or his duly authorized representative shall cause such inspection annually thereafter before each renewal.

- (8) All license locations for which a license is issued under this article, shall meet the capacity parking requirements as follows before a license will be issued: One (1) parking stall per three thousand (3,000) square feet of area set aside for outside sales display and/or circulation. Said required parking stalls are for the exclusive use of customers and employees, shall not be occupied at any time for sales or service of any vehicle, and shall be contained wholly within license location premises.
- (9) All repair and service work shall be performed in an enclosed building that:
 - a. Has garage doors, which may remain open during business hours, but shall be closed thereafter;
 - b. Contains a minimum of five hundred (500) square feet; and
 - c. Is set back no less than fifty (50) feet from the front and rear property lines and no less than twenty-five (25) feet from any side property line.
- (10) All exterior lighting shall be designed to prevent direct glare on adjoining properties and shall be generally situated to cast light away from perimeter areas of said used car lot. All lighting plans shall be submitted for approval to the city electrical inspector. Such approval is not only a review of regulatory mandates, but also will signify the most practical solution to avoiding light pollution on adjacent properties by the following methods: location of lighting standards, direction and angle of lighting, height of fixtures, candle power of each light fixture, light spreading hardware.
- (11) All license locations shall comply with applicable deed restrictions and setback requirements.
- (12) A transfer of business ownership shall not constitute a cessation of operations. Any license issued under Article II of this chapter may be transferred upon such a change in business ownership; provided, that transferee satisfies the requirements of this chapter. Existing non-conforming status of the lot will continue regardless of business or property ownership as long as there is no discontinuation of the sales activities by a city-licensed motor vehicle dealer of more than sixty (60) days. For purposes of this subparagraph, the term "transfer of business ownership" shall mean a stock sale, an asset sale, or a transfer through probate upon the death of a legal owner of a dealership location. In the event of the death of an owner or part-owner of a dealership location, whereupon the transfer of such ownership interest passes through a probate court, any resulting cessation of business operations is tolled for a period of sixty (60) days following the termination of such judicial proceedings. In the event of a judicial determination of incompetency or a medical doctor's certification of disability or incompetency of the sole owner of a dealership location, any resulting cessation of business

operations is tolled, for purposes of this subparagraph, for a period of sixty (60) days following such determination or certification.

(13) For purposes of fire prevention and extinguishment, each license location shall be required to meet the following requirements, in addition to any other provisions of this chapter:

- a. Each vehicle for sale must have direct access to a sixteen (16) foot wide drive aisle and be less than one hundred fifty (150) feet from either (a) the public right-of-way or (b) a 24-foot drive aisle capable of concurrent two-way traffic that extends to the public right-of-way; and
- b. Each license location shall have a drive aisle at least eighteen (18) feet wide that extends from the public right-of-way into the property a distance adequate to allow the efficient and effective operation of fire apparatus, but in no event less than fifteen (15) feet into the property. Such lane design, which may overlap with any portion of the 16- or 24-foot-wide drive aisle required by the preceding subparagraph, shall require approval of the fire marshal during the permit review process, and upon approval shall be plainly marked to prohibit parking thereon or obstruction thereof in any way.

For purposes of this subparagraph, a vehicle has "direct access" to a drive aisle if it is either parked beside a drive aisle or parked immediately adjacent to a vehicle that is parked beside a drive aisle.

(14) All vehicles displayed for sale must maintain a minimum distance of twenty-four (24) inches from any point of any other vehicle displayed for sale.

(15) "Flag strings or pennant strings" shall be specifically prohibited for any license location, and any existing non-conforming license locations are required to remove such items by November 1, 2003.

(16) Each new license location is required to be a minimum of two thousand five hundred (2,500) feet from any existing license location as measured from nearest property line to nearest property line. Provided, however, this subsection shall not apply to the following:

- a. Motor vehicle sales locations selling only classic motor vehicles and at which location no such motor vehicles are displayed outside of a completely enclosed showroom. "Classic motor vehicle," as used herein, shall mean a motor vehicle at least twenty-five (25) years old as defined in the Texas Transportation Code.
- b. The renewal of the license of a motor vehicle sales location that has been licensed continuously since June 19, 2001, when such

licensee seeks the renewal license for the same location incorporating an expansion onto contiguous real property owned by the licensee since June 19, 2001.

