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CHAPTER NINE

BUSINESS REGULATIONS AND LICENSES

ARTICLE 1 - Food Establishment License Fees

9.0101 Food Establishment License Fees Adopted

1. The governing body of the City of New England hereby adopts by reference the North Dakota Administrative Code, Title 33, Article 33, Section 08, Subsection 01 for the purpose of licensing food establishments, assisted living facilities, schools, or child care centers.

2. The governing body of the City of New England hereby adopts by reference Section 23-9-16 of the North Dakota Century Code) for the purpose of licensing mobile food units (food trucks).

ARTICLE 2 - Transient Merchants

9.0201 Definitions

For the purpose of this Article:

1. "Transient merchant" includes any person, individual, co-partnership, or corporation, either as principal or agent, who engages in, does or transacts any temporary or transient business in the City limits, either in one locality or in traveling from place to place selling goods, wares, and merchandise who does not intend to become and does not become a permanent merchant of the City and who, for the purpose of carrying on such business, hires, leases, occupies, or uses a building, structure, lot, tract, railroad car, or motor vehicle for the exhibition and sale of such goods, wares, and merchandise. The person, individual, co-partnership, or corporation, so engaged shall not be relieved from complying with the provisions of this Article merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

2. "Merchandise" does not include any livestock or agricultural product.

9.0202 License Required

It shall be unlawful to do business in the City as a transient merchant without having first secured a license therefore as is herein provided. For the purpose of this Article, any merchant engaging or intending to engage in business as a merchant in the City for a period of time not exceeding 100 days shall be considered as a transient merchant.

9.0203 License Fee

The license fee to be required of all transient merchants for the transaction of such business within the City is hereby fixed at the sum of twenty- five dollars ($25) per day for each and every day during which any such transient merchants shall transact business in the City.

9.0204 License - Application for

Applicants for license under this Article, whether an individual, co-partnership, or corporation, shall file with the City Auditor a written sworn application signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation, showing:

1. Applicant's name, present residence, present home address, present business address, and if a corporation, under the laws of what state the same is incorporated;

2. The name, present residence, present home address, and present business address of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the City;

3. The residence, business address, and type of business in which applicant has been engaged in the previous two (2) years;

4. The residence, business address, and type of business in which the person having the management or supervision of applicant's business has been engaged in the previous two (2) years;

5. The place or places in the City, where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;

6. The kind of business to be conducted;

7. The name and address of the auctioneer, if any, who will conduct the sale; and

8. A statement of the nature, character, and quality of the goods, wares, or merchandise to be sold or offered for sale by applicant in the City, the invoice value and quality of such goods, wares, and merchandise, whether the same are proposed to be sold from stock in possession or by sample; at auction, by direct sale or by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced, and where such goods or products are located at the time the application is filed.

9.0205 Exhibiting License

The license issued under this Article shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for a license shall desire to do business in more than one place within the City, separate licenses may be issued for each place of business and shall be posted conspicuously in each place of business.

9.0206 Transfer

No license issued to a transient merchant in the City shall be transferred.

9.0207 Enforcement by Police

It shall be the duty of the law enforcement officers of the City to examine all places of business and persons in their respective territories subject to the provisions of this Article, to determine if this Article has been complied with and to enforce the provisions of this Article. The City Auditor shall deposit with a law enforcement officer a record of each license number, together with the location within the City of the business licensed, to assist and promote such enforcement.

9.0208 Revocation

1. Any license issued pursuant to this Article may be revoked by the City governing body after notice and hearing for any of the following causes:

    a. Any fraud, misrepresentation, or false statement contained in the application for license;

    b. Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, or merchandise;

    c. Any violation of this Article;

    d. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or

    e. Conducting the business licensed under this Article 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.

2. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

9.0209 Expiration of License

All licenses issued under the provisions of this Article shall expire at the expiration of the period for which application has been made and prepaid, to be renewable by the City Auditor upon application and payment therefore.

