

**CENTRAL VALLEY TOWN
BUSINESS LICENSE ORDINANCE
ORDINANCE NO. 2005-008
Amended May 2016**

An Ordinance Repealing any former Business License Ordinances and Enacting a Business License Fee Structure and Schedule Consistent with State Law

WHEREAS, the state legislature, in its 1997 General Session, passed House Bill 98 to modify the manner in which cities and towns impose and collect business license fees;

WHEREAS, to comply with the provisions of the new law, Central Valley Town has evaluated the cost of regulating various businesses within the community, and has determined an average cost of business regulation;

WHEREAS, it is the intent of the Central Valley Town Council to adopt a business license fee schedule, consistent with state law, that provides the Town of Central Valley full cost recovery in licensing its businesses;

Now, therefore, be it enacted by the Central Valley Town Council as follows:

Section 1- DEFINITIONS. For the purposes of this ordinance, the following words and phrases shall have the following meanings:

Business. Any enterprise carried on for the purpose of gain or economic profit, except the acts of employees rendering services for employers do not constitute a separate business.

Contractor. Any person who, for a fixed sum, price, fee, percentage or other compensation, other than wages, undertakes with another to improve any building, highway, road, railroad, excavation or other structure, project development or improvement of any kind, other than to their own personal property for personal use. This shall not include anyone who merely furnished materials or supplies to the contractor.

Home Occupation. Any activity conducted entirely within the dwelling unit which is clearly incidental and secondary to the residential use of the building. A home occupation shall employ no one except members of the family who are residing in the dwelling and shall not physically change the building to the extent that it would alter the residential character of the building or the residential atmosphere of the local neighborhood.

License. A certificate or document issued by the town evidencing permission or authority of its named holder to carry on a particular business.

Licensee. The person to whom a license has been issued pursuant to the provisions of the chapter.

Person. Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise.

Place of Business. A location from which the licensee engages in business. A person's home shall be deemed the place of business if no formal offices are maintained.

Solicitor. Any person selling, offering for sale or taking orders for merchandise door to door within the town. Merchandise shall include goods, food, wares, photographs, subscriptions of any kind of publication, tickets, coupons or receipts representing value. The term "solicitor" includes, but is not limited to, photographers, sellers of magazines, cosmetics, home care products, etc., and any other person engaged in direct sales, but obtains orders for or sells goods solely for resale.

Temporary Business. A business whose presence or services are provided on a non-continuous basis and of a nature likely to be established or provided in the town in future years. Temporary businesses shall include, by way of example, professionals whose primary place of business is located outside of the town while providing services on a periodic basis within the town, seasonal businesses, such as fruit and vegetable stands and boutiques selling locally handcrafted items and the like.

Transient Business. A business who sells at wholesale or retail commercially manufactured goods and whose methods of operation are such that its operations in the town are likely to be on a one time basis only. Transient businesses shall include solicitors.

Section 2- UNLAWFUL TO OPERATE WITHOUT A LICENSE.

Unless exempted by state, federal or local law, it shall be unlawful for any person to engage in business within the town of Central Valley, whether on a temporary or permanent basis, without first procuring the license required by this chapter. All licenses issued under the provisions of this Title are non-transferable and expire on December 31st of each year.

Section 3 - LICENSE APPLICATION

Applications for business licenses shall be made in writing, on the proper form, to the mayor, or his or her designee. Each application shall state the name of the applicant, the location of the business, if any, the fee to be paid, the name and address of the business agent residing in the Town who is authorized to receive service of process and any communication regarding the applicant's license, state sales tax reporting number, state contractor's license number, if applicable, and state real estate broker's license number, if applicable, or other state professional licenses, if applicable, and shall contain such additional information as may be needed for the purpose of issuing the license. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the mayor, or his or her designee.

Home Occupation-Conditional Use Business Licenses. In addition to complying with the licensing requirements of this ordinance, any person engaging in a home occupation shall comply with the requirements in the Land Use Management and Development Code of Central Valley Town.

Section 4 - APPLICATION FEE.

The applicant must include the fee designated on the Business License Fee Schedule with his or her completed application.

