

## ROY CITY COUNCIL MEETING AGENDA

MAY 3, 2022 – 5:30 P.M.

ROY CITY COUNCIL CHAMBERS 5051 S 1900 W ROY, UTAH 84067

This meeting will be streamed live on the Roy City YouTube channel.

### A. Welcome & Roll Call

### B. Moment of Silence

### C. Pledge of Allegiance

### D. Consent Items

These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any consent item, that item may be removed from the consent agenda and considered separately.

1. Approval of March 15, 2022, City Council Meeting Minutes; Approval of April 5, 2022, City Council Meeting Minutes.

### E. Public Comments

If you are unable to attend in person and would like to make a comment during this portion of our meeting on ANY topic you will need to email [admin@royutah.org](mailto:admin@royutah.org) ahead of time for your comments to be shared.

This is an opportunity to address the Council regarding concerns or ideas on any topic. To help allow everyone attending this meeting to voice their concerns or ideas, please consider limiting the time you take. We welcome all input and recognize some topics make take a little more time than others. If you feel your message is complicated and requires more time to explain, then please email [admin@royutah.org](mailto:admin@royutah.org). Your information will be forwarded to all council members and a response will be provided.

### F. Action Items

1. Request for approval of alcoholic beverage license-Farmhouse at Sacco's, located 6050 S 1900 W.
2. Consideration of Resolution 22-6 Amending the Roy City Personnel Policy and Procedures Manual

### G. Presentations

1. FY 2023 Budget Proposal

### H. Discussion Items

1. Towing RFP
2. Street lighting on 5600 South
3. Community Night at the Rodeo
4. Recreation Water Usage (sign fountains, splash pad, park strips)
5. Youth Council – applications and intentions
6. 2022 Utah Legislation House Bill 146 – Local Licensing Agreements

### I. City Manager & Council Report

### J. Adjournment

*In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1020 or by email: [admin@royutah.org](mailto:admin@royutah.org) at least 48 hours in advance of the meeting.*

*Pursuant to Section 52-4-7.8 (1)(e) and (3)(B)(ii) "Electronic Meetings" of the Open and Public Meetings Law, Any*



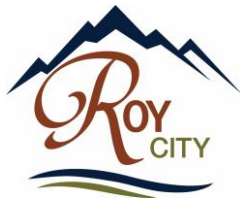
*Councilmember may participate in the meeting via teleconference, and such electronic means will provide the public body the ability to communicate via the teleconference.*

**Certificate of Posting**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 29<sup>th</sup> day of April 2022. A copy was also posted on the Roy City Website and Utah Public Notice Website on the 29<sup>th</sup> day of April 2022.

Visit the Roy City Web Site @ [www.royutah.org](http://www.royutah.org)  
Roy City Council Agenda Information – (801) 774-1020

**Brittany Fowers**  
City Recorder



Minutes of the Roy City Council Meeting held in person in the Roy City Council Chambers and streamed on YouTube on March 15, 2022, at 5:30 p.m.

Notice of the meeting was provided to the Utah Public Notice Website at least 24 hours in advance. A copy of the agenda was also posted on city website.

The following members were in attendance:

Mayor Dandoy	City Manager, Matt Andrews
Councilmember Jackson	Assistant City Attorney, Brody Flint
Councilmember Sophie Paul	City Recorder, Brittany Fowers
Councilmember Wilson	Youth Councilmember
Councilmember Scadden	
Councilmember Joe Paul	

Also present were Police Captain Kevin Smith; Fire Chief Craig Golden; Parks and Recreation Director Travis Flint; Public Works Deputy Director Brandon Edwards; City Planner Steve Parkinson; Lizzy Badger, Julie Cragun, Natalie Pierce, Glenda Moore, Kevin Homer, Jon Parry, Brett Bair, Stephen Mark.

**A. Welcome & Roll Call**

Mayor Dandoy welcomed those in attendance and noted Councilmembers Jackson, Sophie Paul, Wilson, Scadden, and Paul were present.

**B. Moment of Silence**

Mayor Dandoy invited the audience to observe a moment of silence.

**C. Pledge of Allegiance**

Mayor Dandoy led the audience in reciting the Pledge of Allegiance.

**D. Consent Items**

*(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)*

- 1. Approval of alcoholic beverage license for Extra Mile #238, located at 4805 S 1900 W.**
- 2. Approval of the January 18, 2022, and February 1, 2022, Roy City Council Meeting Minutes.**

**Councilmember Scadden motioned to approve the Consent Items. Councilmember Paul seconded the motion. All Councilmembers voted “aye.” The motion carried.**

**E. Public Comments**

Mayor Dandoy opened the floor for public comments.

No Public Comments were heard.

Mayor Dandoy closed the floor for public comments.

**F. Action Items**

1. Resolution 22-3, a resolution of the Roy City Council approving ambulance transportation rates and charges.

Chief Golden made mention of annual rate changes and lag in time from approval to the ability to begin charging new rates. Resolution 22-3 is written so rate changes can take effect as based by the State.

**Councilmember Wilson motioned to approve Resolution No. 22-3. Councilmember Paul seconded the motion. A roll call vote was taken. All Councilmembers voted “Aye.” The motion carried.**

**G. Presentations**

1. Flip Your Strip Program – Jon Parry, Weber Basin Water District

Jon Parry explained that \$1.25 would not cover lot costs even with seven to ten gallons saved. He said the average rebate that would be saved was \$6,700. Councilmember Wilson was concerned about people’s choices being limited with a mandate. Mr. Parry said they would have more flexibility in the water budget and noted the number Ms. Wilson referenced is not a district number and does not necessarily reflect their water conservation goals. He explained that this move was a shift, though they are willing to talk with several agencies to help make the developments manageable. Mr. Parry said no matter what, they would have to shift their behaviors and work on efficiency and overall reduction.

Mayor Dandoy stated that he sent the Council information to consider including a statement saying water can be part of the general plan and does not need to be done until December 2025. With that said, he said the Planning Commission must establish an infrastructure plan that reduces water consumption on both future and existing developments. He added there needs to be a regional conservation plan which is required by law. He stressed that all these elements are required to be in the general plan and they must be centered on elimination with an emphasis on rolling back on stagnant bodies of water. Mayor Dandoy pointed out that the governor will likely sign this bill. He expressed concern over how they can effectively make these changes which ask for a sixty percent reduction in water usage. He urged the Council to consider how these plans will work and consider that they will move to the Planning Commission. Mr. Parry said the State insists they reduce usage by thirty five percent, and the biggest difficulties will be at the commercial and industrial level.

City Planner Steve Parkinson said he would rather have some direction from the Council, and noted they have to have a plan by January. Mayor Dandoy confirmed that the Council is okay with sending this over to the Planning Commission.

2. Seasonal/Park time Salary Survey – Travis Flint

Parks and Recreation Director Travis Flint reviewed a timeline of meetings on payment and staffing. He said the focus of this presentation was on part-time staff. Mr. Flint said they would have to close the aquatics center as they do not have enough staff for swimming lessons. The center staffed at 27 or 65 per hour. Mr. Flint said they were focused on retaining part time staff, and the last six years there had been a massive drop in retention. He pointed out that well-trained aquatics and sports staff meant a safe environment. He noted that roughly 70 percent of part time staff are Roy City residents, and they take great pride in their jobs. Additionally, he said many of these part-time employees are experiencing their first job;

therefore, training is essential. Mr. Flint said the whole City is struggling to employ people and provide adequate wages. With that said, he said the recreation department is looking to create new positions and reach out to new people. He stressed there is also a shortage of adult officials, and sports games have been canceled because of this. In order to solve this issue, Mr. Flint told the body they are focusing on hiring supervisors who will help recruit more coordinating and managing positions. He said they also want to provide more opportunities for growth for younger part-time workers (for example, having a lifeguard “one” and lifeguard “two”). Mr. Flint reviewed payment plans then gave some incentives to get retention up which included bonuses, a 50 hour quarterly requirement, and a zero tolerance policy for no call/no shows. Moving forward, he stressed the challenges they face, but said they have a lot of room for growth and opportunity.

Mayor Dandoy said their budget was looking like \$244,000 for the next year. He stressed this is not an approval meeting but instead a discussion.

Mr. Flint said they could also navigate finding replacement workers for no-call, no-shows. It was noted the budget currently was set at \$45,000. Mayor Dandoy said they need to start talking about appropriating money for the next year, and suggested they start drafting a budget adjustment plan. Ms. Wilson asked about the 27 to 65 dollars paid to part-time employees. Mr. Flint said it depends on the sport and the qualifications. He added that scheduling also factors into it. Ms. Wilson clarified that starting wages are based on pre-established classifications. Mr. Flint said they would partially base this on their interview with the candidates.

Mayor Dandoy said his biggest concern was burdening Roy City residents with the tax costs of maintaining these programs.