ARTICLE 3 - Reserved

ARTICLE 4 - Reserved

ARTICLE 5 - Solicitation without Invitation

9.0501 Solicitation without Invitation Prohibited

The practice of going in and upon private residences or privately owned property in the City by solicitors, peddlers, hawkers, itinerant merchants, transient vendors of merchandise, photographers, and magazine and periodical subscription agents, not having been requested or invited to do so by the owner, or owners, occupant, or occupants of such private residences or private property, for the purpose of soliciting orders for the sale of goods, wares, and merchandise or for the purpose of disposing of or peddling or hawking the same or for the purpose of soliciting subscriptions to magazines or periodicals or for the purpose of taking photographs is hereby declared to be a nuisance and unlawful.

9.0502 Enforcement

A law enforcement officer is hereby required and directed to suppress the same and to abate any such nuisance as described in 9.0501.

ARTICLE 6 - Alcoholic Beverages

9.0601 Definitions

For the purpose of this Article:

1. "Alcoholic beverages" means any liquid suitable for drinking by human beings, which contains one-half of one percent or more of alcohol by volume.

2. "Beer" means any malt beverage containing more than one-half of one percent of alcohol by volume.

3. "Licensee" means any person, firm, corporation, association, or club which shall have secured a license pursuant to provisions of this Chapter or their agent or employee.

4. "Liquor" means any alcoholic beverage except beer.

5. "Person" means and includes any individual, firm, corporation, association, club, co-partnership, society, or any other organization; and shall include the singular and the plural.

6. "Sale" and "sell" mean all manner or means of furnishing alcoholic beverages, including the selling, exchange, barter, disposition of, and keeping for sale of such alcoholic beverages.

7. "Package" and "original package" mean and include any container or receptacle containing an alcoholic beverage, which container or receptacle is corked or sealed by the manufacturer thereof and which cork or seal has not been removed or broken prior to the sale of such package to the purchaser.

8. "Club" or "lodge" includes any corporation or association organized for civic, fraternal, social, or business purposes or the promotion of sports, which has at least twenty (20) members at the time of application for license.

9. "Retail sale" means the sale of alcoholic beverages for use or consumption and not for resale.

10. "Off-sale" means the sale of alcoholic beverages in original packages for consumption off or away from the premises where sold, and an off-sale license shall authorize the person named therein to conduct such off-sales only at the place designated in such license and not elsewhere, and shall not permit the opening of the package sold on the premises where sold. Such sale must in each case be completed by delivery of the liquor sold to the actual purchaser thereof on the licensed premises.

11. “On-sale” means the sale of alcoholic beverages for consumption only on the premises where sold, and an on-sale license shall authorize the licensee to conduct such on-sales only at the place designated in such license and not elsewhere.

9.0602 Exceptions

1. This Article shall not apply to wines delivered to priests, rabbis, and ministers for sacramental use.

2. This Article shall not be construed to apply to the following articles, when they are unfit for beverage purposes:

    a. Denatured alcohol produced and used pursuant to Acts of Congress and the regulations thereunder.

    b. Patent, proprietary, medical, pharmaceutical, antiseptic, and toilet preparations.

    c. Flavoring extracts, syrups, and food products.

    d. Scientific, chemical, and industrial products; nor to the manufacturer or sale of said articles containing alcohol.

9.0603 License Required

No person shall sell at retail within the city limits of this City any alcoholic beverage without first having obtained a license therefore as herein provided. This Section shall not apply to public carriers engaged in interstate commerce.

9.0604 <u>Licenses - Classes of – Fees</u>

The fees for liquor licenses in the City of New England are set by resolution. (Source: Section 5-02-03 of the North Dakota Century Code)

9.0605 Licenses - Terms of and Limit

1. All licenses issued hereunder shall be for a period of not more than one (1) year and shall expire on the 31st day of December in each year. Where a license is granted for a period less than one (1) year, any subsequent renewal thereof must be made for the full annual term.

2. If an application is made for license hereunder during the license year for the unexpired portion of such year, the fees for said license shall be proportional to represent the number of days which said license will be in effect.

3. The maximum number of general licenses which may be issued shall be limited at the discretion of the City Council. These are licenses issued to applicants or places engaged in the retail sale of alcoholic beverages in the regular and usual course of business for profit, as distinguished from a non-profit club or lodge license.

4. Licenses for the retail sale of alcoholic beverages may be issued to non-profit clubs, lodges, and non-profit fraternal associations in addition to the general licenses at the discretion of the City Council.

9.0606 License - Qualifications for

No retail license shall be issued to any person unless the applicant shall file a sworn application, accompanied by the required fee, showing the following qualifications:

1. Applicant, if an individual, must be a legal resident of the United States, a resident of the State of North Dakota, and a person of good moral character.

