

BUSINESS LICENSE APPLICATION INSTRUCTIONS AND CONTACT INFORMATION

Application packets can be picked up in person or requested by email.

All questions will be answered, by phone once applicant has reviewed the Business License Application and Chapter 308 Business Licenses. Please contact (716)286-4300 with any questions at that time.

What is the license period? The license is valid for one year from the month of issuance.

Please complete the Business License Application and Owner/Representative/Agent Acknowledgement after reviewing the entire Applicant Packet, including Ch. 308 Business Licenses*.

****If you are an exempt business as classified in Chapter 308.03 (F) please complete the Business License Application 308.03 (F) Exemption form and the Owner/Representative/Agent Acknowledgement.***

Payment can be made in the form of Business Check drafted payable to the "City Clerk" in the Amount of \$50.00. Cash and Credit/Debit Card Payments by request.

How can the application be submitted? The license application can be submitted, by U.S. Mail or Deposited in the City drop box. Our Mailing address is **City Clerk's Office, 745 Main Street, Niagara Falls NY 14301**. The City drop box is conveniently located at City Hall inside the front door of City Hall Main Street Entrance and can be accessed during normal business hours.



CITY OF NIAGARA FALLS BUSINESS LICENSE APPLICATION

RENEWALS-
If **NO** changes please
check box, sign and send
with payment

INCOMPLETED APPLICATIONS WILL BE REJECTED

1. Initial Application New Business Ownership Change Location Change Business name Change Change in Mailing Address Other _____

2. Business Entity Type: Sole Proprietor Partnership Limited Liability Company Corporation Association Other _____

3. (DBA) _____ Business Telephone () _____ Business Fax () _____

4. Full Business Mailing Address: _____ Business Email: _____

5. Corporate/Entity (If different from DBA) Name: _____ 6. NYS Sales Tax Certificate number: _____

7. Full Corporate/Entity Address: _____ Corporate Telephone: _____

8. NIAGARA FALLS BUSINESS LOCATION: _____

BUSINESS OWNERSHIP – LIST ALL OWNERS, PARTNERS & OFFICERS

9. First & Last Name: _____ Address: _____
City, State, Zip _____ Phone #: () _____
Title: _____

First & Last Name: _____ Address: _____
City, State, Zip _____ Phone #: () _____
Title: _____

First & Last Name: _____ Address: _____
City, State, Zip _____ Phone #: () _____
Title: _____

10. **PLEASE CHECK ALL THAT APPLY TO YOUR BUSINESS**

- | | | | | |
|---|--|--|---|---|
| <input type="checkbox"/> Accommodation | <input type="checkbox"/> Delivery | <input type="checkbox"/> Information (Media) | <input type="checkbox"/> Repair-Automotive | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Adult Material | <input type="checkbox"/> Domestic | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Repair-Other | <input type="checkbox"/> Tree Pruner |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Educational Services | <input type="checkbox"/> Outside Dining | <input type="checkbox"/> Retail Sales-New | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Alcohol | <input type="checkbox"/> Personal Services | <input type="checkbox"/> Personal Service | <input type="checkbox"/> Retail Sales-Used | <input type="checkbox"/> Warehousing |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Fireworks Stand | <input type="checkbox"/> Professional/Technician | <input type="checkbox"/> Security/Armored Car | <input type="checkbox"/> Wholesale |
| <input type="checkbox"/> Child Care/Preschool | <input type="checkbox"/> Finance Insurance | <input type="checkbox"/> Real Estate | <input type="checkbox"/> Taxicab | |
| <input type="checkbox"/> Christmas Tree Sales | <input type="checkbox"/> Hazardous Material | <input type="checkbox"/> Recreation | <input type="checkbox"/> Telephone Solicitation | |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Health Care/Social Serv | <input type="checkbox"/> Rental/Leasing | <input type="checkbox"/> Other _____ | |

(PLEASE CONTINUE)

11. Describe in detail the nature of your Business – Include Product Sold, Labor Performed and/or Services Rendered:

12. Number of Employees: _____

13. Does the Applicant have any prior convictions? YES NO If YES, please list below:

14. LICENSE AND FEES: Business & Occupation Fee **\$50.00** Business License Fee \$ 50.00
Fee – Other \$ _____
Inspection Fee \$ _____
Total Due \$

15. Acknowledge Term and License Renewal:
Initial here: _____

LICENSE TERM AND ANNUAL RENEWAL: The license term is valid for 1 full year from the date of license issuance unless otherwise stated on the face of the license. A notice of invoice will be sent prior to the expiration date on the face of the license. It shall be the responsibility of the licensee to renew the license annually, within forty-five (45) days of the expiration date, whether or not a notice was received.

