

REQUEST FOR COUNCIL ACTION

SUBJECT:

Proposed amendments to Title 4 ("Business Licenses") in the 2009 City Code.

SUMMARY:

With the advent of the new MUNIS computer system, business license renewal cycles have been re-examined. These proposed changes align license renewal cycles with the new protocol and also provide increased clarity for users of the 2009 City Code.

FISCAL IMPACT:

Staff believes there will be no materially adverse fiscal impact from the proposed text amendments.

STAFF RECOMMENDATION:

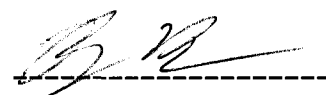
Staff recommends APPROVAL of the proposed 2009 City Code amendments.

MOTION RECOMMENDED:

"I move that the City Council adopt and approve Ordinance 15-22, amending Title 4 "Business License" in the 2009 City Code, all as set forth in the form of Ordinance attached to the Staff Report."

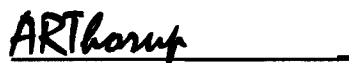
Roll Call Vote required. not required.

Proposed by:



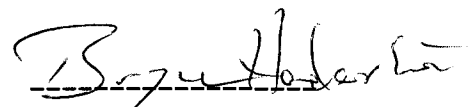
Ryan Bradshaw
Finance Manager

Reviewed by:



Robert Thorup
Deputy City Attorney

Recommended:



Bryce Haderlie
Interim City Manager

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 15- 22
[BUSINESS LICENSE FEES AND RENEWALS]

AN ORDINANCE AMENDING
TITLE 4, "BUSINESS AND LICENSE REGULATIONS"
AND TITLE 6, "POLICE AND PUBLIC SAFETY."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 4, Chapter 1 and Title 6, Chapter 3 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 4, Chapter 1, Article B, Sections 12, 17 and 18 of the 2009 City Code shall hereafter read as follows:

4-1B-12: ISSUANCE OF LICENSE:

- A. License Issuance: Within thirty (30) days after receiving a completed application and completion of any needed investigation, or as in law specifically required, the business license authority shall issue the license, provided all fees are paid and legal requirements met, or shall deny the license if the legal requirements are not met.
- B. Formal Requirements: All certificates of license shall be signed by the business license authority, which may be by facsimile signature, and shall contain the following information:
1. The name of the person to whom such certificate has been issued;
 2. The kind of license, and the class of license, if such licenses are divided into classes;
 3. The term of the license, stating the commencing date and the expiration date.
- C. Issuance Approval: No new business license certificate which requires inspection or approval of any department of city government, whether new or renewal, shall be delivered or mailed to the applicant, until all legal requirements for the issuance or renewal have been met. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 08-25-2015)

4-1B-17: LICENSE YEAR; FEE PAYMENTS AND PRORATIONS:

- A. Fees To Be Paid In Advance In U.S. Legal Tender: All license fees shall be paid in advance in legal tender of the United States at the main office of the city.
- B. License Year; Renewal Date; Prorations:
1. Except for any first year prorations, a "license year" will run for twelve (12) consecutive calendar months following the date of commencement and end on the last day of the twelfth month. Notwithstanding the foregoing, participants in the city's "good landlord" program, governed by chapter 2, article R of this title, must renew their good landlord certification every four (4) years, and thus good landlord certification years will run for forty-eight (48) consecutive calendar months.
 2. Administratively Assigning License Year Dates: Annual licenses issued pursuant to this title need not be issued on a calendar year basis. In order to have city licenses come due for renewal and spread city administrative handling of license issuance and renewals in a roughly uniform basis throughout the calendar year, the business license authority shall cause the city to be divided into four (4) geographic quadrants that are periodically established to equalize estimated licensing activity in the city into fourths. Each geographic quadrant will be assigned a month of commencement. Licenses issued within each quadrant shall commence on the first day of that quadrant's designated commencement month, also known as the "renewal date", as follows: quadrant A, July; quadrant B, October; quadrant C, January; and quadrant D, April. Licenses for Pre-schools and Daycares will not use the geographic quadrant system.
 3. Pro Rata Charges For Initial License Period: The initial license period shall run from the first day of the month the license was issued through the last day of the month immediately preceding the applicable quadrant's renewal date. The first year's annual license fee shall be reduced on a pro rata basis, for each quarter of a year for which the license was not in effect. Any partial quarter or three (3) month period of the license year in which the initial license was granted shall be counted as a period for which full pro rata payment is required. This pro rata payment shall be administered so that a license applicant shall pay a percentage of the annual license fee periodically established in the city council uniform fee schedule, computed on a license year quarter, as follows:
 - a. One hundred percent (100%) for a license issued in the first three (3) calendar months of the initial license year;
 - b. Seventy five percent (75%) for a license issued in the second three (3) calendar months of the initial license year;
 - c. Fifty percent (50%) for a license issued in the third three (3) calendar months of the initial license year; and
 - d. Twenty five percent (25%) for a license issued in the fourth three (3) calendar months of the initial license year.