### 3. Vision of xeriscaping city parks and greenspaces

Mr. Flint said the primary task was identifying a greenspace, and they would primarily talk about costs and proposed areas. Given Utah’s status as one of the driest states in the nation, he noted they have lots of challenges. Next, he walked through a visual aid which detailed areas potentially eligible for greenspace designation. He noted they appreciate functional greenspace like spaces people can play or exercise on. Mr. Flint explained that they would like to do most of these projects in-house, though the prices listed considered contractor costs. Mr. Flint explained that currently the City does not have the budget for many necessary projects and is also dealing with poor soil quality.

Next, Mr. Flint spoke to how pivotal education is to moving forward. He added that this year they need to consider liability issues and be grounded about what is feasible. He said it may not be prudent to run a splash pad while also asking residents to cut down how much they water per week. Next, he said they have to make their expectations clear; though, he has all the confidence in their staff.

Mr. Flint said that any ambiguity on the map reflects the difficult climate problems they are facing. He said they are looking at \$133,000 in costs to address these issues. Mayor Dandoy said water availability will be the biggest deterrence to their plans. He added that they cannot just dip into State rivers and lakes (like Salt Lake) as they are already so depleted. Mayor Dandoy said they may have to just turn off the pond, pool, and fountain waterfalls. He emphasized that any State-wide water conservation legislation is directed at places like Roy City, and it will likely result in a choice between watering fields and providing drinking water. He added that Roy City provides water to West Haven, and said they may have to meet additional requirements because of this. He said there is legislation that says that water suppliers who have more than 500 service connections must contain an overall water reduction goal. Mayor Dandoy said that this definition adds another level of requirements that Roy City will have to meet.

4. Youth Council – Councilmember Sophie Paul

New Youth Councilmember Sophie Paul began by asking how they can start a youth group and focus on retention and regular meetings. She said she had spoken to several groups, and they would like to provide as many opportunities as possible, especially with scholarships. Councilmember Jackson asked what numbers might look like. Youth City Councilmember Paul said there would be groups of roughly 20.

The suggestion was made to provide the Youth Council with service opportunities and lean into what they already have. Youth City Councilmember Paul said she has already been scouting and would like to start off higher in age for potential recruits. She said she would start with quarterly meetings which would overlap with things the Council is already doing.

Youth City Councilmember Paul said she wanted to start out by constructing an application and build a get-to-know you program. She stressed that the program would not be off the ground for a few months, so they had time to plan. It was suggested that there could be some good overlap with Parks and Recreation as well. Mayor Dandoy said they should finish the conversation at the budget meeting.

**H. Discussion Items**

1. Establishing a R-1-3/4/5 Zoning Ordinance

Staff indicated the City had already removed a significant portion of this zone, so they should redesignate a new space within the zone. Mr. Parkinson clarified that they made these changes under different policies. City Attorney Andy Blackburn said they should look at old codes and work on getting these codes to match up with current needs.

*\*Note: The audio intermittently cut in and out throughout the remainder of the meeting.*

2. Update on General Plan work session

Mr. Blackburn stressed the need to move the general plan through to the next step. Mayor Dandoy concurred.

3. Youth Council social media account

A Youth City Councilmember discussed how the group operated. She suggested filming meetings on school pages and pushing City meetings on social media. She also pushed for more social media archiving.

**I. City Manager & Council Report**

City Manager Matt Andrews said to save the date on April 16th for the Easter Egg hunt through waste management.

It was noted that the City needed to address a sign north of town. Mayor Dandoy announced the Hope Center dinner on April 25th. He also said the City needs to have an application in by July 10th to participate in the Ogden Parade.

**J. Adjournment**

**Councilmember Paul motioned to adjourn. Councilmember Jackson seconded. Meeting was adjourned.**

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Robert Dandoy  
Mayor

Attest:

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Brittany Fowers  
City Recorder

dc:



**ROY CITY**  
**Roy City Council Meeting Minutes**  
**April 5, 2022– 5:30 p.m.**  
Roy City Council  
5051 S 1900 W Roy, UT 84067

Minutes of the Roy City Council Meeting held in person in the Roy City Council Chambers and streamed on YouTube on April 5, 2022, at 5:30 p.m.

Notice of the meeting was provided to the Utah Public Notice Website at least 24 hours in advance. A copy of the agenda was also posted on City website.

The following members were in attendance:

Mayor Dandoy	City Manager, Matt Andrews
Councilmember Jackson	City Attorney, Andy Blackburn
Councilmember Sophie Paul	City Recorder, Brittany Fowers
Councilmember Wilson	
Councilmember Joe Paul	

Excused: Councilmember Scadden

Also present were: Police Chief, Matthew Gwynn; Fire Chief, Craig Golden; Management Services Director Amber Fowles; Parks and Recreation Director, Travis Flint; Public Works Deputy Director, Brandon Edwards; City Planner Steve Parkinson; Kevin Homer, Glenda Moore, Elden Welchman, Jeremy Brighton, and Jane Wylie.

**A. Welcome & Roll Call**

Mayor Dandoy welcomed those in attendance and noted Councilmembers Jackson, Sophie Paul, Wilson, and Joe Paul were present.

**B. Moment of Silence**

Councilmember Sophie Paul was invited the audience to observe a moment of silence.

**C. Pledge of Allegiance**

Councilmember Sophie Paul lead the audience in reciting the Pledge of Allegiance.

**D. Consent Items**

*(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)*

- 1. Approval of the February 15, 2022, and March 1, 2022, Roy City Council Meeting Minutes. Approval of the February 22, 2022, Roy City Special Work Session Meeting Minutes.**

**Councilmember Joe Paul motioned to approve the Consent Items with noted changes to minutes. Councilmember Diane Wilson seconded the motion. All Councilmembers voted “aye.” The motion carried.**

**E. Public Comments**

Mayor Dandoy opened floor for public comments.



Eldon Welchman, 3675 S 2025 W Roy, commented on the construction on Hinkley Drive on the apartment buildings and said that their backup alarms were so loud that they made his ears ring. He had worked construction his whole life and never had an issue and wondered if there was a decibel limit for the backup alarms on the vehicles. Councilmember Wilson suggested using the City's decibel reader to see if the noise exceeded the limits. Mayor Dandoy said that there was a difference in the construction allowance and the residential allowance for decibel levels and there were exceptions listed in the ordinance. He suggested staff go through the ordinance to determine if there were any violations occurring.

Kevin Homer, 5398 S 4000 W Roy, commented on the email had he sent out to everyone about the draft resolution. He had attended all of the meetings about the general plan over the past three years and appreciated all the care that was taken with regards to it.

Mayor Dandoy closed the floor for public comments.

**F. Action Items**

1. Resolution 22-4 Approving adjustments to the FY 2022 Budget

Management Services Director Amber Fowler presented the resolution. This proposed resolution would increase the previously approved budget by \$453,829. In the general fund they had receive \$264,700 in one-time building permit revenue as well as \$12,300 in Roy City donations from the previous summer. The fire department had received an EMS grant for \$6,329. This revenue was enough to cover the expense increases that were being requested. There were a couple of emergency purchases in the capital projects fund including a diving board stand at the aquatic center and HVAC major repair for the main building. Parks and rec had requested \$20K for final finishes to the pole barn. The remaining balance would be added to the fund balance for future use. They were recommending receiving public input and approving this resolution.

**Management Services Director provided overview of budget adjustments and requests and asked for consideration in approving Resolution 22-4.**

**Mayor Dandoy asked for a motion to enter public hearing. Councilmember Wilson motioned to enter. Councilmember Jackson second the motion. All Councilmembers voted "Aye" and meeting entered public hearing.**

**Mayor Dandoy asked for a motion to close the public hearing. Councilmember Sophie Paul motioned to close. Councilmember Wilson second the motion. All Councilmembers voted "Aye" and the public hearing was closed.**

Councilmember Wilson asked about the overages from Roy Days.

**Councilmember Sophie Paul motioned to approve Resolution No. 22-4 Approving adjustments to the FY 2022 Budget. Councilmember Jackson seconded the motion. A roll call vote was taken. All Councilmembers voted "Aye". The motion carried.**

2. Resolution 22-5 Announcing intent to transition from bi-monthly utility billing schedule to monthly utility billing schedule.

City Manager Matt Andrews presented this resolution. The intent of this would make May the last bi-monthly billing cycle for the winter catchup of March and April, June would be the first monthly bill. Staff recommended approval.

There was discussion about the increase in the budget for credit card fees.

Councilmember Joe Paul asked if the City could charge a convenience fee for those who paid with credit cards. Mr. Andrews replied that cities had charged technology fees before which he thought was reasonable in order to subsidize fees. The bulk of payments were coming in as credit card payments and it was easier for the staff to just implement technology fees as an offset.