2. If applicant is a corporation or limited liability company, the manager of the licensed premises and the officers, directors, shareholders, or members must be legal residents of the United States and persons of good moral character. Corporate and limited liability company applicants must first be properly registered with the North Dakota Secretary of State.

3. If applicant is a partnership, the manager of the licensed premises and all of the members must be legal residents of the United States and of good moral character. Partnership applicant must first be properly registered with the North Dakota Secretary of State.

4. Applicant or manager must not have been convicted of an offense determined by the North Dakota Attorney General to have a direct bearing upon an applicant's or manager's ability to serve the public as an alcoholic beverage retailer.

5. Building in which business is to be conducted must meet local and state requirements regarding sanitation and safety.

6. Taxes on property for which application for license is made must not be delinquent.

7. If applicant's business at the licensed location is to be conducted by a manager or agent, the manager or agent must possess the same qualifications required of the licensee.

9.0607 Application for Liquor License

Any person desiring a license to sell alcoholic beverages at retail as hereinbefore described shall make and present a written verified application to the City governing body, filed with the City Auditor, containing the following information:

1. The name and address of the applicant; if the applicant is a co-partnership, the name and address and place of residence of each member of said co-partnership; if the applicant is a corporation, the name and address of the officers of the corporation, and the manager of the licensed premises.

2. Whether the applicant is a citizen of the United States, and if a naturalized citizen, the date and place of naturalization and place of residence of the applicant for a period of one year last preceding the date of application; if the applicant is a co-partnership the same preceding information for each member of said co-partnership; and if the applicant is a corporation, the date of incorporation, the state where incorporated, the purpose for which said corporation was incorporated, and if such corporation is a subsidiary of any corporation, the name of the parent corporation.

3. The legal description and the address of the premises for which license is sought.

4. The date on which the applicant acquired title to the premises sought to be licensed, and if the applicant does not have title to said premises, the name and address of the owner of the premises together with a copy of the applicant's lease, if written, under which he holds possession of said premises.

5. Whether there are any delinquent taxes against the premises sought to be licensed.

6. Whether the applicant has ever engaged in the sale or distribution of alcoholic beverages prior to this application, and if so, the date and type of business and place where so engaged whether within or without the State of North Dakota, the date the applicant first began to operate.

7. Whether the applicant has ever had a license revoked or cancelled by a municipal, state or federal authority, and if so, the date of such cancellation, the place and authority canceling the same, and the reason for such cancellation.

8. Whether the applicant has ever been convicted of the violation of any law of the United States or of any state, or of the violation of any local ordinance with regard to the manufacture, sale, distribution, or possession of alcoholic beverages, and if so, the dates, names of place, and courts in which said convictions were had.

9. Whether the applicant has ever had a license for the sale of alcoholic beverages revoked for any violation of state laws or local ordinances, and if so, the names of the bodies revoking such license, the dates of such revocation, and the reasons assigned therefore.

10. Whether the applicant has ever been convicted of any other crime than stated in Subsections (8) and (9) hereof, in this state or any other state, or under any federal law, and if so, the date of such conviction, the name of the crime for which convicted, the amount and terms of sentence passed, and the court in which convicted.

11. The name and address and the place of residence for a period of one year prior to the date of application of any person who will have charge, management, or control of the establishment for which license is sought.

12. Whether any other person than the applicant has any right, title, estate, or interest in the leasehold or in the furniture, fixtures, or equipment in the premises for which license is sought, and if so, the name and address of such person together with a statement of the interest so held.

13. Whether the applicant has any interest whatsoever directly or indirectly, in any other establishment dispensing alcoholic beverages, either at wholesale or retail, within or without the State of North Dakota, and if so, the names and addresses of such establishments. This provision is meant to include the holders of capital stock in any corporation dealing in alcoholic beverages, either at wholesale or retail, within the borders of the United States.

14. The occupations that the applicant has followed during the past five years.

15. The names and addresses of at least three business references.

16. Whether the applicant is rated by any commercial agency, and if so, the name and address of said agency.

17. Whether the applicant is engaged in any other business or intends to be engaged in any other business than the sale of alcoholic beverages under the license for which application is made, and if so, the type of business, and if an employee, the name and address of the employer.

18. The classification of license applied for.

19. If the applicant is a lodge or a club, the date of organization, the number of members, the purpose for which organized, and the purpose for which profits to be derived from the sale of alcoholic beverages are to be applied; and whenever required by the governing body a list of the members belonging to such lodge or club.

20. A statement by the applicant that he consents to entry and inspection of the premises for which license is sought or any part thereof at any time by any law

enforcement officer, sheriff, or any peace officer of this City or of the State of North Dakota.

9.0608 License - Application Fitness

A law enforcement officer or such other person or officer as may be designated by the governing body shall, upon the filing of an application, investigate the facts as stated in the application and the character, reputation, and fitness of the applicant, and shall report on said matters to the governing body.

9.0609 License - Location of

No license shall be issued or transferred to any person, firm, or corporation to engage in the sale of beer or alcoholic beverages within the City without approval as to the location of said licensed business by the City governing body. The application for approval shall be in writing and shall be filed with the City governing body. At the time of hearing, the City governing body shall in its discretion determine if said location is in harmony with the public interest and welfare of the community and shall consider among other things the following factors:

1. The convenience of law enforcement regulations.

2. Public health and sanitation.

3. Proximity of other licensed businesses.

4. Proximity of schools, churches, funeral homes, public buildings, or buildings used by or for minors.

5. Any protests of neighboring property owners or occupants.

6. Zoning regulations.

7. Proposed on- or off-sale, or both, licensee.

8. Interference with or proximity to residential property.

9. Interference with neighboring property.

10. Suitability of premises for sale of beer, liquor, or alcoholic beverages.

11. Public convenience and necessity.

9.0610 License - Granting

After the City governing body has received the application as provided herein, they shall meet and consider the same. If the City governing body finds that the applicant meets the qualifications for a license and are satisfied as to the completeness and the accuracy of the information contained in the application, they may grant the license. If the City governing body finds that the applicant does not meet with the qualifications or they are not satisfied as to the completeness or accuracy of the information, they may request that the applicant supply more verified information to the City governing body or they may reject the application.

9.0611 License - Limit to One Applicant and Location

Not more than one license of each classification shall be issued or granted to any applicant; and each license shall be valid only for the specific premises licensed.

9.0612 License - Posting of

License issued hereunder shall be posted in a conspicuous place in the premises for which the license has been issued.

9.0613 License - Transfer of

No license under the provisions of this Article shall be transferable and any attempt to do so shall constitute a violation of the provisions of this Article.

9.0614 License Fees - Disposition of

All license fees collected under this Article shall be transferable to the City Auditor and credited to the general fund of the City.

9.0615 Hours and Time of Sale - Penalty

A person may not dispense or permit the consumption of alcoholic beverages on licensed premises between 2:00AM and 11:00AM on Sundays, or between the hours of 2:00AM and 8:00AM on all other days of the week, or after 6:00PM on Christmas Eve, or on Christmas Day, In addition a person may not provide off sale service after 2:00AM on Thanksgiving Day or between 2:00AM and noon on Sundays. A person that violates this Section is guilty of a Class A misdemeanor. (Source: Section 5-02-05 of the North Dakota Century Code)

9.0616 Licensee’s Responsibility

Every licensee is hereby made responsible for the conduct of the licensee’s place of business and is required to maintain order and sobriety in such place of business, permitting no disorderly conduct on the premises. Alcoholic beverages shall not be served to any intoxicated person.

9.0616.1 Special Permits

1. Special Events Permits.

The City Council may by special permit authorize an on-sale, off-sale, or on or off-sale alcoholic beverage licensee to engage in the sale of alcoholic beverages at special events on licensed premises as may be designated by the permit. The fee for this special permit is set by resolution. The permit shall not be valid for a period greater than three consecutive days. The City Council may establish rules as it may deem proper to regulate and restrict the operation of a special permit.

When the special event involves a public dance or a wedding dance open to the public, the permit shall provide that the licensee shall not sell any alcoholic beverages unless a law enforcement office is present.

2. Special Permits for Private Groups.

a. Special permits to serve beer, liquor, wine, or alcoholic beverages in public buildings and other public facilities leased or used for social or business use by private groups without license fees or other charges therefore may be obtained upon compliance with the provisions of this Section.

b. Qualification. The application for a permit authorized by this Article must be a temporary social or business use.

c. Application must be a permit to:

(1) Serve without charge by the applicant, his or her guests as an act of hospitality.

