

CHAPTER 6-01: GENERAL PROVISIONS

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6-01-010. Definitions.

The following definitions shall be applicable throughout this Title unless a different meaning is clearly intended:

- (a) Alcoholic Beverage Licenses means Class 'A,' Class 'B,' or Class 'C' beer licenses, nonprofit club licenses or liquor consumption licenses as defined in Chapter 6-12 of this Title.
- (b) Applicant means any person applying for any license provided for in this Title. If the person is a partnership or corporation, then each partner, officer or director is considered an applicant and must qualify accordingly.
- (c) Application means a formal written request for the issuance of any license permitted under this Title.
- (d) Authorized Officers means those persons authorized by the City or other entities to inspect businesses and enforce the provisions of this Title or other applicable regulations, including peace officers, ordinance enforcement officers, and employees of the Health Department, Fire District, Community Development Department, Building Inspection Division, City Attorney's Office or the City Administrator.
- (e) Business means and includes all trades, occupations, professions or activities engaged in within Woods Cross City, 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.
- (f) Business License Official or License Official shall mean the Community Development Director of Woods Cross City.
- (g) Consolidated Fee Schedule means the schedule of fees adopted each year by resolution of the Woods Cross City Council setting forth the various fees charged by the City.
- (h) Employee means all individuals who work for an employer for salary or commission or wages and who are subject to the direction and control of such employer.

(i) Engaging in Business includes, but is not limited to, the sale of real or personal property at retail or wholesale, the bartering or trading of property or services, 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.

(j) Fire Department means the South Davis County Fire Department.

(k) Health Department means the Davis County Health Department.

(l) Licensee means the person who has obtained any type of license provided for in this Title. The term shall also include any employee or agent of the licensee.

(m) Person means an individual, partnership, corporation, association or other legal entity.

(n) Place of Business means each separate location maintained or operated by the licensee, whether or not under the same name, within the City from which business is engaged in.

(o) Violated or Violating means that there exists reasonable cause to believe that any ordinance, code, statute or law has been or is being violated and is not limited to pleas of guilty or convictions for violating said ordinances, codes, statutes or laws.

6-01-020. Business License Required.

Unless otherwise provided, it shall be unlawful for any person to engage in any business within the City without first having obtained a business license pursuant to this Title or to continue doing business after a previously issued business license has expired without renewing said license and paying any applicable fees and penalties. A separate license shall be required for each type of business defined herein and for each place of business. Each day of noncompliance shall constitute a separate violation.

6-01-030. Business License Official - Duties and Responsibilities.

It shall be the duty and responsibility of the Business License Official to:

(a) Enforce the provisions of this Title;

(b) Collect all business license fees and all alcoholic beverage license fees;

(c) Process all applications and renewals of all licenses provided for in this Title;

(d) Obtain any necessary approvals from the various City departments and divisions before issuing any business licenses or alcoholic beverage licenses; and

(e) Deny, suspend or revoke licenses as provided in Chapter 6-06 of this Title.

6-01-040. License - Application Requirements.

(a) Applications for licenses and permits required by this Title shall be made in writing to the License Official in the absence of provision to the contrary, which applications shall be made upon forms provided by the City. The application shall show:

(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 such business, calling, trade or profession is to be carried on in any building or enclosure;

(5) The period of time for which such license is desired to be issued;

(6) That the proposed use of any premises by the applicant will not be in violation of City zoning regulations, that the principals of the applicant's business are properly bonded if bonding is required, and that the applicant will otherwise be in full compliance with all applicable City, State and federal laws and ordinances;

(7) Such additional information as may reasonably be required by the City as needed for the proper guidance of City officials in issuing the permit or license applied for.

(b) The truthfulness, completeness and accuracy of all of said information provided by applicant shall be attested to by an authorized representative of the business.

(c) Failure to provide all required information or providing false or misleading information in the application shall constitute grounds for denial of the application or revocation of a permit or license which was granted in reliance on the information provided, and shall constitute a misdemeanor, if such is done wilfully with the intent to mislead the City.

6-01-050. Issuance of a Business License.

(a) An applicant for a business license shall fill out the application in full and sign it as verification, under penalty of law, that all information contained therein is true.

(b) The application shall be returned to the Business License Official along with full payment of all business license fees.

(c) If required by separate ordinance, the Business License Official shall submit copies to other departments, divisions or agencies of the City for their review.

(d) Only after signed, written approvals from any required department, division or agency are obtained, the Business License Official shall be authorized to prepare a certificate of license for issuance.

(e) The certificate of license shall be signed by the Mayor and shall contain the following information:

(1) The person's name to whom the certificate is issued;

(2) The business name;

(3) The type of business licensed;

(4) The date the license was issued;

- (5) The expiration date of the license;
- (6) The address of the place of business licensed; and
- (7) The business license number.

6-01-060. Renewals of Business Licenses.

(a) Each year, licensees shall renew their business licenses by completing an application for a license renewal signed under penalty of law that all information contained therein is true and returning it, along with the proper fees, to the Business License Official within the time period set forth in Section 6-01-080(b) below. Renewal applications for businesses which required police checks of the licensees under the original license application shall be submitted to the Police Department to determine whether the licensee still meets the necessary qualifications.