**Councilmember Jackson motioned to approve Resolution No. 22-5 Announcing intent to transition from bi-monthly utility billing schedule to monthly utility billing schedule. Councilmember Sophie Paul seconded the motion. A roll call vote was taken. All Councilmembers voted “Aye”. The motion carried.**

**G. Discussion Items**

1. 6000 South Center Driving Line Issue

Public Works Deputy Director Brandon Edwards spoke on the issue. He had called to see how much it would cost to have this etched off and it would be around \$2700. They would sandblast it off at \$1.35/foot. His recommendation was to avoid payment and let it fade out naturally and then readjust it. Mayor Dandoy said it was more of a public safety issue for the residents that needed to pull out onto that street because there was no curb or gutter on the north side of 6000 and he thought it would be a good idea to have the City have that stripe removed.

Councilmember Wilson asked Chief Gwynn what he had noticed with regards to this issue. He replied that even if they etched the line there would still be a line that traffic would still follow. He would suggest that if they etched the line to redraw a line to tell drivers where they would need to place their vehicles on the road. Councilmember Wilson asked if he thought there was a big safety issue or if the two years wait for it to fade would be acceptable. Chief Gwynn said that none of the safety concerns had come to his attention, and he suggested that if they etched it, to add a new center line and to delineate usage of the road by adding fog lines to either side of the road so there was no doubt where the lane began and ended. If the concern was pedestrian safety, then the fog line would delineate to drivers that they could not leave the lane.

Councilmember Joe Paul asked if they could tar it instead of etching it. Mr. Edwards replied that the yellow would still bleed through the black. Councilmember Joe Paul asked if that section was due to get guttered and side walked. Mr. Edwards replied that there were certain areas along the road that they were trying to get grants for to put in a sidewalk.

Councilmember Wilson asked how much it cost to paint versus etch. Mr. Edwards replied that it cost around \$0.40/ foot to paint, and they budgeted every year to repaint the hard lines throughout the City.

Councilmember Joe Paul thought they should blast it and restripe it.

Mayor Dandoy said that was the majority and asked for Public Works to get it going. Mr. Edwards asked what they urgency was for Council. Mayor Dandoy replied that whenever was the temperature was right and they could work it into their schedule.

2. Farmers Market

Parks and Recreation Director Travis Flint led the discussion. 6 weeks ago, they had received an email from an individual regarding renting a farmers’ market in the City. If this was something they wanted to

explore, they would be best of sending out an RFP.

Councilmember Wilson commented that this was something they had looked into before and had received very little public interest in it and so they needed to look more into it and that the date of the market would be very important because the only real farmers market in the area was in Park City, and they didn't want it to be a competitive thing. She was also concerned about how they would get vendors and what kind of agricultural vendors they would get. Emma Russell Park wasn't a good location because they would need to draw in people from outside of Roy for it to be successful. She thought it would be a great thing for Roy.

Mr. Flint replied that he thought Wednesday would be a good night and that it would be important for them to produce something that was very minimal for his staff because they didn't have anything budgeted for it. This fell during a very busy time of the parks and rec season and if they went through with it there was a parking lot on 1900 that they had a joint venture with American First Credit union that they would want to have it at. They had contacted the credit union who had agreed to it with some conditions. They had an agreement with the credit union that the City could use the parking lot from 5-close of the park and the individual who had brought the proposal requested to start setting up at 3 which the credit union was okay with. He didn't want to a park of it unless it was going to be successful.

Councilmember Sophie Paul asked if the individual who filed the proposal had any experience. Mr. Flint replied that she had done them in Salt Lake County and other places. Mayor Dandoy asked about the RFP. Mr. Andrews said that he thought the purpose of the RFP was just to be fair to everyone out there who wanted to do it. Mayor Dandoy said that they had to move on this in a timely manner because if they waited too long it would be fall.

Jane Wiley, 4745 S 3600 W, Roy, was the applicant and had been running farmers markets in Salt Lake County for the past two years. She was on the leadership for the Utah Farmers Market board. Farmers markets had become more important to local communities in the last two years for food security and healthy food at affordable prices. One of the largest farmers markets in the state was in Ogden which occurred on Saturdays so they wouldn't compete and there were two in Park City that were far enough away that they would also not compete. They shared vendors back and forth and they had a lot of backyard producers. The fees would be minimal, \$20/week/vendor for about 23 weeks and a discount would be offered if producers signed up for every week in advance. She had already had producers approach her that were interested in doing it and Roy residents would get priority. Local meant no more than 250 miles from where the farmers market was held.

Councilmember Wilson suggested not patterning after the Ogden farmers market and that they should pattern more off of Bountiful. Ms. Wiley said that 70% of the product would be SNAP eligible. Councilmember Wilson said that there was a concern with private vendors versus City vendors and wanted to be careful that this would be a good representation of Roy.

Councilmember Sophie Paul asked about the percentages set for produce and manufactured product t 70% to 30%. Ms. Wiley replied that a true farmers market was when farmers got together and sold uncut sometimes unwashed food and so in order to maintain the integrity of a farmers' market as regulated by Utah food and health, they wanted it to be primarily food with arts and crafts as supplemental.

Mayor Dandoy asked Mr. Flint how he would like to proceed. Councilmembers were in general agreement to proceed. Mayor Dandoy asked if the Council would like to read the RFP before it was released or to allow the staff to proceed. Councilmembers all requested a copy of the RFP before it was sent out.

Councilmember Wilson asked why May 18 had been selected as the first market. Ms. Wiley replied that that was when they would start to get microgreens and baked goods.

3. ETA on Bridge construction on Midland Drive canal

Mr. Edwards reported on this and said that they were in great shape and had paved on Monday and it would hopefully be open to traffic on Friday morning. All they were lacking was the fencing.

4. ARPA Funds

Mr. Andrews said that he had received some questions about the sewer station and that the idea for the station was that the sewage would be going to Central Weber Sewer District through Ogden City. There was discussion about the costs. He wanted to clarify any confusion about why they were redirecting it the way that they were.

Mr. Andrews said that ULCT had provided training with ARPA funding and during that training they said they were able to do a revenue replacement up to \$10M which would reduce the reporting requirements for the ARPA funds and would free up that money to report easier and eliminate fees associated with the audit. He had been told the most cities were doing this right now. The first report was due on April 30<sup>th</sup> and so they needed some guidance before then. He had spoken with an auditor who was looking into it but the auditor had said that it sounded like a go.

Mayor Dandoy said that they had received \$2.5M in ARPA funds and asked how Council wanted to proceed. Councilmember Wilson asked what the catch was. Mr. Andrews replied that the disadvantage would be that the state had some matching funds available, but it would disqualify them from these matching ARPA funds. He said that it was highly unlikely that they would get any of those funds anyway, though. This would streamline the process which he thought was in their best interest.

5. Ogden Pioneer Days Parade – Council/City float or display

Mayor Dandoy said that they had been asked if they wanted to participate in the Ogden Pioneer Days Parade. Councilmember Wilson said she would be more inclined to be involved if the high school got involved. There was discussion about who would be in charge of building a float and if they wanted to participate. The parade would be on Monday the 25<sup>th</sup>. Mr. Andrews said he wasn't sure that staff was very interested in building floats. It was decided to contact a resident with an aquatic military vehicle and attach a banner to the side.

**H. City Manager & Council Report**

Mr. Andrews commented on the code regarding decibel levels brought up in the public comments earlier in the evening. He said it was 90 decibels 25 feet away but there was an exception with safety devices, warning signals, and safety signals, so they were currently within the City's ordinance.

Eldon Welchman, 3675 S 2025 W Roy, had a concern if there would be a sound or light barrier once construction was completed. Mr. Parkinson said that it was residential against residential so there was no requirement to block light traffic. Mayor Dandoy suggested Mr. Parkinson review the site plan and see if the development fell under City ordinance. Mr. Welchman asked about where they would be connecting water. Mayor Dandoy again suggested he look at the plans with Mr. Parkinson.

Mr. Andrews said that April 16<sup>th</sup> would be the Easter Egg hunt at 10am at George Wallen Park. The Council meeting on the 19<sup>th</sup> was the same week as ULCT training and so if anything urgent came up they would have the meeting but if not, they were planning to cancel it. The DNRG trail would be closed April

13-19 because there would be some engineers working in the area. 4975 would be closed except to thru traffic the following day and on April 25<sup>th</sup> there would be the CTC dinner from 5-7:30.

Councilmember Wilson said that they were working on the welcome to Roy sign on the north and that they would be putting it in the following week.

Youth Councilmember asked if the City did anything for graduates because graduation was coming up. Mr. Andrews said they had money budgeted the previous year and had put on fireworks, but he wasn't sure what they would be doing this year and that it was up to the school what they would do with it.