(2) To serve without profit and at cost to those persons who are described in the application and who have contributed to the fund with which applicant has purchased the beer, wine, liquor, or alcoholic beverages with mixes and incidentals to its service.

d. Application of other law. Any person or organization operating under a special permit issued under this Article shall operate in compliance with all applicable provisions of this Code and City Ordinances relating to beer, wine, liquor, or alcoholic beverages except those relating to licenses for sale of beer, wine, liquor, or alcoholic beverages.

e. Application Form. Application for a permit authorized by the provisions of this Article shall be made to the City upon forms furnished by it, and the applicant shall furnish any additional information required by them.

f. Statement. The application for a permit under this Article must state that applicant will not sell at retail any beer, wine, liquor, or alcoholic beverages under such permit.

g. Fee. The application fee for a permit under this Section is set by resolution.

h. Inspection of Premises. The applicant for a permit under this Section shall, by making such application, consent and agree that law enforcement officers may enter and inspect the leased premises or part thereof at any time to check compliance with City Ordinances.

9.0617 Gambling Prohibited - Exceptions

No licensee hereunder shall be permitted to have or maintain on the licensed premises any gambling device, slot machine, punch board, or any other machine or device of similar nature, nor shall gambling whether by cards, dice, or otherwise, of any nature, be permitted upon the licensed premises. Any violation of this Section shall be sufficient cause for the revocation of the license issued hereunder. This Section shall not apply to gambling or games of chance conducted by a licensee under the authority of a valid and subsisting permit issued by the City governing body or license issued by the State of North Dakota.

9.0618 Cashing Certain Checks Prohibited

No licensee hereunder shall cash any bank check, voucher, order, or document of any kind drawn by a county welfare board or any state or federal agency in payment for wages made for work done on any so-called work relief project, or for relief purposes, which by its terms authorizes or permits any person presenting such bank check, voucher, order, or document to receive payment of money.

9.0619 Sales Prohibited - Persons

No licensee, agent or employee shall sell any alcoholic beverages to a person under twenty-one (21) years of age, a habitual drunkard, or an incompetent or intoxicated person.

9.0620 Minors in Licensed Premises

No licensee shall permit any person under twenty-one (21) years of age to remain on the licensed premises while alcoholic beverages are being sold or displayed thereon, except that a person under twenty-one (21) years of age may remain in a restaurant where alcoholic beverages are being sold if the restaurant is separate from the room in which alcoholic beverages are opened or mixed. (Source: Section 5-02-06 of the North Dakota Century Code)

9.0621 Age Identification

Before selling alcoholic beverages to any person, or before determining whether any person shall remain upon the licensed premises a licensee, his agent or employee may require a statement in writing and signed by said person of such person's age. Any person who makes a false statement as to his or her age, or signs a name other than his own or her own to any such statement, shall be guilty of a violation of this Article.

9.0622 Street Sales Prohibited

The sale or consumption of alcoholic beverages upon or across any street, alley, or public way is prohibited except at premises licensed with a special event permit. (Source: Section 12-04-16.1 of the North Dakota Century Code).

9.0623 Premises, Equipment of

Premises licensed hereunder for on-sale alcoholic beverages shall be equipped with tables, chairs, booths, and stools in a sufficient number to reasonably accommodate the patrons.

9.0624 Closed or Screened Areas

No premises licensed for on-sale of alcoholic beverages shall contain any side rooms, closed booths, or other screened enclosures nor shall any screen, partition, curtain, blind, or obstruction of any kind prevent a clear view at all times of all parts of the interior of the premises licensed. All booths located in such premises shall open directly into the main part of said premises and shall be accessible from the aisles therein.

9.0625 Purchase from Licensed Wholesaler

No licensee hereunder shall purchase, have, or possess any alcoholic beverages other than those purchased from a wholesaler duly licensed by the State of North Dakota pursuant to the provisions of Title 5 of the North Dakota Century Code. Each licensee hereunder shall keep on file all invoices covering purchases of such alcoholic beverages showing the name and license number of the wholesaler. Such records shall be retained in the possession of the licensee and shall be at all times open to inspection by any law enforcement officer or peace officer of the State of North Dakota.