16. I CERTIFY THE INFORMATION IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

****Signatures must be of that of a responsible party.**

Legal signature include: sole proprietor-owner, corporate officer, partner, managing member or agent

**Signature _____ Print Name & Title _____ Date _____

**Signature _____ Print Name & Title _____ Date _____

Please mail completed application with payment to: (No personal checks)

Niagara Falls City Clerk 745 Main Street, Niagara Falls NY 14301

FOR OFFICE USE ONLY

Paid - Cash, Credit, or, Business Check# _____ Amount Received \$ _____ Date: _____

Date Application Received _____ Action Date _____

**BUSINESS LICENSE APPLICATION
308.03 (F) EXEMPTION**

Business Ownership

First & Last Name _____

Title: _____

D.B.A. _____

Business Address: _____

Business Phone Number: _____

**THE FOLLOWING BUSINESS TYPES ARE EXPEMPT FROM LICENSING UNDER CHAPTER 308 BUSINESS
LICENSES SECTION 308.03 (F)**

- Delivery of Service
- Sale of Agricultural Products, including but not limited to produce pumpkins and Christmas Trees
- Not-For-Profit Entity pursuant to Internal Revenue Code Section 501(C3) or an entity possessing some similar status and is duly organized pursuant to laws of the State of New York. (Attach 503 (C3) or similar document)
- Garage Sales (A person may conduct up to 2 garage sales per calendar year without paying a fee)

FOR OFFICE USE ONLY

R & F ONLY

DATE & TIME STAMP

()

CITY OF NIAGARA FALLS, NY

BUSINESS LICENSE APPLICATION

OWNER/REPRESENTATIVE/AGENT ACKNOWLEDGEMENT

I, _____, owner/representative/agent of _____, a business located at _____, in furtherance of my application for a license to operate the aforementioned business in the City of Niagara Falls, NY, do hereby acknowledge that the following information is true and correct:

1. I have read, understand, and agree to comply with all legal duties imposed by the City of Niagara Falls Ordinance Chapter 308;
2. I have completed the required application for a license to operate the aforementioned business;
3. _____ I do not have any prior criminal convictions (other than minor traffic infractions).
_____ I have provided information regarding a prior criminal conviction(s) (other than minor traffic infractions) with my application;
4. I have provided a copy of the New York State sales tax number and certificate as well as documents pertaining to the formation of any business entity operating the business such as a certificate of incorporation, limited liability company certificate, a partnership agreement or "d/b/a" (doing business as) registration;
5. I have disclosed the names of all principals/owners of the business, including all officers, directors, shareholders, members and partners together with addresses; and
6. The business in question complies and will continue to comply with all standards contained in Chapter 308, the City Zoning Ordinance and all other applicable laws, standards and regulations.

Name: _____
Address: _____
Phone: _____

X: _____
Signature of owner/representative/agent
Date: _____

Subscribed and sworn to before me
this ____ day of _____, 20__.

Notary Public

CHAPTER 308
Business Licenses

308.01	Purpose and Applicability.	308.05	Approval of License; Issuance.
308.02	Definitions.	308.06	Duties of Licensee.
308.03	License Required; Regulations.	308.07	Revocation of License.
308.04	Contents of Business License	308.08	Penalties for Offenses.
	Application and Renewal	308.09	Severability.
	Application.	308.10	When Effective.

308.01 PURPOSE AND APPLICABILITY.

The purposes of this Chapter are the protection of government, order, conduct, the general welfare, safety, morals, health and well-being of the persons and property of the City of Niagara Falls. It is adopted pursuant to the General City Law.

- A. Applicability. This Chapter shall apply to all business operating within the City of Niagara Falls.

308.02 DEFINITIONS.

Whenever used in this Chapter, the following terms shall have the meanings indicated:

- A. Business. All kinds of trades, vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters which are conducted for profit within the City of Niagara Falls; provided, however, that this definition shall not include any and all professions licensed by the State of New York or otherwise licensed by the City of Niagara Falls.
- B. City Council. The City Council of the City of Niagara Falls.
- C. City Clerk. The City Clerk of the City of Niagara Falls.
- D. Garage Sale. The sale of used household or personal items on a temporary basis from the seller's residence. The term "garage sale" does not include the sale of new items or any business conducted on a permanent basis.
- E. Jurisdiction. Any governmental unit having some jurisdictional relevance to the licensee and to the intended business, including but not limited to the following:
- (1) City of Niagara Falls
 - (2) New York State Department of Health
 - (3) New York State Liquor Authority

- (4) All agencies, boards, departments and authorities of Niagara County, New York State or Federal Government
- F. Not-for-Profit Entity. A not-for-profit entity is an entity existing pursuant to Internal Revenue Code Section 501(c)(3) or an entity possessing some similar status and is duly organized pursuant to laws of the State of New York.
- G. Person. Any individual, company, society, association, corporation, limited liability company, manager, contractor, subcontractor, partnership, joint venture, bureau, agency, service club, trust, office or the officer, agent or employee of the foregoing; provided, however that this definition shall not be deemed to include a business, the sole function of which is the sale of goods and merchandise to other businesses for the purpose of resale by such other business.

308.03 LICENSE REQUIRED; REGULATIONS.

- A. Effective July 1, 2019, no person shall open, keep, maintain, own, operate or carry on any business unless such person shall have first been issued a license therefor as provided in this Chapter. Any business license approved and issued pursuant to this Chapter that has not been revoked shall be effective for a one (1) year period of time commencing with the date of issuance.
- B. The business license shall be posted in a conspicuous place upon the premises for which the license is issued.
- C. Application for a business license and renewal of business license.
- (1) An application for a business license or for a renewal of a business license shall be made to the City Clerk by the person who is the owner of the business to be licensed. The application for the business license or for renewal of the business license shall be in the form and shall require such information as the City Clerk may require and shall be accompanied with a non-refundable application fee or a renewal fee in the amount of \$50.00.
- D. The agent or other representative of nonresidents who are doing business in the City of Niagara Falls shall be personally responsible for compliance with this Chapter by their principals and the businesses they represent.
- E. Joint license.
- (1) A person engaged in two or more businesses at the same location shall not be required to obtain separate licenses for conducting each of the businesses but rather, shall be issued one license which shall specify on its face all such businesses at that location.

F. Exemption.

- (1) A license shall not be required of a person for delivery in the City of Niagara Falls of property purchased or acquired from such person at his or her regular place of business outside the City of Niagara Falls where no intent by such person is shown to exist to evade the provisions of this Chapter.
- (2) A license shall not be required for the sale of agricultural products, including but not limited to produce, pumpkins and Christmas trees. Notwithstanding the foregoing, a person conducting such a sale of agricultural products must register with the City Clerk on a form provided by the City Clerk.

(2) Not-for-Profit

- (1) A person may operate a not-for-profit entity in the City without applying for a business license but must register the not-for-profit entity with the City Clerk on a form provided by the City Clerk.

(3) Garage Sales.

- (1) Notwithstanding any other provision of this Chapter, a person may conduct up to two (2) garage sales in a calendar year without paying a fee. For the purpose of this Chapter, a garage sale may last up to two consecutive weekend days plus one consecutive non-weekend day for a total of three (3) consecutive days (i.e., Friday, Saturday and Sunday or Saturday, Sunday and Monday). The person conducting the garage sale does not have to apply for a business license but must register the garage sale with the City Clerk on a form provided by the City Clerk. The person conducting the garage sale may put up a temporary sign advertising the garage sale on the premises of the garage sale, each day the garage sale is conducted.
- (2) A person conducting a garage sale more than two times in a calendar year will be deemed to be a business as defined in this Chapter and must comply with all provisions of this Chapter, including applying for a business license and paying the application fee.