- (17) A site plan which shows conformance with the requirements of this chapter must be reviewed and approved by both the planning department and the fire marshal's office and displayed on site by November 1, 2003.

(d) All existing license locations, whether conforming or non conforming, shall be required to comply with all requirements contained in these regulations by November 1, 2003, with approval of a site plan in a format prescribed by the planning department required by November 1, 2003, except as follows:

- (1) There shall not be issued a new license for the operation of a used car lot within one hundred fifty (150) feet of the lot lines of a residential area or subdivision.
- (2) All repair and service buildings shall:
- a. Be set back no less than fifty (50) feet from the front and rear property lines and no less than twenty-five (25) feet from any side property line; and
 - b. Contain a minimum of five hundred (500) square feet.
- (3) All exterior lighting shall be designed to prevent direct glare on adjoining properties and shall be generally situated to cast light away from perimeter areas of said used car lot. All lighting plans shall be submitted for approval to the city electrical inspector. Such approval is not only a review of regulatory mandates, but also will signify the most practical solution to avoiding light pollution on adjacent properties by the following methods: location of lighting standards, direction and angle of lighting, height of fixtures, candle power of each light fixture, light spreading hardware.
- (4) Each new license location is required to be a minimum of two thousand five hundred (2,500) feet from any existing license location as measured from nearest property line to nearest property line.

All motor vehicle dealers not having been operating in the same location and continuously licensed (without any suspension or revocation of that license or any relocation or cessation of business operations) pursuant to the licensing requirements of this chapter since June 19, 2001 shall not be entitled to the exemptions provided by this subsection (d).

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-23. Temporary permit pending final action on application.

Pending final action on an application for a license under this article, the city building official or his duly authorized representative may, in his discretion, grant the

applicant a temporary permit authorizing him to engage in the business for which the license is sought for a period not exceeding ten (10) calendar days. Such permit shall not be granted to the same person more than once within any six-month period.
(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-24. Applicant to have fixed place of business.

No license shall be granted under this article to a person, including an itinerant dealer, who does not have or prove the bona fide intention to have forthwith upon the issuance of a license a regular established place of business, at a definite and fixed address in the city used to offer for sale motor vehicles by such licensee and which is open to reasonable inspection by the chief of police or his duly authorized representative.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-25. Applicant's bond.

Contemporaneously with the applicant's submission of an application for a first license under this article, as well as for all renewal licenses, the applicant shall submit satisfactory proof that the applicant has purchased a properly executed surety bond required under the Texas Transportation Code, as amended, to obtain a motor vehicle dealer general distinguishing number.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-26. Action by city building official, chief of police or his duly authorized representative on application.

(a) Upon receipt of an application for a license under this article, the city building official or his duly authorized representative shall forward said application to the chief of police or his duly authorized representative who shall make or cause to be made such investigations as he may deem necessary including, but not limited to:

- (1) Whether the applicant has failed to answer or has answered falsely or in a misleading manner any of the questions on the application form.
- (2) Whether the applicant has been arrested, charged and/or convicted of theft, fraud, or any felony in this or any state.
- (3) Whether the applicant has been found guilty of misrepresentation or fraud within the meaning of the civil or criminal laws of this state.
- (4) Whether the applicant bears a good reputation in the community or communities where he lives or maintains a place of business for honesty and fair dealing.

The chief of police or his duly authorized representative shall also investigate the location of the applicant's proposed establishment with respect to the present uses made thereof and the spaces to be allocated for the display and storage of motor vehicles.

(b) After review of the application and upon completion of his investigation under this chapter the chief of police or his duly authorized representative shall forward his findings to the city building official and stamp the application as either "recommend approval" or "recommend denial."

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-27. Review by city building official.

(a) In determining whether to approve or deny the granting of a license or renewal or amendment of a license, the city building official or his duly authorized representative shall consider each application for a license under this article, review the investigation made by the chief of police or his duly authorized representative and determine whether the applicant has complied with all of the terms of this chapter and all other applicable laws and regulations.

(b) The city building official shall deny a license if he determines that the applicant gave false or misleading information in the material submitted to the city building official or the chief of police or his duly authorized representative during the application process.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-28. Fee.

The fee for a license required by this article shall be non-refundable, payable to the city before the license is issued in the amount enumerated, as follows based upon the number of vehicles offered for sale on the license location premises: Less than thirty (30) = five hundred dollars (\$500.00); thirty (30) to seventy (70) = six hundred fifty dollars (\$650.00); seventy-one (71) or more = eight hundred dollars (\$800.00). Such fee shall be placed in a special fund and shall be used by the city for the enforcement of this chapter and for the enforcement of all provisions of the law regulating the sale, theft or exchange of motor vehicles, motor vehicle trailers, or parts or accessories thereto and for no other purpose except as otherwise provided for in section 22-22(d).

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-29. Issuance or refusal.

(a) When the city building official approves an application for a license under this article, he shall be authorized, upon payment of the proper license fees by the applicant, to issue the license.

(b) In all cases where the city building official refuses to issue the license applied for, the applicant thereof shall have the right to appeal to the city council, by giving written notice to the city secretary of such appeal within ten (10) days after the action of the city building official. In the case of any appeal to the city council, the council shall select a date for the hearing and notify the applicant thereof. The hearing before the council shall be de novo and the applicant shall have the burden of proving that he is entitled to the license. At such hearing, the council shall have the right and authority to consider the information obtained by the chief of police or his duly authorized representative when investigating the applicant and also any report or statement of facts prepared by the city building official in connection with the matter. All such reports and

statements shall be open to inspection by the applicant upon request. After such hearing, the council shall decide, by motion, whether or not the license applied for shall be granted or refused. In the event the council grants such license, the applicant shall be entitled to the issuance thereof in the same manner as other licenses are issued under this article.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-30. Display.

A license issued under this article shall at all times be displayed in a conspicuous place in the office of each place of business maintained by the licensee.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-31. Term.

Licenses issued under this article shall expire on June 1st of each year.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-32. Amended licenses.

Any license issued under this article shall apply to the premises described therein, but a licensee may, upon application therefor and the payment of the sum of two hundred dollars (\$200.00) to the city permit department for each such application and the turning in of the old license for cancellation, be issued an amended license showing a change of location of the place of business. Such amended license shall expire on the date of the expiration of the license it replaces and shall so state.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-33. Certified copies.

Any licensee who desires a certified copy of his license issued under this article shall make a written application therefor, addressed to the city building official, stating therein the number of certified copies desired by the applicant and over his signature, and upon payment made to the city building official in the sum of five dollars (\$5.00) for each such certified copy applied for, the city building official is hereby authorized and required to issue and deliver such copy or copies to the applicant and certify in his official capacity that each such copy is a true and correct copy of the original or amended license issued to the applicant.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-34. Licensee to engage only in specifically licensed business.

No person having a license as provided for in this article shall engage in any business herein regulated except that for which such person has been specifically licensed.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-35. Does not grant vested right.

No license granted under the terms of this article shall be construed as the grant of a vested right, but shall be subject to such other regulations or amendments as the city council may, from time to time, promulgate in the regulation of the business coming within the scope of this chapter.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-36. Suspension or revocation.

(a) If any licensee under this article is convicted of any theft, fraud, or felony, or gives false or misleading information in the material submitted to the city building official or chief of police or his duly authorized representative during the application process, the city building official shall have the right, power and authority to cancel, revoke, or suspend such license for any period of time after first giving to such licensee written notice of the violations complained of and after allowing for an informal meeting between the city building official and the licensee to discuss such suspension or revocation. In addition, if a licensee is convicted of any three (3) violations of this chapter within a two-year period as measured from infraction date of first violation to the infraction date of third violation, the city building official shall cause the indefinite revocation of license held by licensee. The licensee shall have the right to appeal any such action to the city council. Such appeal must be exercised by the licensee filing written notice thereof with the city secretary within ten (10) days after the city building official's decision. The hearing before the city council on such appeal shall be de novo and, after such hearing, the city council shall announce its decision by motion or other appropriate action. The licensee shall be permitted to continue operating his business pending final action by the city council. Upon license revocation, all rights to operate within city jurisdiction shall cease, regardless of number of locations in operation by licensee.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-37. Payment of taxes, liens, etc. prerequisite to issuance.

No license shall be issued under this chapter unless all ad valorem taxes and other taxes, fees, liens, assessments, or charges on property, real, personal or mixed, situated at the proposed license address or location, including interest and penalty, which are due and owing the city are fully paid and proved to be so paid by valid, lawful receipt.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-38. Placing motor vehicles for sale without consent.

In addition to all other requirements of this chapter, it shall be unlawful to intentionally, knowingly, recklessly or with criminal negligence sell or offer for sale any motor vehicle on any premises other than a license location in the city without the written consent of the owner of such premises. It shall also be unlawful to offer for sale more than one (1) motor vehicle at one (1) time on any premises other than a license location. Such written consent, to be effective, must be visibly displayed on dash of motor vehicle, and shall be on file with the city building official and the chief of police for the city.

Any vehicle found to be in violation of this section shall be deemed unlawful and immediately removed to a state-approved licensed storage facility.
(Ord. No. 03-174, § 2, 8-26-03)
Secs. 22-39--22-46. Reserved.

ARTICLE III. SALESMAN'S LICENSE

Sec. 22-47. Required.

(a) It shall be unlawful and a Class C misdemeanor for any person to engage as a salesman, full or part time, in the business of selling new or used motor vehicles or new or used motor vehicle trailers in the city unless such person shall first obtain a license to do so or to violate any other provisions of this chapter.

(b) It shall likewise be unlawful and a Class C misdemeanor for any licensed motor vehicle dealer to allow any person to act as a salesman for his business who has not obtained a salesman's license as provided for in this article.
(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-48. Temporary license.

Pending final action on an application for a salesman's license under this article, the city building official may, in his discretion, grant the applicant a temporary license for a period not exceeding ten (10) calendar days. Such temporary license shall not be granted to the applicant more than once within any six (6) months period.
(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-49. Application generally.

It shall be the duty of each applicant for a salesman's license to apply for the license required by this article in the same manner as prescribed in section 22-22, and to specifically furnish on the application form provided by the city building official the applicant's name, age, present address, former addresses and places of employment during the preceding five (5) years, and the handwritten signature of the applicant and of the dealer employing the applicant as well as any other information requested by the application form.
(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-50. Action on application by the city building official and chief of police or his duly authorized representative.

Any application for a salesman's license shall be acted upon by the city building official and the chief of police or his duly authorized representative in the same manner and respect as is provided for in this chapter for applications for motor vehicle dealer's licenses.
(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-51. Fee.

The fee for a salesman's license required by this article shall be fifty dollars (\$50.00) payable to the city and delivered to the permit department prior to issuance of the license.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-52. Issuance or refusal.

(a) After an application for a license under this article has been reviewed by the chief of police or his duly authorized representative he shall forward his findings to the city building official and stamp the application as either "recommend approval" or "recommend denial." If the applicant has been convicted of any theft, fraud, or felony, or has been found guilty of misrepresentation or fraud within the meaning of the civil or criminal laws of this state, or has submitted an incomplete application, the city building official shall have the right to deny the issuance of such license. The city building official shall deny a license if he determines that the applicant gave false or misleading information in the material submitted to the city building official or to the chief of police or his duly authorized representative during the application process.

(b) In all cases where the city building official refuses to renew the salesman's license applied for, the applicant thereof shall have the right to appeal to the city council in the manner provided for in section 22-29(b).

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-53. Contents.

Each license issued under this article shall be numbered and shall contain the signature, social security number, and state driver's license number of the licensee as well as the signature of his employer.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-54. Exhibition.

The holder of any license issued under this article shall exhibit that license to any police officer or other authorized agent of the city showing proper identification.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-55. Not transferable; endorsement if licensee changes employers.

A salesman's license issued under this article shall not be transferable. However, it shall be lawful for a salesman to use the same license after changing employment from one (1) employer to another, providing the fact of such change of employment is endorsed on the license by the city building official and a fee of fifty dollars (\$50.00) is paid for making the notation of such change and investigation incident thereto.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-56. Term; renewal.

A license issued under this article shall expire on June first each year. Such license may be renewed annually upon payment of the sum of fifty dollars (\$50.00) for each annual renewal.

(Ord. No. 03-174, § 2, 8-26-03)

Sec. 22-57. Cancellation.

If, after granting any salesman's license under this article, any such licensee is convicted of theft, fraud or any felony, or has been found guilty of misrepresentation or fraud within the meaning of either the civil or criminal laws of this state, or has misrepresented any answer on the application, such license may be cancelled by the city building official. Any licensee whose license is cancelled may appeal to the city council as provided for in section 22-36(a).

(Ord. No. 03-174, § 2, 8-26-03)