Mayor Dandoy said that they discussed drafting an ordinance to establish the use of hours between 10a.m. through 6p.m. at night. He wanted to have Mr. Blackburn draft an ordinance with regards to this for discussion in May. Councilmember Joe Paul recommended that the ordinance be consisted with their secondary water use ordinance. Mayor Dandoy said that they were looking into reducing the allowance for secondary water right now and that he wanted to be specific about culinary water use. There was discussion about water use recommended usage. Mayor Dandoy said that at the time there was no limitation on the residents for use of culinary water and this ordinance would only address that component in order to prevent running out of drinking water. They were in a drought and in very real danger of running out of drinking water over the summer and drastic measures would have to be taken if they ran through the Weber basin water. An ordinance would help people be compliant in water usage.

Councilmember Wilson liked the idea of suggesting lessening water usage rather than a resolution and have people be responsible. Mayor Dandoy said that an ordinance would put a regulatory requirement on them but if they wanted to let people be responsible for their own water use then that would be up to Council. He said that there were a number of bills in the state legislature regarding water conservation and this would be a good way to get ahead of the future bills that would ultimately pass. Councilmember Sophie Paul thought they should recommend lessening usage. Councilmember Joe Paul thought education was important. Councilmember Wilson said that people should be aware of the drought situation anyway.

It was generally agreed to let this year unfold and not draft an ordinance until the following year.

**I. Adjournment**

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Robert Dandoy  
Mayor

Attest:

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Brittany Fowers  
City Recorder

dc:

**2022 ALCOHOLIC BEVERAGE LICENSE**  
 TO BE APPROVED BY THE  
 CITY COUNCIL  
 On May 3, 2022

<u>LICENSE #</u>	<u>BUSINESS NAME/ ADDRESS</u>	<u>OWNER</u>	<u>CLASSIFICATION</u>	<u>YEAR TO APPROVE</u>
9305	Farmhouse at Sacco's 6050 S 1900 W	Russ & Brandy Fowers	Class A Beer	2022

**RETAIL LICENSE CLASSIFICATIONS**

<u>BEER CLASSIFICATION</u>		<u>LIQUOR CLASSIFICATION</u>	
Class A	Off premises consumption	Class A	Private Club
Class B	On premises consumption - restaurant	Class B	Restaurant
Class C	On premises consumption - tavern	Class C	Temporary
Class D	Temporary license		
Class E	Private club license		



Date: April 11, 2022  
To: Mayor Dandoy and City Council Members  
From: Tammy Nelson  
Subject: Farmhouse at Sacco's, 6050 S 1900 W - Alcoholic Beverage License

An existing Produce Stand/Grocery Store, located at 6050 S 1900 W, is being purchased by a new owner, Russ and Brandy Fowers. A Building Inspection has been conducted to ensure that they are compliant with the building and safety codes.

I recommend approval of a Class A beer license.

Respectfully,

A handwritten signature in blue ink that reads "Tammy Nelson". The signature is fluid and cursive, written in a professional style.

Tammy Nelson  
Community Development  
Office Manager



# Roy City Fire

## MEMO

Deputy Chief Leroy Gleichmann

**To:** Tammy Nelson  
**Date:** April 12, 2022  
**Subject:** Alcoholic Beverage Application/Inspection

**Farmhouse At Sacco's**

**6050 s 1900 w**

**License # 9305**

We have inspected the building and premise located above and found that the proposed premise does comply with all applicable laws, ordinances and regulations relating to safety in the event of fire or panic, and that this location is reasonably safe for use as a licensed premise for the license applied for.

We completed the inspection for current owner and future owner so there would not be a lapse in coverage until the sale and new ownership is complete.

Any questions please get with me. Thanks.

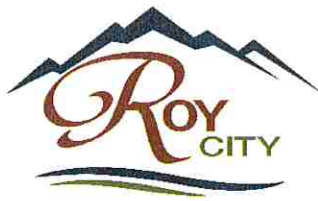
**Leroy Gleichmann** | Deputy Chief - Fire

Roy City | 5051 South 1900 West, Roy, Utah 84067

(o) 801-774-1084 | [www.royutah.org](http://www.royutah.org) 



**Mayor** • Robert Dandoy  
**City Manager** • Matt Andrews



**City Council** • Ann Jackson  
• Diane Wilson  
• Sophie Paul  
• Randy Scadden  
• Joe Paul

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April 14, 2022

Mayor and City Council Members

Re: Farmhouse at Saco's

Mayor and Council

After reviewing the criminal record of the applicant, there is nothing in their criminal history that would disqualify them from having an alcohol license here in Roy.

Best,

A handwritten signature in blue ink that reads "Brody Flint". The signature is written in a cursive style and is positioned above a horizontal line.

Brody E. Flint  
Roy City Assistant Attorney  
[bflint@royutah.org](mailto:bflint@royutah.org)  
801-774-1006

**Resolution No. 22-6**  
**A RESOLUTION OF THE ROY CITY COUNCIL AMENDING THE ROY CITY**  
**PERSONNEL POLICY AND PROCEDURES MANUAL**

WHEREAS, the Roy City Council has adopted a Personnel Policies and Procedures Manual that sets forth policies pertaining to personnel conduct, conditions of employment, employee classification, benefits, payroll, discipline, and other related employment matters; and

WHEREAS, the Roy City Administration, from time to time reviews and updates the Personnel Policies and Procedures Manual to ensure compliance with any recent changes in federal and state law or changes in general city policy in order to provide a quality working environment for City employees; and

WHEREAS, the Roy City Administration has reviewed and recommends adoption of the revisions and updates that are attached hereto; and

WHEREAS, the Roy City Council has reviewed the proposed amendments to the Personnel Policy Manual and has determined that the amendments are in the best interest of the employees of Roy City.

NOW THEREFORE BE IT RESOLVED by the City Council of Roy City, that the amended Roy City Personnel Policy and Procedures Manual be amended with the following additions, deletions, or amendments:

Amend Section 1202 Leave; Bereavement Leave, Utah Code 10-3-1103 Sickness, disability, and death benefits, last amended by H.B. 449 that requires certain entities to provide bereavement leave for employees who are affected by miscarriage or stillbirth.

Amend Section 1205 Holidays; to be consistent with Utah Code 63G-1-301 Legal holidays, last amended by H.B. 238 to include Juneteenth National Freedom Day.

Add to Section 1202 Leave

**Bereavement Leave**

Bereavement leave with pay may be granted to employees at the discretion of the Department Director in the event of a family members death. Family member in this policy shall mean, spouse, children, parents, grandchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, brothers, sisters, half-brothers, half-sisters, stepfathers, stepmothers, or stepchildren of the employee. Bereavement leave shall also be granted, following the end of the employee's pregnancy by way of a miscarriage or stillbirth, or following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if: the employee is the individual's spouse or partner; or the employee is the individual's former spouse or partner; and the employee would have been a biological parent of a child born as a result of the pregnancy.

Such leave shall not be charged against accrued sick or annual leave. Bereavement leave taken must be clearly indicated on the employee's timecard. This can be done either through the addition on our time sheet of a bereavement leave column, or by a note in the "comments" section identifying the hours taken as bereavement leave. Bereavement leave taken will not be counted as hours worked for overtime purposes. Thus, it will be treated similarly to annual and sick leave for overtime calculations. The amount of time granted will be governed by the individual circumstances and in no case shall bereavement leave exceed three (3) working days. Department Directors and the City Manager shall have the discretion to attend funeral/viewing services as representatives from the City. One day shall be considered (8) hours for a (40) hour-per-week employee and (24) hours for firefighters.

Change Section 1205 Holidays to read as follows:

**Holidays**

The City shall observe the following holidays:

New Year's Day	January 1st
Martin Luther King Day	3 <sup>rd</sup> Monday of January
Presidents Day	3 <sup>rd</sup> Monday of February
Memorial Day	Last Monday of May
Juneteenth National Freedom Day	June 19 <sup>th</sup> *
Independence Day	July 4 <sup>th</sup>
Pioneer Day	July 24 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday of September
Columbus Day	2 <sup>nd</sup> Monday of October
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday of November
Day after Thanksgiving	4 <sup>th</sup> Friday of November
Christmas Day	December 25 <sup>th</sup>

In the event a holiday falls on an employee's regularly scheduled day off, the employee shall elect to be granted equivalent compensatory or annual leave. In the event a holiday falls on a Saturday, the employee will receive the preceding Friday off. If a holiday falls on a Sunday, the employee will receive the following Monday off. \* Juneteenth National Freedom Day is on June 19<sup>th</sup> if that day is a Monday. If June 19<sup>th</sup> is on a Tuesday, Wednesday, Thursday, or Friday the Juneteenth National Freedom Day holiday is on the immediately preceding Monday. If June 19<sup>th</sup> is on a Saturday or Sunday, the Juneteenth National Freedom Day holiday is on the immediately following Monday.