308.04

CONTENTS OF BUSINESS LICENSE APPLICATION
AND RENEWAL APPLICATION

A. The written application for a business license or renewal thereof shall contain the following information as well as such additional information as may be reasonably required by the City Clerk:

- (1) Name and address of the person applying for the license.
- (2) Name of business or proposed business, place of business or proposed business and type of business.

- (3) Prior criminal convictions of the person applying for the business license if the applicant is an individual, other than minor traffic infractions.
 - (4) The application must contain a copy of the New York State sales tax number and certificate as well as documents pertaining to the formation of any business entity operating the business such as a certificate of incorporation, limited liability company certificate, a partnership agreement or "d/b/a" (doing business as) registration.
 - (5) The application must disclose the names of all principals/owners of the business including all officers, directors, shareholders, members and partners together with addresses.
 - (6) A signed and notarized attestation by the applicant providing that the business in question complies and will continue to comply with all standards contained in this Chapter, the City Zoning Ordinance and all other applicable laws, standards and regulations.
- B. The application shall also contain such other information as the City Clerk or the City Council may from time to time reasonably require to fulfill the purpose of this Chapter.

308.05 APPROVAL OF LICENSE; ISSUANCE.

- A. Approval of License. When the City Clerk approves a business license application, this means that the general concept of the business to be licensed is acceptable to the City and that only compliance with the intent and content of this Chapter has been met. All such other laws and requirements of any jurisdictions relevant to said business must be met before said business license may be issued by the City Clerk.
- B. Issuance of License. No such business license will be issued by the City Clerk until the applicant for such license demonstrates that it has complied with the laws and requirements of all jurisdictions involved. Upon demonstrating such compliance, the license will be issued by the City Clerk.

308.06 DUTIES OF LICENSEE.

Every person to whom a license is issued pursuant to this Chapter shall:

- A. Permit all inspections of the person's business by all City departments including but not limited to Police, Fire, Code Enforcement and the Department of Public Works. Such inspections will be limited to the review of any fact that would endanger the public good, welfare, health, safety or morals and be done on reasonable prior notice to the person named on the license.

- B. Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
- C. Avoid all forbidden, improper, illegal and unnecessary practices or conditions which could or may affect the public good, welfare, health, safety or morals.

308.07 REVOCATION OF LICENSE.

- A. After a public hearing at which the licensee shall have an opportunity to be heard, the City Council may revoke any business license issued pursuant to this Chapter to any person when the City Council makes a determination by majority vote that the person to whom the business license was issued is not conducting the business licensed in such a manner so as to not adversely affect the public good, welfare, health, safety and morals; or that the nature, environmental impact or character of the business licensed is such that it constitutes a danger to the public good, welfare, safety, health or morals. The public hearing shall be held pursuant to notice to be published no less than fifteen (15) days before the date of such hearing in a newspaper of general circulation within Niagara County. Such notice shall state the date, time and place of such hearing, the business whose license is proposed to be revoked and the name of the person to whom the license was issued.
- B. Summary Action - When the conduct of any licensee, agent or employee is so detrimental to the public good, welfare, health, safety or morals so as to constitute an immediate danger to public good, welfare, health, safety or morals and thus gives rise to an emergency, the City Administrator shall have the authority to order the cessation of the business immediately and/or the revocation of the license. Within ten (10) days after the City Administrator has acted summarily, the City Council shall conduct a special public hearing during which the City Council may, by majority vote, either vote to continue the revocation of the business license or reissue the license subject to whatever terms and conditions the City Council may impose.

308.08 PENALTIES FOR OFFENSES.

Any violation of this Chapter shall be punishable, for each violation, by a fine of not more than \$250.00 or imprisonment for not more than fifteen (15) days, or both. Each day in which any such violation shall continue shall be deemed a separate offense

308.09 SEVERABILITY.

If any part of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect or impair in any way any other provisions, and all other provisions shall remain in full force and effect.

308.10 WHEN EFFECTIVE.

This Chapter shall take effect immediately.