



APPLICATION FOR CUSTOM WEARING APPAREL PERMIT

A custom wearing apparel permit is issued per City Code Article IV Sec. 26-242. The fee is \$30.00 each fiscal year and is renewable at the time the Business Tax Receipt is issued or renewed. You must maintain a current retail Business Tax Receipt for the custom wearing apparel permit to be valid. Permits are nontransferable.

PLEASE PRINT

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

BUSINESS PHONE: _____

OWNER OR MANAGER'S NAME: _____

SIGNATURE OF APPLICANT: _____

OFFICE USE ONLY

BUSINESS TAX RECEIPT # _____

CUSTOM APPAREL # _____

DATE ISSUED: _____

APPROVED BY: _____

ARTICLE IV. CUSTOM-MADE WEARING APPAREL**Sec. 26-241. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Custom work means any addition or change applied to wearing apparel at the request of the customer at the time of purchase, including labor and materials.

Customer means any person entering upon the business premises of and engaging in discussion with a wearing apparel retailer for the purpose of inquiring about wearing apparel offered for sale, negotiating a purchase, or purchasing wearing apparel held for sale by retailer.

Wearing apparel means any and all types of clothing, coverings or garments worn or designed to be worn upon the human body, including but not limited to slacks, shirts, jackets, dresses, skirts, scarves, hats, shoes, shorts and bathing suits.

Wearing apparel retailer means any person holding an occupational license for retail sales who sells or offers to sell wearing apparel to the general public, including any and all owners, employees, agents and representatives of a firm, corporation or other entity.

(Code 1970, § 39-75)

Cross references: Definitions generally, § 1-2.

Sec. 26-242. Permit required.

(a) No wearing apparel retailer shall engage in custom work without first obtaining a custom wearing apparel permit from the city.

(b) The custom wearing apparel permit required is in addition to any license required pursuant to article V of chapter 90. No custom wearing apparel permit shall be issued except to a currently licensed retail business, and the permit shall be nontransferable.

(c) The custom wearing apparel annual permit fee for each premises where custom work is to be performed is on file in the office of permit and licensing. The permit must be renewed annually at the time the retail sales occupational license is renewed.

(Code 1970, § 39-79)

Sec. 26-243. Suspension of permit; hearing procedure; penalties.

(a) The city, upon receipt of a sworn complaint alleging a violation of any section of this article, may suspend the custom wearing apparel permit of any person alleged to have committed the violation for up to ten days for the first violation, for up to 30 days for the second violation, and for up to one year for the third violation.

(b) The city shall give written notice of the suspension to the permittee at least ten calendar days prior to the effective date of the suspension. If the permittee or his agent cannot be located for personal delivery of the notice, the notice may be posted upon the front door of the permitted premises, and such posting shall be deemed sufficient notice.

(c) The permittee may, within five days of receiving notice of suspension as provided in

subsection (b) of this section, appeal the decision by filing a written request for a hearing.

(d) A hearing before the city manager shall be held within five days of receipt of a written request for a hearing. Written notice of the time and place of the hearing shall be delivered to the permittee in the same manner provided for delivery of the suspension notice at least three days before the hearing. The permittee may present evidence at the hearing and may be represented by legal counsel, but formal rules of evidence shall not apply. The hearing officer shall affirm, modify, or reverse the decision, but may not impose a suspension for a period greater than that permitted under subsection (a) of this section. The decision of the hearing officer shall be deemed final administrative action.

(e) The status or disposition of a criminal prosecution of the permittee for violation of any section of this article arising out of the same facts or incident giving rise to the permit suspension shall not affect or be a bar to the administrative permit suspension proceedings provided in this section, except that a guilty plea in the criminal proceedings may be considered as an admission by the permittee of the facts alleged in the charging document in the criminal proceeding.

(f) A custom wearing apparel permit shall be suspended automatically during any time period the permittee does not maintain a current retail occupational license.

(g) No wearing apparel retailer shall engage in custom work while the retailer's custom wearing apparel permit is suspended for any reason. Failure to abide by the suspension is grounds for permanent permit revocation.

(h) The penalties imposed in this section shall be in addition to any penalties imposed under section 1-14 for any violation of this article.

(Code 1970, § 39-80)

Sec. 26-244. Written statement of cost.

(a) It shall be a violation of this article for a retailer to begin custom work which adds to the retail purchase price of wearing apparel before a written statement showing the final total cost of the item to be purchased has been completed by the retailer and signed by the customer and each party has a completed and signed copy in possession.

(b) The required written statement shall itemize each piece purchased and each charge for custom work and shall include the following in bold black type of the size indicated:

(1) Twelve-inch:

"I agree to pay _____ [store name] the amount of \$ _____ [total price] for custom wearing apparel"

(2) Fourteen-inch:

"STOP! Do not sign if Total Price is not filled in"

(3) Twelve-inch:

TABLE INSET:

_____ "Customer's Signature	_____ Date"
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(c) The customer shall sign the required written statement in duplicate. One signed copy of the written statement shall be retained by the customer, and one signed copy shall be retained by the retailer.

(d) The retailer's signed copies of all written estimates provided pursuant to this section shall be maintained on the business premises for a period of not less than 60 days following the date of sale. The business premises and records of each custom wearing apparel retailer are subject to inspection during regular business hours by the city to determine compliance with this requirement.

(e) The requirement for a written statement of cost cannot be waived by the customer, and any waiver shall be void and of no force or effect upon the enforcement of this article. The requirement for a written statement of cost shall not apply when no fee for the custom work is added to the cost of the basic item to be purchased.

(Code 1970, § 39-76)

Sec. 26-245. Sign required.

(a) Every wearing apparel retailer who engages in custom work shall conspicuously post on its business premises, in a location approved by the city, one of the following signs:

(1) A sign with a white background and a sign area of not less than 11 inches in height and 17 inches in width, bearing the following message in one-inch black, block-style letters:

CITY ORDINANCE REQUIRES A WRITTEN STATEMENT OF COST PRIOR TO COMMENCEMENT OF CUSTOM WORK.

(2) A sign with a white background and a sign area of not less than 11 inches in height and 17 inches in width, bearing the following message in one-inch black, block-style letters:

NO LABOR, MATERIAL, OR ANY OTHER COSTS FOR CUSTOM WORK.

(b) Any custom wearing apparel retailer who does not have a sign posted as described in subsection (a) of this section or who charges for any custom work and does not have a sign posted as described in subsection (a)(1) of this section shall be in violation of this section.

(Code 1970, § 39-77)

Sec. 26-246. Threats of arrest or prosecution to induce sale.

No wearing apparel retailer shall threaten a customer with arrest or criminal prosecution when the customer refuses to accept a wearing apparel item of the retailer because of a dispute of a price, quality of work, or other terms of sale in order to induce or force the customer to purchase the wearing apparel item.

(Code 1970, § 39-78)

Secs. 26-247--26-275. Reserved.