

**TITLE 9-000. LICENSING, CONTROL AND
REGULATION OF BUSINESS AND CONSTRUCTION.**

**CHAPTER 9-100. PROVISIONS RELATING TO THE LICENSING
CONTROL AND REGULATION OF BUSINESSES.**

PART 9-110. GENERAL PROVISIONS.

9-111. DEFINITIONS. As used in chapters 9-200, 9-300 and 9-400:

- A. "Business" means and includes all activities engaged in within this municipality carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically provided.
- B. "Engaging in business" includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.
- C. "Place of business" means each separate location maintained or operated by the licensee within this municipality from which business activity is conducted or transacted.
- D. "Employee" means the operator, owner or manager of a place of business and any persons employed by such person in the operation of said place of business in any capacity and also any salesman, agent or independent contractor engaged in the operation of the place of business in any capacity.
- E. The term "wholesaler" means a person doing a regularly organized wholesale or jobbing business and selling to retail merchants, jobbers, dealers or other wholesalers, for the purpose of resale.
- F. The term "wholesale" means a sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.
- G. "Each separate place of business" shall mean each separate establishment or place of operation, whether or not operating under the same name, within the municipality, including a home or other place of lodging if the same is held out by advertisements, listings or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible, personal property at either retail or wholesale, or both, in the municipality.

9-112. BUSINESS LICENSE REQUIRED. It shall be a class B misdemeanor for any person to transact, engage in or carry on any business, trade, profession, calling or to operate a vending, pinball or coin-operated machine without first receiving the class or type of license required by the municipality.

9-113. LICENSE ASSESSOR AND COLLECTOR. The recorder/clerk is designated and appointed as *ex officio* assessor of license fees for this municipality. On receipt of any application for a license, the recorder/clerk shall assess the amount due thereon and shall collect all license fees based upon the rate established by ordinance. He shall enforce all provisions of this title, and shall cause to be filed complaints against all persons violating any of the provisions of this title.

9-114. PAYMENTS DATES. All license fees shall be due and payable as follows, except as may be otherwise provided in the applicable ordinance:

- A. Annual fees shall be payable before each calendar year in advance. The annual license shall date from the first day of January of each year and shall expire on December 31 of each year.
- B. Annual fees shall be due on the first day of each calendar year and shall become delinquent if not paid by February 1 each year.
- C. One-half of annual fee shall be payable for all licenses issued by the municipality pursuant to applications made after July 1 of each year, and licenses issued after July 1 shall expire on the first day of the following January. Payment shall be due upon the date of application approval.

9-115. PENALTY FOR LATE PAYMENT. If any license fee is not paid within thirty days of the due date, a penalty of ten percent of the amount of such license fee shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid in full.

9-116. APPLICATIONS FOR LICENSE.

- A. All applications for license shall include:
 - 1. The name of the person desiring a license.
 - 2. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on.
 - 3. The class of license desired, if such licenses are divided into classes.
 - 4. The place where such business, calling, trade or profession is to be carried on, giving the street number if the business calling, trade or profession is to be carried on in any building or enclosure having such number.
 - 5. The period of time for which such license is desired to be issued.

- B. In the event that the license application relates to a coin-operated machine or device, the application shall identify the machine or device to which it applies and the location thereof.

9-117. CERTIFICATE. All certificates of license shall be signed by the mayor, attested by the recorder/clerk, and shall contain the following information:

- A. The name of the person to whom such certificate has been issued.
- B. The amount paid.
- C. The type of license and the class of such license if licenses are divided into classes.
- D. The term of the license with the commencing date and the date of its expiration.
- E. The place where such business, calling, trade or profession is to be conducted.

9-118. DISPLAY.

- A. Every certificate of license issued under this title shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted, and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person ready to be shown on request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.
- B. In the event the license is for a coin-operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.

9-119. TRANSFER OF LICENSE PROHIBITED. No license granted or issued under any ordinance of this municipality shall be assigned or transferred to any other person. It shall not be deemed to authorize any person other than therein named to do business or to authorize any other business, calling, trade or profession than is therein named unless by permission of the governing body.