4. Renewal License Fee: Following the pro rata payment, renewal license fees shall be for a full twelve (12) month license year period.
- C. Payments: Each license fee shall be paid at the time of an application's filing, whether as a new or a late renewal application. The application shall not be processed until the fee is paid. (Ord. 12-13, 6-13-2012; amd. Ord. 15-~~22~~ 08-25-2015)

4-1B-18: LATE PAYMENT PENALTY AND CONSEQUENCES:

- A. Late Renewal Fee Penalties: If a license renewal fee is not paid by the due date, a penalty in the amount provided in the uniform schedule of fees and service charges shall be added to the original amount.
- B. Duty To Cease Business Operations: Any person holding a business license from the city whose license renewal fee and accrued penalties remain unpaid for thirty (30) calendar days from the original due date shall terminate business operations. No business shall be conducted thereafter by such person, unless and until:
1. The business license authority approves a reinstatement application or petition for renewal of a license following payment of all overdue fees and costs; or
 2. A new license application is filed and a new license issued by the business license authority.
- C. Initial Fee Nonpayment Penalty: When any person engages in any business or occupation requiring a license and fee by the provisions of this title, or engages in any additional activities which require an additional license and fee, without first paying the required license fee, a penalty in the amount provided in the uniform schedule of fees and service charges shall be added to the original amount thereof.
- D. Collection: All penalties provided for in this section shall be collected by the business license authority and the payment thereof shall be enforced by him or her in the same manner as the license fees are collected and payment enforced.
- E. No License Issuance: No license shall be issued, until all penalties legally assessed have been paid in full.
- F. Other Enforcement Not Precluded: Nothing in this section shall be construed to prevent or in any manner interfere with the enforcement of any criminal or civil penalty provision contained in any other title of this code, including, but not limited to, those provisions pertaining to operation of businesses without a current and valid business license. (Ord. 12-13, 6-13-2012; amd. Ord. 15-~~22~~ 08-25-2015)

Section 2. Title 6, Chapter 3, Article E, Section 4 of the 2009 City Code shall hereafter read as follows:

6-3E-4: FOWL KEEPING PERMIT:

- A. Permit Required: Any person who desires to keep chickens or pigeons as authorized by this title shall make application to the division of animal control for a fowl keeping permit. These permits are temporary uses only and attach to the resident applicant, as specified in the application, and not to the property. There can be no "grandfathering" or legal nonconforming use property rights arising from fowl keeping permits.
- B. Applications: Applications for a fowl keeping permit shall be made in writing to the division of animal control. The application shall include the following information:
1. The name of the person desiring the permit.
 2. Location of the proposed fowl keeping facilities.
 3. Basic plans and specifications of the proposed fowl keeping activities, showing size and dimensions of the facilities.
 4. The distance between the location of the proposed facilities and the nearest residential structure on all adjoining lots.
 5. The registrant shall acknowledge the rules set forth in this title and shall, as a condition of filing for the permit, agree to comply with such rules.
 6. The application shall bear the signature of the registrant.
- C. Permit Issuance: Upon receipt of a complete application and receipt of the required fee, the division of animal control or designee shall issue a fowl keeping permit. The permit shall be issued on a calendar year basis and may be renewed annually. Such permit shall not be transferable to another person by the holder.
- D. Fee: The fee for the fowl keeping permit shall be assessed on a one (1) calendar year basis and shall be in the amount established by the city council in its uniform fee schedule. The fee for a permit issued during a one (1) year billing cycle shall be prorated as of the date of the application. (2001 Code § 14-5-102; amd. 2009 Code § 6-3E-2; Ord. 10-05, 1-27-2010; Ord. 15-~~22~~, 08-25-2015)

Section 3. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 4. This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 25th day of August, 2015.

CITY OF WEST JORDAN

By: _____
KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council	“AYE”	“NAY”
Council Member Jeff Haaga	_____	_____
Council Member Judy Hansen	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Chad Nichols	_____	_____
Council Member Sophie Rice	_____	_____
Council Member Ben Southworth	_____	_____
Mayor Kim V. Rolfe	_____	_____

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2015, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]

Legislative

4-1B-12: ISSUANCE OF LICENSE:

- A. License Issuance: Within thirty (30) days after receiving a completed application and completion of any needed investigation, or as in law specifically required, the business license authority shall issue the license, provided all fees are paid and legal requirements met, or shall deny the license if the legal requirements are not met.
- B. Formal Requirements: All certificates of license shall be signed by the ~~mayor, which may be facsimile signature, countersigned by the~~ business license authority, which may be by facsimile signature, and shall contain the following information:
1. The name of the person to whom such certificate has been issued;
 2. The kind of license, and the class of license, if such licenses are divided into classes;
 3. The term of the license, stating the commencing date and the expiration date.
- C. Issuance Approval: No new business license certificate which requires inspection or approval of any department of city government, whether new or renewal, shall be delivered or mailed to the applicant, until all legal requirements for the issuance or renewal have been met. (Ord. 12-13, 6-13-2012, amd. Ord. 15-, 08-25-2015)

4-1B-17: LICENSE YEAR; FEE PAYMENTS AND PRORATIONS:

- A. Fees To Be Paid In Advance In U.S. Legal Tender: All license fees shall be paid in advance in legal tender of the United States at the main office of the city.
- B. License Year; Renewal Date; Prorations:
1. Except for any first year prorations, a "license year" will run for twelve (12) consecutive calendar months following the date of commencement and end on the last day of the twelfth month. Notwithstanding the foregoing, participants in the city's "good landlord" program, governed by chapter 2, article R of this title, must renew their license good landlord certification every ~~two (2)~~ four (4) years, and thus good landlord certification years will run for forty-eight (48) consecutive calendar months.
 2. Administratively Assigning License Year Dates: Annual licenses issued pursuant to this title need not be issued on a calendar year basis. In order to have city licenses come due for renewal and spread city administrative handling of license issuance and renewals in a roughly uniform basis throughout the calendar year, the business license authority shall cause the city to be divided into four (4) geographic quadrants that are periodically established to equalize estimated licensing activity in the city into fourths. Each geographic quadrant will be assigned a month of commencement. Licenses issued within each quadrant shall commence on the first day of that quadrant's designated commencement month, also known as the "renewal date", as follows: quadrant A, July; quadrant B, October; quadrant C, January; and quadrant D, April. Licenses for Pre-schools and Daycares will not use the geographic quadrant system.

3. Pro Rata Charges For Initial License Period: The initial license period shall run from the first day of the month the license was issued through the last day of the month immediately preceding the applicable quadrant's renewal date. The first year's annual license fee shall be reduced on a pro rata basis, for each quarter of a year for which the license was not in effect. Any partial quarter or three (3) month period of the license year in which the initial license was granted shall be counted as a period for which full pro rata payment is required. This pro rata payment shall be administered so that a license applicant shall pay a percentage of the annual license fee periodically established in the city council uniform fee schedule, computed on a license year quarter, as follows:

a. One hundred percent (100%) for a license issued in the first three (3) calendar months of the initial license year;

b. Seventy five percent (75%) for a license issued in the second three (3) calendar months of the initial license year;

c. Fifty percent (50%) for a license issued in the third three (3) calendar months of the initial license year; and

d. Twenty five percent (25%) for a license issued in the fourth three (3) calendar months of the initial license year.