(b) Upon receipt of the application fees, and Police Department approval, if applicable, the Business License Official shall be authorized to prepare a certificate of license as provided in this Chapter.

6-01-070. Inspections.

(a) Authorized officers shall be permitted to make an inspection to enforce any of the provisions of this Title or any other applicable statute or ordinance, and may enter any building or may enter upon any premises during regular business hours; or, if there are no regular business hours, the officers or their authorized representatives shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

(b) No owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the authorized officer or his representative(s) for the purpose of inspection and examination to ensure compliance with this Title.

6-01-080. Payment Dates of Business License Fees.

(a) Business license fees for new businesses shall be due and payable upon making application to the Business License Official. The application shall not be processed until the fee is paid.

(b) Business license fees for renewal businesses shall be due and payable on or before the first day of January each year. If the license is not paid by January 31, a fifty percent (50%) penalty of the amount of the fee shall be added to the original amount due. If the fee is still not paid by February 28, a seventy-five percent (75%) penalty of the amount of the fee shall be added to the original amount due. If the fee is still not paid by March 31, a one hundred percent (100%) penalty of the amount of the fee shall be added to the original amount.

(c) Penalty fees may be appealed to the Community Development Director who may, for good cause shown, refund all or part of the applicable penalty fee that has been paid. The decision of the Business License Official and the Community Development Director may be appealed to the City Council as set forth in Chapter 6-06 of this Title. The City Council may, upon good cause, recommend that all or part of the penalty fee be refunded.

6-01-090. Term of Business Licenses.

All business licenses shall expire each year on December 31.

6-01-100. License - Transfer of Name or Location - Fee.

(a) Any person to whom a business license has been issued to transact or carry on some business, calling, trade or profession at a definite location in the City may make application for the transfer of his/her business license for the sole purpose of transacting or carrying on the same business, calling, trade or profession as is therein mentioned at some other definite location in the City by himself or herself by filing said application with the License Official, together with the sum of fifteen dollars (\$15).

(b) Any person who wishes to change his/her business name shall also make application for the change of name of such person's business license, for the sole purpose of transacting or carrying on the same business, calling, trade or profession as is therein mentioned under a new name, by filing an application with the License Official, along with the sum of fifteen dollars (\$15).

(c) If the business in question has any other licenses which are required under this Title, or its successor, the fee shall be thirty-five dollars (\$35) for the change of address and thirty-five dollars (\$35) for the change of name.

(d) The transfer fee shall be nonrefundable regardless of whether the application is granted or denied. The Mayor, after receiving reports which shall be furnished by the License Official, the Police Department or the Board of Health, when necessary, may in his/her discretion, deny or grant the transfer of any or all of said licenses strictly within the above limitations.

6-01-110. License - Transfer to Other Persons Prohibited.

No license granted or issued under any of the provisions of any ordinance of the City shall be in any manner assignable, transferable or authorize any person other than the person named therein as the licensee to carry on or conduct the licensed business, except as may be otherwise specifically provided by ordinance.

6-01-120. License - Posting and Display Required.

Every certificate of license issued shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the store or place in which such licensed business, calling, trade or profession is carried on, so that the same may be easily seen. When such certificate of license shall have 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, store, office or place of business after the period of such certificate or license has expired.

6-01-130. Reciprocal Recognition of Business Licenses.

(a) A business license shall not be required for operation of any vehicle or equipment in the City when:

- (1) Such vehicle is merely passing through the City; or
- (2) Such vehicle is used exclusively in interstate commerce.

(b) A business license shall not be required of any person whose only business activity in the City is the mere delivery in the City of property sold by him at a regular place of business maintained by him outside the City where:

(1) Such person's business is at the time of such delivery licensed by the Utah city or county in which such place of business is situated; and

(2) The authority licensing such business grants to licensees of the City 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 the City for compliance with health or sanitary standards prescribed by the City; 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 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) Except as otherwise provided herein, a business license shall not be required of any person who is duly licensed in another county or another city in Utah, has no business location in the City, and the county or other licensing city would also reciprocate if the same business were located in the City.

(1) Before reciprocity is granted, the person must fill out a business license application and show proof of a valid business license in a qualifying city or county.

(2) Reciprocity shall not be granted to solicitors, mobile food units or any business requiring police checks or police I.D. cards.

(d) The City Recorder shall, at the request of any person, upon payment of copying and postage costs, certify a copy of this Section to any city or county of the State of Utah.

6-01-140. Constructive Notice of Time Periods.

(a) All businesses, owners, licensees, or applicants are obligated to be aware of and are deemed to have constructive notice of all time periods and/or deadlines and the effect of noncompliance with said time periods and/or deadlines as set forth in this Title relating to the application, issuance, renewal, expiration, appeal or other action relating to business licenses, alcohol licenses, or any other licensing matters set forth in this Title.

(b) Nothing in this Title shall be construed as requiring the City to take any affirmative action to notify businesses, owners, licensees, or applicants of any time periods and/or deadlines or the effect of noncompliance with said time periods and/or deadlines set forth in this Title relating to the application, issuance, renewal, expiration, appeal or other action relating to business licenses, alcohol licenses, or any other licensing matters as set forth in this Title.

6-01-150. Penalty.

- (a) Any violations of this Title shall be a Class B misdemeanor.
- (b) Each day of noncompliance shall constitute a separate violation.