Section 5 - REFUND OF FEE.

Unless otherwise provided herein, no business license fee is refundable for any reason whatsoever, once the license has been issued. If a license be denied, the applicant shall be entitled to a refund of the amount paid in excess of twenty-five dollars (\$25.00) inspection fee, which shall be retained to offset application processing costs.

Section 6 - INVESTIGATION

Central Valley Town may at any time inspect the business premises during normal business hours or request business documents to verify information offered in a new application or by an existing licensee. An inspection fee may be charged.

Failure to comply with town, state and federal codes may result in revocation of the business license.

Section 7 - SELF INSPECTIONS FOR FIRE AND SAFETY STANDARDS.

Prior to the issuance of a license to engage in a business not previously licensed at that location, or a business with a change of location or ownership, the applicant shall permit inspection of the prospective place of business to ensure compliance with building, fire, and health codes. Businesses licensed within the Town may be inspected periodically for compliance with building, fire, and health codes.

The applicant shall complete a business - fire and safety self-inspection for the prospective place of business to ensure minimum standards of fire safety are met. See attachment B.

Section 8 - LICENSE DENIAL/REVOCAION

The Town may deny or revoke a license if the applicant:

- (A) Has obtained a license by fraud or deceit;
- (B) Has failed to pay personal property taxes or other required taxes or fees imposed by the town; or
- (C) Has violated the laws of the State of Utah, the United States Government, or the ordinances of the town governing operation of the business for which the applicant is applying for the license.

Section 9 - LICENSE ISSUANCE OR DENIAL

The Town of Central Valley shall notify the applicant of: 1) the denial of a license and the reason for such denial; or 2) the issuance of the license.

Section 10- APPEALS OF LICENSE DENIAL.

A license denial may be appealed to the Town Council by filing written notice of appeal with the recorder within ten (10) days of the notice of denial. The Town Council shall hear the appeal within thirty (30) days of notice of appeal.

Section 11 - ISSUANCE OF LICENSE CERTIFICATE

All license certificates shall be issued under the seal of the Town of Central Valley and shall contain the following information:

- (A) The name of the person to whom such certificate has been issued;
- (B) The name of the business, if applicable;
- (C) The type of license;
- (D) The term of the license with commencement and expiration dates.

Section 12. DUTY TO DISPLAY LICENSE.

Every licensee to keep his/her license displayed and exhibited in a conspicuous place within the business while the license is in force. Every licensee that does not have a fixed place of business shall carry such license with him at all times while carrying on the business for which the license is issued and shall produce the license for inspection when requested to do so.

Section 13. BRANCH ESTABLISHMENTS

A separate license must be obtained for each separate location in which business is engaged in, within the town as if such branch establishment or location were a separate business. Each license authorizes the licensee to engage only in the business licensed at the location and in the manner designated in such license.

Section 14. SEPARATE BUSINESSES, LICENSED PREMISES.

Where two or more persons conduct separate businesses at the same location, each such person shall obtain a separate license for each such business and must pay the required license fee for such business.

Section 15. BUSINESS LICENSE FEE IMPOSED.

There is hereby imposed and levied an annual business license fee on the types of businesses and in the amounts described in the business license fee schedule. (See Business License Fee Schedule attached hereto as Attachment A).

Section 16. EXCEPTIONS TO BUSINESS LICENSE FEE.

No business license fee shall be imposed under this section upon the following persons or businesses:

(A) Any person engaged in business for solely religious, charitable, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States of America and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any business license fee be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act;

(B) Any insurance company or agent, for so long as state law exempts them;

(C) Any contractor holding a valid license issued by the local jurisdiction in which the licensee has its principal place of business, and by the state under Utah Code Annotated, Part 3, Chapter 55, Title 58;

(D) Any alarm company holding a valid business license issued by the local jurisdiction in which the licensee has its principal place of business;

(E) Any owner of a building containing two or fewer rental dwellings;

(F) Any tow truck motor carrier holding a valid business license to perform tow truck service issued by the local jurisdiction in which the licensee has its principal place of business unless the tow truck business is also physically located in the Town.