Full-time employees, excluding firefighters, are paid for holidays based on an 8-hour workday regardless of the number of hours the employee is normally scheduled to work. When an employee, other than a Firefighter, is required to work on a holiday, the employee will receive regular wages plus be compensated 8 hours for the holiday.

The method of compensation will be at the Department Directors discretions and will be one of the following:

Regular pay at the employee's current hourly rate  
Compensation time  
Annual leave

Firefighters who work a 48-hour shift shall receive 13 hours regular pay credit per month. Firefighters working less than a full month shall have their pay credit prorated accordingly. For holidays worked, firefighters shall be paid at their regular rate of pay.

Passed this 3<sup>rd</sup> day of May 2022.

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Robert Dandoy  
Mayor

Attested and Recorded:

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Brittany Fowers  
City Recorder

## **Bereavement Leave**

Bereavement leave with pay may be granted to employees at the discretion of the Department Director in the event of a family members death. Family member in this policy shall mean, spouse, children, parents, grandchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, brothers, sisters, half-brothers, half-sisters, stepfathers, stepmothers, or stepchildren of the employee. Bereavement leave shall also be granted, following the end of the employee's pregnancy by way of a miscarriage or stillbirth, or following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if: the employee is the individual's spouse or partner; or the employee is the individual's former spouse or partner; and the employee would have been a biological parent of a child born as a result of the pregnancy.

Such leave shall not be charged against accrued sick or annual leave. Bereavement leave taken must be clearly indicated on the employee's timecard. This can be done either through the addition on our time sheet of a bereavement leave column, or by a note in the "comments" section identifying the hours taken as bereavement leave. Bereavement leave taken will not be counted as hours worked for overtime purposes. Thus, it will be treated similarly to annual and sick leave for overtime calculations. The amount of time granted will be governed by the individual circumstances and in no case shall bereavement leave exceed three (3) working days. Department Directors and the City Manager shall have the discretion to attend funeral/viewing services as representatives from the City. One day shall be considered (8) hours for a (40) hour-per-week employee and (24) hours for firefighters.

## 1205 \* HOLIDAYS

### Holidays

The City shall observe the following holidays:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King Day	3 <sup>rd</sup> Monday of January
Presidents Day	3 <sup>rd</sup> Monday of February
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Independence Day	July 4 <sup>th</sup>
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- Regular pay at the employees current hourly rate
- Compensation time
- Annual leave

Firefighters who work a 48 hour shift shall receive 13 hours regular pay credit per month. Firefighters working less than a full month shall have their pay credit prorated accordingly. For holidays worked, firefighters shall be paid at their regular rate of pay.



## **Community Night at the Rodeo**

**A special offer from Ogden Pioneer Days  
to  
Roy City**

We cordially invite up to 400 Roy City Employees and their families to attend our world-famous rodeo on the evening of Thursday July 21<sup>st</sup> with half priced seats (\$8.00) in the South grandstands.

We invite the City to collect \$3200.00 from local supportive business donors to cover the other half of a retail priced (\$8.00) ticket at \$16.00 a seat.

We also invite the city to provide floats for the parade and to ask Roy High to also participate as well, on July 25<sup>th</sup>.

City Officials will enjoy a VIP dinner and VIP seats at the rodeo on Thursday July 21<sup>st</sup>.

City Leaders and Employees will be recognized at all events.



4/23/2022

# 2022 Legislation House Bill 146 – Local Licensing Amendments



**Robert Dandoy, Mayor Roy City**



## SUMMARY

The 2022 Utah Legislation House Bill 146 may well require the City Council to make changes in the Roy Municipal Code. This summary outlines the highlights of those changes with details outlined in the Point Paper and attachments.

### House-Based Business

- It is recommended that the city change the wording in Roy City Code 3-1-9 General and Specific Business License Fees to reflect the Utah Code 10-1-203, approved by the Utah legislators into law in 2017 and 2018 that states the municipality may not charge a fee for a resident to operate a home-based business unless it had an impact above and beyond that of a normal residential use. If the City Council requires that a home-based business have a business license, then it must state in Roy City Code 3-1-9 how a home-based business can be exempt. It is recommended that some of the exemption criteria found in Roy City Business License Fee Schedule Worksheet (see Attachment 14) be placed in the Roy City Code that is approved by the Council. However, the Council should help clarify for both city employees and home-based business owners what is the meaning of the terms found in Attachment 14:
  - “The Offsite impact of the business materially exceed the offsite impact caused by its residential use” (see Attachment 14). What does this statement mean? This statement as written is ambiguous and difficult to enforce.
  - It is questionable why the requirement found in the Worksheet that “No Customer will visit the home” would qualify under the Utah Code 10-1-203 as a “combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone”. The difference between a visitor or customer arriving at a home does not materially exceed the impact of the primary residential use.
    - It is recommended that the Council remove from the Roy City Business License Fee Schedule Worksheet the statements:
      - “The Offsite impact of the business materially exceed the offsite impact caused by its residential use”, and
      - “No Customer will visit the home”
  - It is recommended that Roy City not require a business license for a home-based business that the entire business is inside the home and there is no outdoor storage associated with the business. If the Home-Based Business owner needs a Business License, then the City will issue a license and charge an Administration Fee.
- It is recommended the city include an Administrative Fee to the Roy City Business License Fee Schedule for those home-based business owners who elect and are not required to get a city business license.
- It is recommended that the Roy City Business License Fee Schedule be changed to reflect those home-based business, that qualify, do not require a business license.
- It is recommended that a Home-Based Business be listed under the Roy City Code 3-1-12: Exemptions to Business License Fee Requirements if they meet the requirements found in 3-1-9 General and Specific Business License Fees (once it is changed to comply with Utah Code 10-1-203).
- As to the question on “Has the city been compliant with Utah Code since 2017?” It has been determined that it is has been “our practice since 2017 and is on our license application renewal form. Initial business licensing is done in person and at that time a determination is made whether it is a home-based business and whether it is exempt from paying fees. If the businesses impact does not materially exceed its primary residential use a fee is not imposed”. Although it appears no Home-Based Business owner has been wrongly charged a licensing fee, this action is not supported by current Roy City Municipal Code or any official action by the City Council. The Home-Business owner applicant should know whether they qualify for the exemption or not within the Code and not a Worksheet. The only document that defines what certain home-based businesses are exempt is found on the Roy City Business License Fee Schedule Worksheet. However, the Worksheet states:” If your home-based business qualifies for the fee exemption, please acknowledge your understanding of these criteria by

signing below. A business license is still required” (See Attachment 14). These statements are confusing, and it is unknown whether the home-based business owner who qualified for the exemptions, even knew whether or not a business license was required. Certainly, the bottom statement on the Worksheet would leave questions. It is possible that some paid the fee and didn't need to.

- It is recommended that the two statements, specifically “A business license is still required” found at the bottom of the Roy City Business License Fee Schedule Worksheet be removed (see Attachment 14).
- The City Website states: “Do I need a Roy City Business License in addition to registering the name of my business with the State of Utah? Yes, all Roy City businesses need a license with the city” (see Attachment 13). This is misleading since there are some home-based businesses that could qualify as exempt from requiring a business license. It is recommended that the city modify the city website by adding “Yes, all Roy City businesses need a license with the city, except those home-based businesses that meet the exemption criteria”.

#### Food Truck Business

- It is recommended that the wording in the Roy City Municipal Code 3-1-12 Exemptions to Business License Fee Requirements be changed from “not including mobile food vendor businesses” to “including those food truck businesses already licensed”.

#### License Fee for Individuals under the Age of 18 Years Old

- It is recommended that the Roy City Code 3-1-12 Exemptions to Business License Fee Requirements be changed from under 16 to under 18 years old.
- It is recommended that the Roy City Business License Fee Schedule be changed to remove the fee of “\$4.50 for a business solicitor 11 through 15 years old”.

#### Disproportionate Fees

- It is recommended that staff determine if Roy City has an ordinance that defines and explains what constitutes disproportionate costs. If not, staff will need to create an ordinance for Council approval.
- Recommend a comparison of disproportionate fees from other municipalities be conducted to determine if Roy City fees are reasonable.

## Point Paper on 2022 Utah Legislation House Bill 146 – Local Licensing Amendments

### ISSUE:

- Initial assessment of HB 146 indicates a need to adjust Roy City Municipal Codes and Roy City Business License Fee Schedule that deals with local licensing requirements. Based on a legal evaluation, it is possible that Roy City may have to provide a refund to Home-Based Businesses going back as much as 5 years.

### BACKGROUND:

- The entire House Bill 146 1<sup>st</sup> Sub is provided in Attachment 1.
- Utah Code 68-3-12 Rules of Construction is provided in Attachment 2.
  - This Utah Code defines the meaning of the words found in the Utah Code so one can understand what is meant when it is used. There are other words that are recommend NOT to be used in writing the laws.
- Roy City Municipal Code 3-1-9 General and Specific Business License Fees in Attachment 3.
- Roy City Municipal Code 3-1-12 Exemptions to Business License Fee Requirements in Attachment 4.
- Roy City Rental Dwelling Licenses document is provided in Attachment 5.
- Roy City Business License Fee Schedule is provided in Attachment 6.
- 2017 Legislative Senate Bill 81 - Local Government Licensing Amendments and 2018 Legislative Senate Bill 158 - Municipality Business Licensing is provided in Attachment 7.
- Ogden City Home Occupation License Application in Attachment 8.
- Centerville, South Ogden, North Ogden, Logan, and Provo cities Municipal Codes that address the 2017 and/or 2018 changes in Utah Code 10-1-203 in Attachment 9.
- Clarification email from the ULCT on a provision of Utah Code 10-1-203 in Attachment 10.
- Roy City Fire and Rescue Fee Schedule in Attachment 11.
- Roy City Website, I Want to (Tab), Apply For (Tab), Business License (Tab), Business Licensing in Attachment 12.
- Roy City Business License Application (Roy City Website) in Attachment 13.
- Roy City Business License Fee Schedule Worksheet in Attachment 14.

### DISCUSSION:

- **Home-Based Business**
  - Utah Code 68-3-12 Rules of Construction (see Attachment 2)
    - (1)(g) “May” means that an action is authorized or permissive
      - (h) “May not” means that an action is not authorized and is prohibited.
      - (j) “Shall” mean that an action is required or mandatory.
  - House Bill 146 states: (see Attachment 1)

Section 1. Section 10-1-203 is amended to read: 10-1-203. License fees and taxes -- Application information to be transmitted to the county assessor.

(7) A municipality may not:

(b) charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

(8) (a) Notwithstanding Subsection (7)(b), a municipality may charge an administrative fee for a license to a home-based business owner who is otherwise exempt under Subsection (7)(b) but who requests a license from the municipality.

(b) A municipality shall notify the owner of each home-based business of the exemption described in Subsection (7)(b) in any communication with the owner.
  - Roy City Code states: (see Attachment 3)

3-1-9: GENERAL AND SPECIFIC BUSINESS LICENSE FEES

1. General License Fee Imposed: License fees for the purpose of revenues, and/or when appropriate for the purpose of regulation, shall be levied for all businesses and business activities within the city. The city council may modify the amounts chargeable as license fees from time to time by resolution. Except as specifically set forth by ordinance or resolution, a general license fee for all businesses, occupations, professions, and business activities shall be imposed.

2. Categories and Classifications of Specific Businesses: The following definitions, categories and classifications shall apply, and a specific business license fee may be imposed:

c. Home Occupation and Home Daycare businesses.

- Requested clarification from the Utah League of Cities and Towns (ULCT) on this statement in the law:
  - (7) A municipality may not:
    - (b) charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.
- Cameron Diehl (Executive Director) and Justin Lee (Director of Government Relations) from the ULCT provided this comment on my request for clarification:
  - For the provision you referenced, the concept was that a city could collect a fee if the home occupation business had an impact above and beyond what a normal residential use would have. That language goes back about a decade when the legislature sought to remove home occupation business license fees in general. If the home occupation business has no impact, then the city could not charge a licensing fee. Most cities have elected to waive the licensing fee except to recover the administrative cost of licensing. (See Attachment 10)
- **Comment:**
  - There is a need to clearly understand what the term “combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone” means. I would interpret it to mean, “the combination of both the business within the residential unit cannot significantly go above the primary use of the residential unit”. This would mean no major structure modifications to the residential dwelling unit, property to accommodate the business and the home-based business cannot occupy most of the space within the housing unit, and / or does not impact normal municipality services. The ULCT clarification also seems to follow this same idea. However, it is the Roy City legal interpretation that matters.
  - HB 146 states that the municipality may not charge any fee for a resident who is operating a home-based business with the exception in those cases where the business component materially exceeds the primary use, or the home-based business owner request a license. However, Roy City Code 3-1-9 states that the Home Occupation and Home Daycare businesses shall have a license issued by the city. The Roy City Business License Fee Schedule (as of 9/3/2019) (See Attachment 6) states Home Occupation license -\$50 and Home Day Care License - \$40. It appears that under HB 146, Roy City is no longer authorized to continue to require a License Fee for existing home-based businesses who qualify under the exemptions. This issue is further complicated when accessing the Roy City Website under Business Licensing were it states: “Do I need a Roy City Business License in addition to registering the name of my business with the State of Utah? Yes, all Roy City businesses need a license with the City” (see Attachment 12).
  - HB 146 states that the municipality may not charge any fee for a resident who is operating a home-based business with the exception in those cases where the business component materially exceeds the primary use, or the home-based business owner request a license. So, what about a fire inspection fee? As outlined in the Roy City Fire and Rescue Fee Schedule (Attachment 11), we charge a \$10 fee for providing specialize inspections associated with “In Home including Daycare”. Since the Utah Code 10-1-203 is addressing License Fees and

Taxes, it is assumed there is no association with public safety requirements. It is my view that the fees are not related.

- A more pressing issue may be the perception that the city may have charged a business license fees for several years in violation of Utah Code 10-1-203. Attachment 7 outlines the Utah Code language in Bills as far back as 2017. The language in 2017 Senate Bill 81 was changed from “The municipality may charge a license fee ...” to “The municipality may not charge a license fee on home-based business ...” The language in 2018 Senate Bill 158 states “The municipality may not charge any fee for a resident of the municipality to operate a home-based business, ...” The 2018 Bill is the statement that is in the current law. Although there is no Roy City Municipal Code that outlines the requirement found in Utah Code 10-1-203, the Roy City Business License Fee Schedule Worksheet (see Attachment 14) does provide a reference to this requirement. However, the statement within the Worksheet is confusing when it states “If your home-based business qualifies for the fee exemption, please acknowledge your understanding of these criteria by signing below. A business license is still required”. This would suggest that the city issues either a business license with the required fee or a no-fee license. Since there is no Council approved Administration Fee within the Roy City Business License Fee Schedule (see Attachment 6), the city staff could not waiver the fee amount if they collected any fee.
- Ogden City was aware of the 2018 Utah Code change based on the information found in their Home Occupation License Application found in Attachment 8, by stating the Utah Code 10-1-203 requirement within the application itself. Roy City has a similar statement in the Worksheet (see Attachment 14) which is part of the Business License Renewal Application, but not part of the Business License Application (see Attachment 13).
- Both Centerville and South Ogden Municipal Codes simply placed the same language straight from the law (see Attachment 9). North Ogden, Logan and Provo cities stated in their municipal code the change in Utah State Code. Clearly Provo provided the most comprehensive assessment in determining a minor or major home occupation business.

- **Food Truck Business**

- House Bill 146 states:

Section 3. Section 11-56-103 is amended to read: 11-56-103. Licensing -- Reciprocity -- Fees.

(1) (a) Subject to the provisions of this chapter, a political subdivision may require a food truck business to obtain a business license if the food truck business does not hold a current business license in good standing from another political subdivision in the state.

(b) A political subdivision may only charge a licensing fee to a food truck business in an amount that reimburses the political subdivision for the actual cost of processing the business license.

(2) A political subdivision may not:

(a) require a food truck business to:

(i) obtain a separate business license beyond the initial business license described in Subsection (1)(a);

- Roy City Code states: (see Attachments 3 and 4)

**3-1-9: GENERAL AND SPECIFIC BUSINESS LICENSE FEES**

1. General License Fee Imposed: License fees for the purpose of revenues, and/or when appropriate for the purpose of regulation, shall be levied for all businesses and business activities within the city. The city council may modify the amounts chargeable as license fees from time to time by resolution. Except as specifically set forth by ordinance or resolution, a general license fee for all businesses, occupations, professions, and business activities shall be imposed.

**3-1-12: EXEMPTIONS TO BUSINESS LICENSE FEE REQUIREMENTS**

4. A business which consists of mere delivery of goods purchased at a regular and licensed place of business outside the Roy City corporate limits, not including mobile food vendor businesses.

- **Comment:** HB 146 states that a municipality may require a food truck business to obtain a business license if the food truck business does not hold a current business license from another city. It also states that the municipality may not require a food truck business to obtain a separate business license beyond the initial business license. However, Roy City Code 3-1-9 states that license fees for the purpose of revenues shall be levied for all businesses and business activities within the city. Although there are EXCEPTIONS outlined in 3-1-12, mobile food vendor businesses are not one of them. The city's Code indicates we should be issuing a business license for a food truck business to operate in the city but HB 146 states that if the business already has one, we cannot. Our Food Truck Business application process appears to be compliant with HB 146, but our Municipal Code in 3-1-12 appears not to comply with HB 146.
- **License Fee for Individuals under the Age of 18 Years Old**
  - House Bill 146 states:

Section 1. Section 10-1-203 is amended to read: 10-1-203. License fees and taxes -- Application information to be transmitted to the county assessor.