4. Renewal License Fee: Following the pro rata payment, renewal license fees shall be for a full twelve (12) month license year period.

C. Payments: Each license fee shall be paid at the time of an application's filing, whether as a new or a late renewal application. The application shall not be processed until the fee is paid. (Ord. 12-13, 6-13-2012; amd. Ord. 15-____, 08-25-2015)

4-1B-18: LATE PAYMENT PENALTY AND CONSEQUENCES:

A. Late Renewal Fee Penalties: If a license renewal fee is not paid by the due date, ~~a second notice will be sent to the business. However, if the renewal fee is still not paid within thirty (30) days from the due date,~~ a penalty in the amount provided in the uniform schedule of fees and service charges shall be added to the original amount.

B. Duty To Cease Business Operations: Any person holding a business license from the city whose license renewal fee and accrued penalties remain unpaid for ~~sixty (60)~~ thirty (30) calendar days from the original due date shall terminate business operations. No business shall be conducted thereafter by such person, unless and until:

1. The business license authority approves a reinstatement application or petition for renewal of a license following payment of all overdue fees and costs; or

2. A new license application is filed and a new license issued by the business license authority.

C. Initial Fee Nonpayment Penalty: When any person engages in any business or occupation requiring a license and fee by the provisions of this title, or engages in any additional activities which require an additional license and fee, without first paying the required license fee, a penalty in the amount provided in the uniform schedule of fees and service charges shall be added to the original amount thereof.

- D. Collection: All penalties provided for in this section shall be collected by the business license authority and the payment thereof shall be enforced by him or her in the same manner as the license fees are collected and payment enforced.
- E. No License Issuance: No license shall be issued, until all penalties legally assessed have been paid in full.
- F. Other Enforcement Not Precluded: Nothing in this section shall be construed to prevent or in any manner interfere with the enforcement of any criminal or civil penalty provision contained in any other title of this code, including, but not limited to, those provisions pertaining to operation of businesses without a current and valid business license. (Ord. 12-13, 6-13-2012; amd. Ord. 15-____, 08-25-2015)

6-3E-4: FOWL KEEPING PERMIT:

- A. Permit Required: Any person who desires to keep chickens or pigeons as authorized by this title shall make application to the division of animal control for a fowl keeping permit. These permits are temporary uses only and attach to the resident applicant, as specified in the application, and not to the property. There can be no "grandfathering" or legal nonconforming use property rights arising from fowl keeping permits.
- B. Applications: Applications for a fowl keeping permit shall be made in writing to the division of animal control. The application shall include the following information:
 - 1. The name of the person desiring the permit.
 - 2. Location of the proposed fowl keeping facilities.
 - 3. Basic plans and specifications of the proposed fowl keeping activities, showing size and dimensions of the facilities.
 - 4. The distance between the location of the proposed facilities and the nearest residential structure on all adjoining lots.
 - 5. The registrant shall acknowledge the rules set forth in this title and shall, as a condition of filing for the permit, agree to comply with such rules.
 - 6. The application shall bear the signature of the registrant.
- C. Permit Issuance: Upon receipt of a complete application and receipt of the required fee, the division of animal control or designee shall issue a fowl keeping permit. The permit shall ~~expire on the last day of the three (3) year billing cycle established under subsection D of this section, but may be renewable on a three (3) year basis thereafter~~ be issued on a calendar year basis and may be renewed annually. Such permit shall not be transferable to another person by the holder.
- D. Fee: The fee for the fowl keeping permit shall be assessed on a ~~three (3)~~ one (1) calendar year basis and shall be in the amount established by the city council in its uniform fee schedule. The fee for a permit issued during a ~~three (3)~~ one (1) year billing cycle shall be prorated as of the date of the application. (2001 Code § 14-5-102; amd. 2009 Code § 6-3E-2; Ord. 10-05, 1-27-2010; Ord. 15-____, 08-25-2015)