TOQUERVILLE CITY

ORDINANCE # 2021.XX

AN ORDINANCE AMENDING AND RESTATING SECTION 3-1-7 OF THE TOQUERVILLE CITY CODE (BUSINESS LICENSES) TO FURTHER CLARIFY WHEN A PRIOR BUSINESS LICENSE CAN NO LONGER BE RENEWED AND WHEN A NEW LICENSE MUST BE APPLIED FOR AND WHAT THE PROCESS AND COSTS ARE ASSOCIATED WITH THE RE-ISSUANCE OF A BUSINESS LICENSE WHO HAS ALLOWED ITS LICENSE TO EXPIRE AND BECOME NON-RENEWABLE.

RECITALS

WHEREAS, Toquerville City ("City") is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, the City is authorized pursuant to Utah Code Annotated, Title 10, Chapter 8 to fix the amount, terms and manner of issuing licenses;

WHEREAS, the City is authorized pursuant to Utah Code Annotated, Title 10, Chapter 1 to license for the purpose of regulating any business within the limits of the City by ordinance and imposing fees on businesses to recover the City's costs of regulation;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Toquerville City Council ("City Council") is designated as the governing body of the City;

WHEREAS, in July of 2020 the City adopted a new and comprehensive business licensing ordinance and scheme now found in Title 3, Chapter 1 of the Toquerville City Code replacing a series of antiquated ordinances relating to business licenses having their origins in the late 1970s ("New City Business Licensing Ordinances").

WHEREAS, since adopting and implementing the New City Business Licensing Ordinances, City staff has determined said ordinances are unclear on when a prior business license has gone expired for too long such that it cannot be renewed, but rather must be re-applied for.

WHEREAS, City staff would also like further clarity on what steps or process a business owner applicant who previously held a business license must follow in order to have a business licensed issued anew.

WHEREAS AND ACCORDINGLY, in order to provide for the health, safety and general welfare of the City and its residents by appropriately regulating businesses operating within the corporate limits of the City, the City, acting by an through the City Council, desires to amend and restate Section 3-1-7 of the Toquerville City Code (Business Licenses) to further clarify when a prior business license can no longer be renewed and when a new business license must be applied for and what the process and costs are associated with the issuance of a business license who has allowed its license to expire and become non-renewable.

ORDINANCE

NOW THEREFORE BE IT HEREBY ORDAINED by Toquerville City, Washington County, State of Utah, acting by and through the City Council as follows:

1. Amendment and Restatement of Section 3-1-7. Title 3, Chapter 1, Section 7 of the Toquerville City Code is hereby amended and restated as follows:

3-1-7: LICENSE TERM AND PAYMENT DATES:

A. Initial Applications and Renewal Applications: Except as provided in Subsection B of this Section, a Business License commence January 1 of each year and shall expire on December 31 of each year.

B. Initial Applications After October 31: A Business License granted by the City to an applicant, pursuant to an application for a new Business License submitted after October 31, shall extend and be in force (without additional fee) until December 31 of the year following such application.

C. Inspections Made: Notwithstanding the provisions of Subsections A and B of this Section, no license shall be granted and validly in force until any and all required inspections have been made, all City administrative approvals have been given, and all licensing and delinquency related fees (including any such unpaid fees from prior years) are paid by the applicant.

D. Payment Date on Renewal Licenses: Except as provided in Subsection E, of this Section, annual business licensing fees shall be due and payable on or before December 31 of the year immediately prior to year for which the Business License is applicable and in force; and shall become delinquent if not paid, in full, prior to March 1 of the year in which the Business License is applicable and in force.

E. Payment Date on Initial Licenses: Payment for initial Business Licenses are due and payable at the time of application therefor; and no license shall be issued until such payment is made. There is no grace period for the payment of such fees wherein business may lawfully be transacted.

F. Delinquency Fees, Civil Penalty and Collection Costs:

1. Delinquency Related Fees: Delinquency related fees shall mean and include any fees and costs provided for in this Section 7.

2. Late Fees: Any license not renewed and paid for (in full) prior to December 31, shall incur a late fee, which shall be established by resolution and which may be changed from time to time and set forth in the City's uniform fee schedule. No license may be issued until all Delinquency Related Fees are paid in full.

3. Enforcement: The failure to pay fees by March 1, shall result in a prior license being non-renewable. If the applicant wishes to continue engaging in business, the applicant will need to re-apply for a new business license and the following shall be performed before an applicant may lawfully transact business within the City again:

a. Applicant must submit to the City a new business license

application and any necessary documents as may be required by the City License Officer pursuant to Section 3-1-5, above.

b. Applicant must pay the license fee prescribed by Section 3-1-6, above as well any Delinquency Related Fees, including Late Fees and licensing fees due during any lapse in licensure while the applicant continued to Engage in Business.

c. Applicant must subject itself any the proposed Place of Business to be inspected for compliance with all building, safety and health codes adopted by the City pursuant to Section 3-1-3(C), above.

d. Applicant must obtain or provide proof of current necessary administrative approvals and licenses that may be required by the State of Utah or Washington County relating to the type of business to be conducted.

d. Applicant must repay the City all enforcement costs incurred by the City or otherwise attributable to the applicant's prior delinquency and/or illegal conduct, including all costs and reasonable attorney's fees incurred by the City.

2. Severability. If any section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

3. Conflicts/Repealer. This Ordinance repeals the provisions of any prior ordinance in conflict herewith.

4. Effective Date. This Ordinance shall become effective immediately upon the signing of the Toquerville City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 21st day of April, 2021 based upon the following vote:

Council Member:	
John 'Chuck' Williams	Aye _____Nay _____
Keen Ellsworth	Aye _____Nay _____
Justin Sip	Aye _____Nay _____
Gary Chaves	Aye _____Nay _____
Ty Bringhurst	Aye _____Nay _____

TOQUERVILLE CITY
a Utah municipal corporation

ATTEST:

_____
Lynn Chamberlain, Mayor

_____
Ruth Evans, City Recorder

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