(G) Any sales or merchandise damaged by smoke or fire of bankrupt concerns, where such stocks have been acquired from merchants of the town theretofore, regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;

(H) Any person who sells his/her own property which was not acquired for resale, barter, or exchange and who does not conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year.

(I) Any person selling surplus household goods or furnishings at a private residence in the garage or yard, if such garage sale is held no more frequently than three (3) days in any one three month period at the same residence.

Section 17. LICENSE FEES DECLARED TO BE A DEBT AND MAY BE FORWARDED TO A COLLECTION AGENCY

Any license or tax due and unpaid under this Title and all penalties thereon shall constitute a debt to the town and may be collected by court proceedings in the same manner as any other debt or may be turned over to a collection agency, which remedy shall be in addition to all other existing remedies and such expenses required for collection.

Section 18. FEE PAYMENTS, RENEWALS AND PENALTY.

All businesses that have a business license will be billed a renewal fee each year thru the towns utility billing system. The bill would be sent the first part of December and would be due on December 31st. A business is responsible to notify the town when their business is no longer operating.

The annual business license fee shall be due and payable to the town on or before the 31st day of December of each year for license renewals. If the renewal license fee is not paid on or before the due date, there will be a \$5 penalty fee accessed. The penalty fee will be accessed monthly until the Business License fee is paid. The penalty fee is the standard utility system fee and is not an additional penalty fee for the utility billing system.

Previously unlicensed businesses shall be issued a license for the unexpired portion of the calendar year in which issued and shall pay the full initial licensing fee. The fee shall not be prorated.

Any previously licensed business cited for engaging in business in violation of this chapter shall have five days from the date of citation to comply with this ordinance. Failure of the licensee to comply within five days of the date of citation will subject the business to closure and will subject the licensee to all applicable civil and criminal penalties.

Engaging in business in violation of this chapter is a Class B misdemeanor.

Section 19. RENEWAL OF LICENSE CERTIFICATE.

Upon receipt of the license fee, the town shall issue a license certificate valid through December 31 of the fee year.

Section 20. REPEAL OF FORMER BUSINESS LICENSE ORDINANCE.

All previous business license ordinances of Central Valley are hereby repealed.

Section 21. EFFECTIVE DATE.

This ordinance shall take effect upon adoption and posting.

Passed and adopted this 18th day of May, 2016



Mayor

ATTEST:



Town Clerk



ATTACHMENT A:

BUSINESS LICENSE FEE SCHEDULE:

Each business license application: \$25.00

Each beer (off premises) license: \$20.00 additional

Each business license application

requiring inspections: \$25.00 additional inspection fee

ATTACHMENT B.
SELF INSPECTION FORM FOR FIRE AND SAFETY STANDARDS

BUSINESS FIRE SAFETY SELF INSPECTION

This form is to be completed by the applicant.
All of the information contained in this report is considered applicable unless otherwise specified.

Business Name: _____

Business Address: _____

Business Phone Number: _____ **Date of Inspection:** _____

AREA OF INSPECTION	DETAILS	CONFORMS Yes or N/A
Smoke Detectors	At least one on every level. Tested monthly. Batteries changed two times each year.	
Exit Doors/Hallways	All exit doors are to remain clear and free of obstructions; boxes, storage, deliveries, etc.	
Extinguishers	At least one "2A10BC" extinguisher. Service every 5 years. Permanently mounted in common area of home.	
Storage	Storage of combustibles inside of furnace room, around furnace or gas water heater is not permitted (paints, gas, etc.)	
Electrical Concerns	Extension cords shall not be used as permanent wiring for a period exceeding 3 days. Breakered plug strips are allowed.	
Breaker Panel	Must maintain 36" clearance. Never tape across breakers.	
Electrical Outlets	Must have approved covers in place.	
Address	Must be visible from street (free from bushes, shrubs, etc.)	
Space Heaters	Keep all combustibles clear.	

I hereby certify that the information above is true and correct to the best of my knowledge.

Home Owner _____ **Signature** _____

By checking this box I am indicating that, I would like to have an on-site fire inspection conducted at my home business.