(7) A municipality may not:

    - (a) require a license or permit for a business that is operated:
      - (i) only occasionally; and
      - (ii) by an individual who is under 18 years old;
  - Roy City Code states:

**3-1-12: EXEMPTIONS TO BUSINESS LICENSE FEE REQUIREMENTS**

5. A person under the age of sixteen (16) conducting a business as a part time hobby or occupation who is not engaged in such business activity that would be considered the principal means of the person's support.
  - Roy City Business License Fee Schedule (see Attachment 6) states:
    - Base Fees: Solicitor,
      - Per Youth Age 11 through 15 - \$4.50
  - **Comment:** HB 146 states that a municipality may not require a license for a business that is operated by an individual who is under 18 years old. However, Roy City Code 3-1-12 states a person under the age of sixteen (16) and not 18. The Roy City Business License Fee Schedule (as of 9/3/2019) is \$4.50 for a business solicitor 11 through 15 years old.
- **Disproportionate Fees**
  - Utah Code 10-2-203.5 – Disproportionate rental fee – Good landlord training program – Fee reduction.
    - “Business” means the rental of one or more residential units within a municipality.
    - “Disproportionate Rental Fee” means a fee adopted by a municipality to recover its disproportionate costs of providing municipal services to residential rental units compared to similarly situated owner-occupied housing.
    - “Municipal service” study means a study of the cost of all municipal services to rental housing that are reasonably attributable to the rental housing and exceed the municipality's cost to serve similarly situated, owner-occupied housing.
    - The legislative body of a municipality may charge and collect a disproportionate rental fee on a business that causes disproportionate costs to municipal services if the municipality has performed a municipal services study and adopts a disproportionate rental fee that does not exceed the amount that is justified by the municipal services study on a per residential rental unit basis.
  - House Bill 146 states:

Section 1. Section 10-1-203 is amended to read: 10-1-203. License fees and taxes -- Application information to be transmitted to the county assessor.

(5) (a) (i) The legislative body of a municipality may by ordinance raise revenue by levying and collecting a license fee or tax on:

(A) a parking service business in an amount that is less than or equal to:

(I) \$1 per vehicle that parks at the parking service business; or

(II) 2% of the gross receipts of the parking service business.

(B) a public assembly or other related facility in an amount that is less than or equal to \$5 per ticket purchased from the public assembly or other related facility; and

(C) subject to the limitations of Subsections (5)(c) and (d):

(I) a business that causes disproportionate costs of municipal services; or

(II) a purchaser from a business for which the municipality provides an enhanced level of municipal services.

(c) (i) Before the legislative body of a municipality imposes a license fee on a business that causes disproportionate costs of municipal services under Subsection (5)(a)(i)(C)(I), the legislative body of the municipality shall adopt an ordinance defining for purposes of the tax under Subsection (5)(a)(i)(C)(I):

(A) the costs that constitute disproportionate costs; and

(B) the amounts that are reasonably related to the costs of the municipal services provided by the municipality.

(ii) The amount of a fee under Subsection (5)(a)(i)(C)(I) shall be reasonably related to the costs of the municipal services provided by the municipality.

(10) If challenged in court, an ordinance enacted by a municipality before January 1, 1994, imposing a business license fee on rental dwellings under this section shall be upheld unless the business license fee is found to impose an unreasonable burden on the fee payer.

o Roy City Code states:

**3-1-9: GENERAL AND SPECIFIC BUSINESS LICENSE FEES**

1. General License Fee Imposed: License fees for the purpose of revenues, and/or when appropriate for the purpose of regulation, shall be levied for all businesses and business activities within the city. The city council may modify the amounts chargeable as license fees from time to time by resolution. Except as specifically set forth by ordinance or resolution, a general license fee for all businesses, occupations, professions, and business activities shall be imposed.

2. Categories and Classifications of Specific Businesses: The following definitions, categories and classifications shall apply, and a specific business license fee may be imposed:

f. Rental Dwelling Unit: A fee shall be assessed for each person or entity owning rental dwelling units within the city. A disproportionate fee shall also be assessed for each rental dwelling unit. See Title 3 Chapter 8: Rental Dwelling Units.

o **Roy City Rental Dwelling Licenses document (See ATTACHMENT 5)**

Only one rental dwelling license and fee shall be required for each person or entity owning rental dwelling units within the city. The disproportionate fee is required for each rental unit. Some disproportionate fees are not applicable to exempt businesses or exempt landlords.

Landlords, who are exempt from paying the Disproportionate Service fee only, are owners of a residential unit within a single structure that contains no more than four residential units and one unit occupied by the owner. Landlords meeting this exemption are still required to pay the Base License fee. If and owner owns additional properties / buildings, they will be required to pay the Disproportionate Service fee for the units of the other buildings. Only the building of 4 or less units that they are residing in is exempt from the Disproportionate Service Fee.

Roy City offers a Good Landlord Incentive Program. All landlords are eligible to participate in the Good Landlord Incentive Program, but participation is not required. Landlords who choose to participate will receive a significant discount on license fees and disproportionate service fees. The fees associated with rental dwelling units shall be as follows:

Base License fee: \$145.00

Disproportionate Service Impact fee: \$33.00 per unit (single-family =1 unit, duplex = 2 units, 3 + buildings = each unit in each building, Mobile Home or Trailer Parks = 1 unit for each space in the complex)

- **Comment:**
  - HB 146 states the city can collect a license fee or tax on a business that causes disproportionate costs of services. Before the city imposes this fee, it must first adopt an ordinance defining the purposes of the tax and the costs that constitute disproportionate costs. The Bill also states that if the municipality enacted the rental dwelling business license fee before January 1, 1994, the city could continue as long as it doesn't impose an unreasonable burden on the fee payer.
  - The Roy City Code 3-1-9 states that a rental dwelling unit within the city shall be assessed a disproportionate fee. The Roy City Rental Dwelling License information document states that costs to be \$33 per unit.
  - It appears that Roy City does not have an ordinance defining the purpose and the associated cost breakdown of disproportionate fees. The 2016 Legislation House Bill 132 and the 2018 Legislation Senate Bill 158 (see attachment 7) both show a requirement for an ordinance before the city is authorized to take a disproportionate fee on a dwelling unit.
  - The other issue is defining a process to determine if the licensing fees for a Dwelling Unit are unreasonable. Certainly, the law calls for it, with no clear way to estimate it or determine it.

#### **RECOMMENDATION:**

- **Home Based Business**
  - HB 146 states: That the municipality may not charge any fee for a resident who is operating a home-based business with the exception in those cases where the business component materially exceeds the primary use as a residential unit, or the home-based business owner request a license. It also states that the municipality may charge an administrative fee for a license to a home-based business owner who may request a license from the municipality. But they all don't have to. If the owner of a home-based business does request a license for whatever reason, the municipality shall notify the owner of the exemptions and provide a Business License at a minimal Administration Fee.
    - It is recommended that Roy City not require a business license for home-based business that the entire business is inside the home and there is no outdoor storage associated with the business. If the Home-Based Business owner still needs a Business License, then the City will issue a license and charge an Administration Fee. The ULCT stated that most cities have elected to waive the licensing fee except to recover the administrative cost of licensing.
  - Roy City Code 3-1-9 states that the Home Occupation and Home Daycare businesses shall have a license issued by the city. The Roy City Business License Fee Schedule states Home Occupation license is \$50, and the Home Day Care License is \$40.
    - It is recommended that the city change the wording in Roy City Code 3-1-9 to reflect the Utah Code 10-1-203 approved by the legislators into law in 2018. This will require an approved ordinance from the City Council. Consideration should be given to add a statement to the Code that states "Roy City will not require a business license for home-based business that the entire business is inside the home and there is no outdoor storage associated with the business". A similar statement should be added to the Roy City Business License Fee Schedule.
  - It is recommended that the Roy City Business License Fee Schedule be changed by adding "no business license fee will be required for those Home-Based Businesses that are exempted according to Roy City Code 3-1-9 (once it has been updated with the new changes).



