

**TOWN OF DEWEYVILLE**  
**Ordinance # 2010-03**

**BUSINESS LICENSE PROVISIONS**

WHEREAS, there are businesses operating in the Town of Deweyville, and additional businesses will be commenced within the town boundaries,

WHEREAS, the Town Council finds it in the best interest of the citizens of Deweyville to license businesses in order to promote the health, welfare and safety of the citizens of Deweyville,

NOW THEREFORE, the Town Council of Deweyville enacts the following business license provisions:

SECTION #1: DEFINITIONS

**BUSINESS:** All activities engaged within the town boundaries 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.

**EACH SEPARATE PLACE OF BUSINESS:** Each separate establishment or place of operation, whether or not operating under the same name, within the town, 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 town.

**EMPLOYEE:** 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 sales person, agent or independent contractor engaged in the operation of the place of business in any capacity.

**ENGAGING IN BUSINESS:** Means and 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.

PLACE OF BUSINESS: Each separate location maintained or operated by the licensee within the town from which business activity is conducted or transacted.

WHOLESALE: A sale of tangible personal property by wholesalers to retail merchants, jobbers, or 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.

WHOLESALE: A person doing a regularly organized wholesale or jobbing business and selling to retail merchants, jobbers and dealers or other wholesalers for the purpose of resale.

#### SECTION #2: BUSINESS LICENSE REQUIRED

- A. 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 town.
- B. Appearance Required: After receiving an application for a business license the applicant must appear before the Town Council for approval of the initial business license. Thereafter, at the beginning of the calendar year, the license will automatically be renewed, and the fee paid, unless there is a change in the nature of the business being conducted which would result in the applicant being required to appear before the Town Council for approval.

#### SECTION #3: LICENSE ASSESSOR AND COLLECTOR

The Town Recorder is designated and appointed as ex officio assessor of license fees for the Town of Deweyville. On receipt of any application for a license, the Recorder shall assess the amount due and shall collect all license fees based upon the rate established by Ordinance. He/she shall enforce all provisions of this ordinance and shall cause to be filed complaints against all persons violating any of the provisions of this ordinance.

#### SECTION #4: APPLICATION FOR A LICENSE

- A. Applications for license shall include:
  - 1. The name of the person desiring a license.
  - 2. The kind of license of desired, stating the business, calling, trade or profession to be performed, practiced or carried on.
  - 3. The place where such business, calling, trade or profession is to be carried on, giving the street number.
  - 4. The period of time for which the license is 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.
- C. In the event the license application is for a food service establishment, the applicant must first obtain a valid Bear River Health Department Food Service Permit.

#### SECTION #5: FEE FOR LICENSE, PAYMENT & DELINQUENCY

- A. Fee Schedule: The business, location, trade, calling or profession of every person engaged in a business in the Town of Deweyville shall pay an annual license fee in such amount as established by ordinance or resolution of the Town Council.
- B. Payment Dates: All license fees shall be due and payable as follows, except as may be otherwise provided:
  - Annual fees shall be payable before each calendar year in advance. The annual license shall date from January 1 of each year and shall expire on December 31 of each year.
  - Annual fees shall be due on the first day of each calendar year and shall become delinquent if not paid by February 1 of each year.
  - Licenses issued before August 1 of any calendar year will pay the full price for a business license. Licenses issued after August 1 of any calendar year will pay ½ the yearly fee.
  - The time period for a business license may be from one day to one year or part thereof.
  - Licenses will expire on December 31 of the calendar year in which the license is issued.
  - Payment shall be made upon the date of application approval and before license issue.
  - If any license fee is not paid within 30 days of the due date, a penalty of 50% 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.

#### SECTION # 6: EXCEMPTIONS TO LICENSE FEE

- A. No license fee shall be imposed on any person engaged in business for solely religious, charitable, or any other type 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 excepted from municipal taxation.
- B. No license fell shall be imposed upon any person not maintaining a place of business within this town who has paid a like 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, business in this Town and doing business in such taxing unit.

- C. The license assessor and collector may with approval of the Town Council 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 Section 6, B.
- D. No license fee shall be imposed under Resolution on any person engaged in the business of private instruction in the arts in the home on a part time basis.

#### SECTION #7: CERTIFICATE OF LICENSE:

All certificates of license shall be signed by the mayor, attested by the Town Recorder and shall contain the following information:

- 1. The name of the person to whom such certificate has been issued;
- 2. The amount paid;
- 3. The type of business
- 4. The term of the license with the commencing date and the date of its expiration;
- 5. The place where such business, calling, trade or profession is to be conducted.

#### SECTION #8: DISPLAY REQUIRED

Every certificate of license issued under this ordinance 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.

#### SECTION #9: TRANSFERABILITY

No license granted or issued under any ordinance of the city 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.

#### SECTION #10: JOINT LICENSE

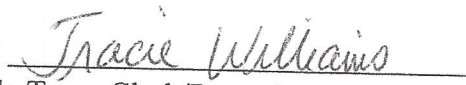
Whenever any person is engaged in two or more businesses at the same location within the Town of Deweyville, such person shall not be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify on its face all such businesses. However, if more than one person residing at a place or doing business at a place conducts different businesses that require a license, that person also needs to acquire a business license for his or her occupations.

SECTION #11: REVOCATION OR DENIAL OF LICENSE

- A. Conditions: Any license issued pursuant to the provisions of this ordinance or any ordinance of the Town of Deweyville may be revoked and any application denied by the governing body because of:
- The failure of the licensee or applicant to comply with the conditions and requirements of this code or any ordinance of the city;
  - Unlawful activities conducted or permitted on the premises where the business is conducted.
- B. Notice Required: 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 therefore, at a regular or special meeting of the governing body, which shall be at least 10 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 (B) shall not apply to applications for licenses for businesses which have not previously been licensed by the Town of Deweyville and such applicants need only be informed that their application has been denied.

PASSED AND ADOPTED by the Town Council of Deweyville, State of Utah, this 10<sup>th</sup> day of June, 2010.

  
Mayor

ATTEST:   
Deweyville Town Clerk/Recorder

CERTIFICATE OF POSTING:

I Tracie Williams, Town Clerk/Recorder of Deweyville Town, Box Elder County, Utah, hereby certify that I on the 20 day of May, 2010 in the Town of Deweyville, Box Elder County, State of Utah, posted the foregoing Ordinance # 2010-02

in a likely manner, a copy which is hereto attached in the most public place in the said Town of Deweyville, to wit: The Deweyville Town Office Building, 10870 North Highway 38, Deweyville, Utah.

WITNESS my hand this 10 day of June, 2010.

Tracie Williams

Tracie Williams, Deweyville Town Clerk/Recorder