

ARTICLE X

LICENSES & PERMITS ISSUANCE, RENEWAL & TRANSFER

Section 1. The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Section 2. The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Licensing Authority from the Tax Collector, provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Licensing Authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate. Said certificate to be issued within 48 hours of payment of taxes, fees, assessments, betterments or other municipal charges, excluding Saturday, Sunday and Holidays.

Section 3. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided however, that the holder be given notice and a hearing as required by applicable provisions of law.

Section 4. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

Section 5. This section shall not apply to the following licenses and permits: open burning, Chapter 48 Section 13; bicycling permits, Chapter 85, Section 11A sales of articles for charitable purposes, Chapter 101, Section 33; children work permits, Chapter 149, Section 69; clubs, associations dispensing food or beverage licenses, Chapter 140, Section 21E dog licenses, Chapter 140, Section 137; fishing, hunting, trapping licenses, Chapter 131, Section 12; marriage licenses, Chapter 201, Section 28 and theatrical events, public exhibition permits, Chapter 140, Section 181.

Section 6. GENERAL BUSINESS LICENSES AND REGISTRATION

1. Any person or entity operating a business as hereinafter defined shall register with the Board of Selectmen and, if required to do so, shall obtain a "General Business License" prior to commencing said business. For the purposes of this section, a business shall be defined as the selling of commodities or services of any kind to the general public. Business shall not include any business otherwise licensed by the Board of Selectmen pursuant to applicable provisions of the General Laws of the Commonwealth of Massachusetts.

2. The Board of Selectmen may determine from time to time, after a public hearing, notice of which shall be advertised at least seven (7) days prior thereto in a newspaper in general circulation in the Town, which types of business shall be required to obtain General Business Licenses and the fee(s) required for said licenses. Procedures and requirements for the issuance of both the registration required by Paragraph 1 of this Section and the General Business License shall be set forth in Rules and Regulations promulgated by the Board of Selectmen pursuant to the authority conferred upon them in Section 3-5-1 of the Wellfleet Home Rule Charter.

3. Any person who operates an unlicensed business of a type for which the Board of Selectmen have determined that a license shall be required, in accordance with paragraph 2 of this section, or who operates a business as herein defined of which the license has been denied, revoked, or suspended in accordance with Section 2 of this Article, shall be fined one hundred dollars (\$100) for each day or fraction of a day of violation. The Wellfleet Police Department (including special officers) the Building Inspector, and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this section.