9-120. REVOCATION OR DENIAL OF BUSINESS LICENSE.

- A. Any license issued pursuant to the provisions of this code or of any ordinance of this municipality may be revoked and any application denied by the governing body because of:
 - 1. The failure of the licensee or applicant to comply with the conditions and requirements of this code or any ordinance of the municipality.
 - 2. Unlawful activities conducted or permitted on the premises where the business is conducted.
- B. Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the governing body intends to revoke the business license or deny the application to renew, together with the reason or reasons therefor, at a regular or special meeting of the governing body (which shall be at least ten days and not more than 30 days from the date notice is sent) and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked or the application denied.
- C. The preceding subsection shall not apply to applications for licenses for businesses which have not previously been licensed by the municipality, and such applicants need only be informed that their application has been denied.

9-121. BRANCH ESTABLISHMENTS. A separate license must be obtained for each separate place of business in the municipality and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that warehouses and distributing places used in connection with or incident to a business licensed under this part shall not be deemed to be separate places of business or branch establishments.

9-122. JOINT LICENSE. Whenever any person is engaged in two or more businesses at the same location within the municipality, such person shall not be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify on its face all such businesses. The license tax to be paid shall be computed at the highest license fee applicable to any of the businesses being conducted at such location. The sale of beer or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license tax for such business.

9-123. RECIPROCAL RECOGNITION OF LICENSES.

- A. No license shall be required for operation of any vehicle or equipment in this municipality when:
 - 1. Such vehicle is merely passing through the municipality.
 - 2. Such vehicle is used exclusively in inter-city or inter-state commerce.
- B. No license shall be required by chapters 9-200, 9-300 or 9-400 of any person whose only business activity in this municipality is the mere delivery in the municipality of property sold by him at a regular place of business maintained by him outside the municipality where:
 - 1. Such person's business is at the time of such delivery licensed by the Utah municipality or county in which such place of business is situated, and,
 - 2. The authority licensing such business grants to licensees of this municipality making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this section, and,
 - 3. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of this municipality for compliance with health or sanitary standards prescribed by this municipality, and,
 - 4. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol issued by the said licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.
- C. The recorder/clerk shall at the request of any person certify a copy of this section to any municipality or county of the state of Utah to which a copy has not previously been certified.

9-124. EXEMPTIONS TO LICENSE.

- A. No license fee shall be imposed under chapters 9-200 or 9-300 on any person engaged in business for solely religious, charitable, eleemosynary or other types of strictly non-profit purpose which is tax exempt in such activities under the laws of the United States and the state of Utah, nor shall any 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 license fee be imposed upon any person not maintaining a place of business within this municipality who has paid alike or similar license tax or fee to some other taxing unit within the state of Utah and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in _____ and doing business in such taxing unit.

B. The license assessor and collector may, with approval of the governing body, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in subsection A of this section.

9-125. FEE NOT TO CONSTITUTE UNDUE BURDEN ON INTERSTATE COMMERCE. None of the license taxes provided for by chapters 9-200 and 9-300 shall be applied as to occasion an undue burden on interstate commerce. In any case, where a license tax is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the license assessor and collector for an adjustment of the tax so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license tax. The applicant shall, by affidavit and supporting testimony show his method of business and the gross volume or estimated gross volume of business and such other information as the license assessor and collector may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The license assessor and collector shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of facts from which he shall determine whether the tax fixed by chapters 9-200 and 9-300 is discriminatory, unreasonable or unfair as to applicant's business and shall recommend to the governing body a license tax for the applicant in an amount that is nondiscriminatory, reasonable and fair, and if the governing body is satisfied that such license tax is the amount that the applicant should pay, it shall fix the license tax in such amount. If the regular license tax has already been paid, the governing body shall order a refund of the amount over and above the tax fixed by the governing body. In fixing the fee to be charged, the license assessor and collector shall have the power to base the fee upon a percentage of gross sales, or employees, or may use any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature.