

5.08.040: FEES AND WAIVER:

A. Payment Of Fee Required; Penalty Fee: Each application for a license under this title shall be accompanied by the license fee required to be paid for the issuance of the license desired. In addition to the license fee regularly assessed, any applicant that commences doing business prior to obtaining a valid license shall be assessed a penalty fee. The penalty fee shall be equal to twenty five percent (25%) of the regular license fee if the applicant has operated without a license for **10 days after the due date.** ~~less than thirty (30) days~~, and shall be equal to **seventy-five (75%)** ~~one hundred percent (100%)~~ of the regular **penalty of the original Business License type amount due of the fee shall be added to the original amount due. A final payment notice will be sent sixty (60) days after the due date. If the fee plus penalty is still not paid within three (3) months, the business shall be considered to be operating without a business license and in violation of this title, subject to criminal prosecution. For every day of operation after three (3) months form the due date during the fiscal year in question, the license fee and the fine (equal to the license fee) shall be due before a business license is granted thereafter.** ~~license fee if the applicant has operated without a license for more than thirty (30) days during the fiscal year in question. The fee may be paid by cash or check made payable to the city or by a bond in favor of the city requiring payment of the license fee to the city in the event of the issuance of the license. Any license which has been issued pursuant to payment by means of a check or bond shall be void and of no force or effect if such check or bond is not honored.~~ Applications received by the license official shall be numbered in the order of their receipt.

B. Waiver For Certain Businesses: Notwithstanding the provisions of subsection A of this section, the license official may waive the imposition of license penalty fees for:

1. New businesses which have located within the city and have not obtained a city business license; and
2. Existing businesses which have been licensed by the city and have been purchased, but the new owner has not reapplied for a city business license.

C. Conditions For Waiver: The license official may waive such penalty fees as provided in section 5.06.100 of this title only upon the following conditions:

1. The business makes application for a city business license within five (5) working days after being notified by the city that such a license is required; or the business voluntarily makes application for a business license prior to notification by the city; and
2. The business has either been located in the city for less than two (2) years or the purchase of the business occurred less than two (2) years prior to the business application.

D. When Waiver Prohibited: The license official may not, under any circumstances, waive the business license fees due the city for the current year or for prior years in which the business operated. (1999 Code)

CHAPTER 5.10 - SUSPENSION, REVOCATION OR DENIAL TO RENEW LICENSE

5.10.030: NOTICE OF VIOLATION AND HEARING:

The license official shall send the licensee written notice by certified mail, return receipt requested, in care of the licensee or process agent specified in the license application, **or by hand delivery requiring signature of receipt by the licensee** of the alleged violation and notice of hearing and the licensee's right to appear at the hearing, the consequences of the failure to appear and answer, and of the date, time and place set for the hearing. (1999 Code)

CHAPTER 5.11 - HEARINGS; DECISION; ENFORCEMENT; APPEAL

5.11.010: HEARING PROCEDURE:

A. Hearing Required: A suspension, revocation or denial to renew a license issued pursuant to the ordinances of the city shall not be imposed until a hearing is first held pursuant to this chapter before the chief executive or a hearing examiner.

B. Notice To Licensee: At least ten (10) days prior to a hearing hereunder, the city shall cause notice of the time and place of the hearing to be served upon the licensee by mailing a copy to the licensee via certified mail, return receipt requested, in care of the licensee or the process agent specified in the license application **or by hand delivery requiring signature of receipt by the licensee.**

C. Failure To Appear: Failure to appear at such hearing or otherwise defend against suspension, revocation, or denial to renew a license shall constitute grounds for immediate suspension, revocation or denial to renew a license.

D. Sworn Witnesses; Record Of Proceedings: All witnesses called at a hearing shall be sworn by a person authorized to administer oaths, and a record of such hearing shall be made by a recording or a court reporter. The licensee shall have the right to appear at the hearing in person or by counsel, or both, present evidence, present argument on the applicant's behalf, cross examine witnesses, and in all proper ways defend the licensee's position.

E. Findings Of Fact And Conclusions Of Law By Hearing Examiner; Time Limit: If the hearing is before a hearing examiner, the hearing examiner shall, within ten (10) days after the conclusion of the hearing, submit to the chief executive proposed written findings of fact, and conclusions of law and order based upon and supported by the evidence presented at such hearing. (Ord. 2011-18, 10-7-2011)

CHAPTER 5.54 - HOME OCCUPATIONS

5.54.010: HOME OCCUPATIONS DEFINED:

A. Defined: "Home occupation" means any use conducted entirely within a dwelling and carried on by ~~one~~ person(s) residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes. **The area of the residence used for home occupations shall remain in character with the rest of the home except for minor renovations necessary to conduct an approved home occupation;** in connection with which there is no display of stock in trade; "stock in trade" being any item offered for sale which was not produced on the premises.

Regulated- For a Home occupation as defined above, includes but is not limited to a Home business that has an Impact on the neighborhood, one employee other than the business owner(s), and parking. Reference Code 13.76.730. Holladay City Business license is required to conduct business within the home.

Non-Regulated –Do not have customers or clients that come to the home; Do not have employees who come to the home; and Do not have combined offsite impacts of the home-based business and the primary residential use that exceed the impact of the residential use alone. Not required to obtain a Holladay City business license.

Conditional use permit required- Home Occupations that do not comply with the standards of Title 13, Chapter 13.76.730 shall apply for a Conditional Use Permit as per 13.08.040. Holladay City Business license is required to conduct business within the home.

B. Sales: The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproductions of works of art" includes, but is not limited to, printed reproduction, casting, and sound recordings.

~~—C. Use Of Accessory Buildings Prohibited: The home occupation shall not involve the use of any accessory building or yard space or activity outside the main building.~~

~~—D. Parking: The planning commission, with the city council's concurrence, shall determine whether additional off street parking, in addition to the two (2) spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces. (1999 Code)~~

CONSOLIDATED FEE SCHEDULE

3.35.110: GENERAL BUSINESS LICENSE FEE SCHEDULE:

A. Each application for a license under this code shall be accompanied by a license fee as shown

License Category	Fee Amount	Comment
Automotive	\$ 325.00	n/a
Banking/credit union	625.00	n/a
Bed and breakfast, Short Term Rental	250.00	n/a
Business, professional and contracted services	225.00	n/a
Convenience store/gas	1,750.00	n/a
Daycare, Commercial	375.00	n/a
Department store	2,975.00	n/a
Educational services, public & Private	300.00	n/a
Entertainment, recreational	725.00	n/a
Fireworks Stand, sales	350.00	May require cleanup bond
Grocery stores	1,050.00	n/a
Hotels	\$199.00 base \$12.00 per room	n/a
Manufacturing	\$1,050.00	n/a
Movie theaters	2,925.00	n/a
Personal services	300.00	n/a
Nursing, residential and personal care	\$200.00 base \$44.00 per resident	n/a
Restaurant/fast food/cafe without liquor	\$ 700.00	n/a
Restaurant/cafe with liquor	1,100.00	n/a
Retail/wholesale/distribution	250.00	n/a
Salon/Personal Service booth rental:	100.00	n/a

Seasonal sales/temporary	225.00	May require cleanup bond
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Mobile food truck or trailer (commissaries within city boundary)	275.00	n/a
Mobile food court	225.00	n/a
Smoke/E-cigarettes shops	2,050.00	n/a
Pharmacy/drugstore	1,400.00	n/a
Social/Fraternal club (dual with Club)	1,550.00	n/a
Trade schools	3,325.00	n/a
Home occupation –CUP application	\$75.00	n/a
Home occupation daycare	\$200.00	n/a
4+ unit apartment complexes	\$111.00 base, plus \$10.00 per unit	n/a
Home Occupation Non-Regulated	\$25.00	
Solicitor	275.00	n/a
Establishment name change	25.00	n/a
New location transfer	35.00	n/a
Off premises beer retailer	283.00	Per location
On premises beer retailer	383.00	Per location
On premises banquet and catering	383.00	Per location
Club (under 50 percent food sales)	523.00	Per location
Special event alcohol	100.00	Per day
Club (over 50 percent food sales)	433.00	Per location
Restaurant; full service	433.00	Per location
Restaurant; limited service	383.00	Per location
Brewery	\$ 383.00	Per location
Special event permit	100.00	May be subject to bond/temporary licensing
Cleanup bond; special event permit	2,000.00	n/a
Business License renewal (estate sales and auction.)	25.00 Based on the Business License Type	Annual renewal
Penalty fee for commencing business operations without a license 10 days after the renewal due date.	25 percent of the assessed annual fee added to Original Amount Due	If the applicant has operated without a license for less than 30 days

		during the fiscal year in question
Penalty fee for commencing business operations without a license for 30 days after the renewal due date.	Additional 75% percent of the assessed annual fee for a total of 100% of the Amount Due.	If the applicant has operated without a license for more than 30 days during the fiscal year in question
Reissuance penalty fee for expired alcoholic beverages retail sales license	25 percent of the total annual fees due	If the applicant has operated without a license for less than 30 days during the fiscal year in question
Reissuance penalty fee for expired alcoholic beverages retail sales license	100 percent of the total annual fees due	If the applicant has operated without a license for more than 30 days during the fiscal year in question
Application fee refunds	\$35.00 - to the extent the amount that accompanied the application exceeds \$35.00	\$35.00, or any lesser amount, shall be retained by the city to offset the cost of processing the application