
**MAJURO ATOLL LOCAL COUNCIL
MAJURO ATOLL LOCAL GOVERNMENT**

Business License Ordinance 1986
*Ordinance No.1986-5**

* Unofficial electronic copy of the MALGOV Business License Ordinance 1986. Prepared by Whitlam K Togamae, Legal Counsel. Table of contents and re-formatting of the provisions has been included for ease of reference.

TABLE OF CONTENTS.

Section 1. *Short Title*

Section 2. *Business License Required.*

Section 3. *Application, approval and Disapproval.*

Section 4. *Validity and Renewal.*

Section 5. *Nuisance.*

Section 6. *Suspension or Revocation*

Section 7. *Fees*

Section 8. *Multiple Business*

Section 9. *Penalties*

Section 10. *Effective Date*

APPENDIX "A"

MAJURO ATOLL LOCAL COUNCIL

MAJURO ATOLL LOCAL GOVERNMENT ORDINANCE NO.1986-5

ORDINANCE NO.1986-5 IS HEREBY ENACTED BY THE MAJURO ATOLL LOCAL COUNCIL, MAJURO, MARSHALL ISLANDS AS FOLLOWS

Section 1. Short Title

This Ordinance may be cited as the Business License Ordinance 1986.

Section 2. Business License Required.

- (1) No person shall engage in any form of business within the jurisdiction of Majuro Atoll without first having been licensed to do so in accordance with this ordinance.
- (2) Notwithstanding Subsection (1) of this Section and Section 3(1), any person engage in business within the jurisdiction of Majuro Atoll, as of the effective date of this Ordinance, shall not be deemed to be in violation of this ordinance, provided that such person shall within thirty (30) days of the effective date of this Ordinance, submit an application in the prescribed form to the Mayor or his designee.
- (3) An application submitted pursuant to Subsection (2) of this Section shall be deemed to have been approved by the Mayor, or his designee, and the Mayor or his designee shall, subject to Subsection (4) of this Section, cause for the issuance of the appropriate license or license within ten (10) days of his receipt of the application.
- (4) An application submitted pursuant to Subsection (2) of this Section may be disapproved in accordance with Section 4(d) of this Ordinance, provided, however, that disapproval be made within the ten (10) days referred to in Subsection (3) of this Section and that reasonable opportunity is afforded the applicant to make representations on his own behalf.

Section 3. Application, approval and Disapproval.

- (1) Any person desiring to engage in any form of business within the jurisdiction of Majuro Atoll shall, prior to the commencement of such business, apply in the prescribed form to the Mayor, or his designee for the appropriate license.
- (2) Each application shall, in addition to such other information as may be required by the Mayor, contain the following information
 - a. The date the application is made;
 - b. The name of the applicant;
 - c. The business for which the application is made and, if more than one form of business, each form of business for which the application is made;
 - d. The name in which business or businesses shall be carried;
 - e. The proposed location or locations of the business or businesses;
 - f. Whether the applicant was ever issued a license and if so under what name and if such license was ever suspended or revoked;
 - g. Previous violations of any laws with respect to businesses; and
 - h. Whether applicant holds any other business license under any other name.
- (3) The Mayor or his designee, shall review each application to ensure that the requirements of subsection (2) of this Section are satisfied, shall approve the issuance of the relevant business license or licenses;
- (4) Notwithstanding compliance with the requirements under subsection (2) above, an application for business license or licenses may be disapproved if:
 - a. On account of inconsistencies with other laws, including but not limited to zoning laws;
 - b. On the showing of past failure of applicant to comply with other laws, including all applicable tax and licensing ordinances of Majuro Atoll Local Council;

- c. If applicant has a criminal record of which, in the opinion of the mayor or his designee, approval of the application would not be in the public interest; or
- d. For the purposes of regulating the number of businesses engaged in any particular area of business and provided always that disapproval is based on the good faith belief that approval thereof would be detrimental to economic development, further provided that disapproval is made for purposes of favoring local businesses.
- e. Refusal of license due to provisions under this section will be issued in writing to the applicant, stating the grounds for such refusal.

Section 4. Validity and Renewal.

- (1) A license issued to Section 3 shall be valid for a term of one (1) year from the date of issue and may be renewed no less than 30 days prior to the expiration of the initial term or each subsequent term.
- (2) An application for renewal of a license shall be made to the Mayor or his designee, in the prescribed form. Subject to the provisions of the Subsections (3) and (4) of this section, the Mayor shall cause for the issuance of the applicable license or licenses within thirty (30) days of his receipt of an application for renewal.
- (3) An application for business license renewal may be disapproved pursuant to Section 3 (4) (a) (b) or (c).

Section 5. Nuisance.