9.0626 Toilets Required

Premises where an on-sale license is granted must be equipped with adequate and sufficient lavatories and toilets, and kept in a clean and sanitary condition. The on-sale license may be revoked when the foregoing requirements, or any other health ordinance or regulation, are not at all times strictly observed.

9.0627 Deliveries - Off Licensed Premises

1. It shall be unlawful for any person, firm, or corporation engaged in the retail sale of liquor, beer, or alcoholic beverages to make, or cause to be made any deliveries outside of the licensed place of business of beer, liquor, or other alcoholic beverages to any purchaser or prospective purchaser.

2. It shall be unlawful for any person, firm, or corporation to deliver by foot, carrier, or motor carrier, any beer, liquor, or alcoholic beverage to any person within the city limits provided however, that this Section shall not apply to deliveries made by a licensed wholesaler dealer to a licensed retail dealer.

9.0628 Termination or Revocation of Licenses

1. Licenses issued pursuant to this Article shall be deemed cancelled and terminated upon the happening of any one or more of the following contingencies:

    a. The death of the licensee unless upon application to the City governing body by personal representative of the decedent, the City governing body consents to the carrying on of the business by the personal representative.

    b. When the licensee ceases business at the location licensed, unless a new location has been approved.

    c. When the licensee is adjudged bankrupt.

    d. When the licensee has been convicted of the violation of any provision of this Article, or of the laws of the State of North Dakota, pertaining to alcoholic beverages or of a felony under the laws of the United States, the State of North Dakota, or of any other state of the United States.

    e. When the licensee ceases to possess the qualifications required of an applicant for a license as set out in this Article.

    f. When the license or permit of the licensee from the United States Government or the State of North Dakota to sell alcoholic beverages at the location licensed has been terminated or revoked.

    g. When the licensee ceases to be a legal bona fide resident and citizen of the State of North Dakota.

2. License issued pursuant to this ordinance may, in the discretion of the governing body, be either revoked or suspended for such period of time as deemed appropriate upon the following grounds:

    a. When the licensee has been convicted of violating any of the provisions of this Article.

    b. When the business of the licensee at the location licensed shall be conducted in violation of health or sanitary regulations or other ordinances of the City.

    c. When the licensee, if an individual, or one of the partners, if the licensee is a partnership, or one of the officers or the manager if the licensee is a corporation, be convicted in the municipal court of the City of drunkenness or disorderly conduct, or if any appeal is taken from such conviction then when such conviction be sustained by the higher court or courts.

3. Such causes as are hereinbefore detailed shall not be deemed to be exclusive and a license may also be cancelled and revoked or suspended at any time by the City governing body for any cause deemed by the City governing body to be sufficient cause and justified by reason of public health or public morals. Such termination shall be subject only to review by the courts of the State of North Dakota.

4. When any license is terminated or revoked for cause, or the licensee voluntarily ceases business, no portion of the license fee previously paid shall be returned to the licensee or to anyone claiming under or through the licensee.

9.0629 Penalties

Any person, firm, corporation, or association violating any of the provisions of this Article shall upon conviction thereof, be subject to a fine of not to exceed five hundred dollars ($500). In addition, all powers, rights, and privileges given by any license granted under the terms of this Article may be terminated or revoked in accordance with Section 9.0628.

ARTICLE 7 - Reserved

ARTICLE 8 - Validity

9.0801 Validity

If any Section, part, Article, or provision of this Chapter or the application thereof to any person, firm, corporation, or association or to any circumstances shall be held to be invalid for any cause whatsoever, the remainder of this ordinance or the application to persons, firms, corporations, or circumstances shall not be affected thereby, and shall remain in full force and effect as though no part thereof had been declared to be invalid.

ARTICLE 9 - Penalty

9.0901 Penalty

Any person, firm, corporation, or association violating any of the terms, Articles, or provisions of this Chapter, for which a specific penalty is not prescribed, shall upon conviction thereof, be punished by a fine not to exceed five hundred dollars ($500). The court may, in addition thereto, revoke the permit or license of such violator, or terminate or revoke all powers, rights, and privileges given by any license granted under the terms of this Chapter. Each day or part thereof that a person shall be in violation of the provisions of this Chapter shall be considered a separate violation.