- (1) Any violation of any provision of this Ordinance shall be deemed a nuisance and the Mayor or his designee, is authorized to initiate such civil suits that may be necessary for abatement. A civil action for abatement need not be preceded by initiation of proceedings to suspend or revoke the license nor by institution of a

criminal charge. An action initiated pursuant to this subsection may be in lieu of or in addition to other proceedings authorized by this Ordinance.

- (2) Where the violation is with respect to a suspended or revoked license, or where a person engages in business without being a holder of a valid license issued pursuant to this Ordinance, the Mayor or his designee, may order the chief of Police for the Majuro Atoll Local Council to close the business. Where a business has been closed pursuant to this subsection, the chief of Police shall affix the seal of the Majuro Atoll Local Council to the doors of the business in such a manner that doors cannot be opened without disturbing the seal.
- (3) A seal affixed to the doors of any business pursuant to Subsection (2) of this section may not be removed by any person except at the direction of the Mayor or his designee or pursuant to a Court Order.

Section 6. Suspension or Revocation

- (1) The Mayor or his designee may suspend or revoke any license issued pursuant to this Ordinance whether during the initial term or any subsequent term, as the circumstances may warrant;
 - a. If it is subsequently found that false representation were made in the application referred to in Section 3 or 4 of this Ordinance;
 - b. Upon a violation by license of any of the provisions of this Ordinance or any other Ordinances of the Majuro Atoll Local Council which, by their operation, would be applicable to the licensee; or
 - c. Upon a showing to the satisfaction of the Mayor or his designee, that the licensee has conducted its business in a manner contrary to the lives, health, safety or welfare of the public;

- (2) Prior to the suspension or revocation of any license pursuant to the Subsection (1) of this Section, the Mayor or his designee shall give notice of the intention to suspend or revoke such licensee to make representations on his own behalf.
- (3) Upon conclusion of any proceeding under Subsection (2) of this Section, the Mayor or his designee may, in accordance with his findings:
 - a. Suspend the license for such period of time and under such condition as he may consider appropriate under the circumstances; or
 - b. Revoke the license.

Section 7. Fees

- (1) There is hereby established a schedule of license fees which are attached herewith as "Appendix A" and incorporated herein by this reference, of which said fees shall be paid on an annual basis in conjunction with the date of issue of renewal of the license or licenses. The fees herein established shall be due and payable upon approval by the Mayor or his designee of the application and prior to the issuance or renewal of the license or licenses.

Section 8. Multiple Business

- (1) For the purpose of this Ordinance, a business shall be deemed a separate business where the business has more than one site, location, or place of business.
- (2) A separate business license shall be required for each separate business as set forth in subsection (1) of this Section.

Section 9. Penalties

- (1) Any person who willfully and intentionally violates any of the provisions of this Ordinance shall, upon conviction thereof, be liable of imprisonment for a term

not exceeding one (1) year or to a fine not less than five hundred (\$500.00) but not exceeding one thousand dollars (\$1,000.00) or both.

- (2) In addition to the criminal penalty imposed under Subsection (1) of this Section, or in lieu thereof, any person found to be in violation of any of the provisions of this Ordinance shall be liable to a civil penalty of twenty dollars (\$20.00) for each violation or each of the violation, as appropriate.
- (3) Any person who shall intentionally violates Section 5 of this Ordinance shall, upon conviction thereof, be guilty of a felon and shall be liable to a fine not less than one thousand dollars (\$1,000.00) but not exceeding five thousand dollars (\$5,000.00), and to imprisonment for a term not exceeding two (2) years.

Section 10. Effective Date:

This Ordinance shall take effect upon approval by the Majuro Atoll Local Council.

APPENDIX “A”

Ordinance No.1986-5

Ordinance no.02-1998

1. Banking/Savings and Loan/Lending Institution	\$5,000
2. Gambling Device	4,000
3. Fuel Company	3,500
4. Commercial Airline	3,500
5. International shipping	3,000
6. Dealers in Securities	2,500
7. Quarry	1,500
8. Aquarium Fish Export	1,500
9. Tuna Fish Export	1,500
10. Coral rock Export	1,500
11. Stevedoring Company	500
12. Import License	500
13. Hotel	500
14. Printing Company	500
15. Scuba Diving	500
16. Boat Construction	300
17. Broadcasting & TV Network	300
18. Construction and Engineering Company	300
19. Computer Services	300
20. Bar	300
21. Professional & Consultancy Services	300
(Law Practice, General Consultancy, accountant, Pharmacy and other specialized services)	
22. Agency (Travel, Trading, Shipping & Insurance)	300
23. Wholesale Company	250
24. Service Station	250
25. Discotheque & Night Club	250
26. Package Store	250
27. Newspaper	250
28. A/C refrigeration & Electronic repairs	200
29. Restaurant	150
30. Taxi, Bus & Auto Rental	150
31. Auto Repair Shop & Garage	150