- It is recommended the city include an Administrative Fee to the Roy City Business License Fee Schedule for those home-based business owners who elect to get a city business license even though they are not required to.
  - This will require an approved Ordinance / Resolution from the City Council.
    - Note: To establish a “small administrative fee”, the City Council would need to pass a Resolution IAW Roy Municipal Code 1-6-6: Ordinance and Resolution, E. Resolutions: 1. Unless otherwise required by law, the city council may exercise all administrative powers and other designated powers by resolution which shall include, but not be limited to:
      - a. Charges for garbage collection and fees charged for municipal services.
- It is recommended that a Home-Based Business that are exempted because they meet the requirements stated in Municipal Code 3-1-9 from requiring a business license be listed under the Roy City Code 3-1-12: Exemptions to Business License Fee Requirements.
  - Even though the current language in the Code states “A business license fee shall not be imposed on any person engaged in a business specifically exempted from laws of the United States or the State of Utah”, who would know what home-based business requirements qualify. The only place it is found is in the Roy City Business License Fee Schedule Worksheet. It should be in the Municipal Code.
- As to the question on “Has the city been compliant with Utah Code since 2017?” It has been determined that it is has been our practice since 2017 and is on our license application renewal form. Initial business licensing is done in person and at that time a determination is made whether it is a home-based business and whether it is exempt from paying fees. If the businesses impact does not materially exceed its primary residential use a fee is not imposed”. It is assumed that this verbal discussion occurs between the city employees and the Home-Based Business owner at the time the license is being processed or the applicant’s signature at the bottom of the Roy City Business License Fee Schedule Worksheet (See Attachment 14). This is important since the Utah Code states: “A municipality shall notify the owner of each home-based business of the exemption in any communication with the owner”. The city must tell the Home-Based Business owner that they are normally exempt from requiring a business license. Although it appears no Home-Based Business owner has been wrongly charged a licensing fee, this action is not supported by current Roy City Municipal Code. The City Code must be changed to ensure that city employees follow specific approved policy. The Roy City Application for Business License form, located on the Roy City Website provides no reference to Home-Based Business exemptions (See Attachment 13), the Roy City Business License Fee Schedule Worksheet does. In fact, the previous website Tab (See Attachment 12) to Business License Application states: “Business licenses, including home occupations, may be obtained at the City Offices, in the Community Development department”. This is important since the only place an applicant can see the Home-Based Business exemptions, is on the Worksheet in the Community Development Office.
- It also states: “Do I need a Roy City Business License in addition to registering the name of my business with the State of Utah? Yes, all Roy City businesses need a license with the city” (see Attachment 13). This is misleading since there are some home-based businesses that could qualify as exempt from requiring a business license. To be honest, the applicant should know whether they qualify for the exemption or not from city code and website direction. The fact that Roy City Council has not approved by ordinance what constitutes home-based business exemptions, and the current Municipal Code is in conflict with Utah Code 10-1-203. This could make it questionable how city staff can effectively administer the law established in 2017. Only the Worksheet gives any direction, and the stated exemptions that was never official approved. It is recommended that the city modify the city website by adding “Yes, all Roy City businesses need a license with the city, except those home-based businesses that meet the exemption criteria”.
- In the Roy City Business License Fee Schedule Worksheet it states, “If your home-based business qualifies for the fee exemption, please acknowledge your understanding of these criteria by signing below. A business license is still required” (See Attachment 14). These two sentences are confusing, and it is unknown whether the home-based business owner who qualified for the exemptions, even knew whether a business license was required or not. Certainly, the bottom statement on the Worksheet would leave questions. It is possible that some paid the fee and didn’t need to once they

read “A business License is still required”. It is recommended that the two statements, specifically “A business license is still required” found at the bottom of the Roy City Business License Fee Schedule Worksheet be removed (see Attachment 14).

○ **Food Truck Business**

- Although Roy City currently does not require a city business license on Food Truck businesses that are already licensed, House Bill 146 will require changes to Municipal Code 3-1-12 wording that outlines exemptions to business license fees. Currently Roy City Code 3-1-14 Exemptions to Business License Fee Requirements states: (4) A business which consists of mere delivery of goods purchased at a regular and licensed place of business outside the Roy City corporate limits, not including mobile food vendor businesses.
  - It is recommended that the wording be changed from “not including mobile food vendor businesses” to “including those food truck businesses already licensed”.

○ **License Fee for Individuals under the Age of 18 Years Old**

- HB 146 states that a municipality may not require a license for a business that is operated by an individual who is under 18 years old. Roy City Code 3-1-12 General and Specific Business License Fees states that a person under the age of 16.
  - It is recommended that the Roy City Code 3-1-12 be changed from 16 to under 18 years old.
  - In addition, it is recommended that the Roy City Business License Fee Schedule be changed to remove the fee of \$4.50 for a business solicitor 11 through 15 years old.

○ **Disproportionate Fees**

- HB 146 states the city can collect a license fee or tax on a business that causes disproportionate costs of services, however before the city imposes this fee, it must first adopt an ordinance defining the purposes of the tax and the costs that constitute disproportionate costs.
  - It is recommended that staff determine if Roy City has an ordinance that defines and explains what constitutes disproportionate costs. If not, staff will need to create an ordinance for Council approval.
- HB 146 states that if the municipality enacted the rental dwelling business license fee before January 1, 1994, the city could continue requiring the “disproportionate fees” as long as it doesn’t impose an unreasonable burden on the fee payer.
  - Determining whether Roy City’s licensing fees for Rental Dwelling Units are reasonable is subjective and difficult to assess. Recommend a comparison of disproportionate fees from other municipalities be conducted to determine if Roy City fees are reasonable. If adjustments are needed, make changes to the Roy City Rental Dwelling Licenses - Disproportionate Service Impact Fee: \$33.00 per unit.

(Robert Dandoy, Mayor Roy City, 26 April 2022)

**ATTACHMENT 1**

**H.B. 146 1st Sub. - LOCAL LICENSING AMENDMENTS**

2022 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Jacob L. Anderegg

Utah Code Sections Affected:

AMENDS:

- 10-1-203, as last amended by Laws of Utah 2018, Chapter 105
- 11-56-102, as last amended by Laws of Utah 2019, Chapter 260
- 11-56-103, as last amended by Laws of Utah 2019, Chapter 260
- 11-56-104, as last amended by Laws of Utah 2019, Chapter 260
- 17-53-216, as last amended by Laws of Utah 2017, Chapter 361

ENACTS:

- 11-65-101, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 10-1-203 is amended to read:

**10-1-203. License fees and taxes -- Application information to be transmitted to the county assessor.**

(1) As used in this section:

(a) "Business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.

(b) "Telecommunications provider" means the same as that term is defined in Section 46 10-1-402.

(c) "Telecommunications tax or fee" means the same as that term is defined in Section 48 10-1-402.

(2) Except as provided in Subsections (3) through (5) and Subsection (7), the legislative body of a municipality may license for the purpose of regulation any business within the limits of the municipality, may regulate that business by ordinance, and may impose fees on businesses to recover the municipality's costs of regulation.

(3) (a) The legislative body of a municipality may raise revenue by levying and collecting a municipal energy sales or use tax as provided in Part 3, Municipal Energy Sales and Use Tax Act, except a municipality may not levy or collect a franchise tax or fee on an energy supplier other than the municipal energy sales and use tax provided in Part 3, Municipal Energy Sales and Use Tax Act.

(b) (i) Subsection (3)(a) does not affect the validity of a franchise agreement as defined in Subsection 10-1-303(6), that is in effect on July 1, 1997, or a future franchise.

(ii) A franchise agreement as defined in Subsection 10-1-303(6) in effect on January 1, 1997, or a future franchise shall remain in full force and effect.

(c) A municipality that collects a contractual franchise fee pursuant to a franchise agreement as defined in Subsection 10-1-303(6) with an energy supplier that is in effect on July 1, 1997, may continue to collect that fee as provided in Subsection 10-1-310(2).

(d) (i) Subject to the requirements of Subsection (3)(d)(ii), a franchise agreement as defined in Subsection 10-1-303(6) between a municipality and an energy supplier may contain a provision that:

(A) requires the energy supplier by agreement to pay a contractual franchise fee that is otherwise prohibited under Part 3, Municipal Energy Sales and Use Tax Act; and

(B) imposes the contractual franchise fee on or after the day on which Part 3, Municipal Energy Sales and Use Tax Act is:

(I) repealed, invalidated, or the maximum allowable rate provided in Section 10-1-305 is reduced; and

(II) not superseded by a law imposing a substantially equivalent tax.

(ii) A municipality may not charge a contractual franchise fee under the provisions permitted by Subsection (3)(b)(i) unless the municipality charges an equal contractual franchise fee or a tax on all energy suppliers.

(4) (a) Subject to Subsection (4)(b), beginning July 1, 2004, the legislative body of a municipality may raise revenue by levying and providing for the collection of a municipal telecommunications license tax as provided in Part 4, Municipal Telecommunications License Tax Act.

- (b) A municipality may not levy or collect a telecommunications tax or fee on a telecommunications provider except as provided in Part 4, Municipal Telecommunications License Tax Act.
- (5) (a) (i) The legislative body of a municipality may by ordinance raise revenue by levying and collecting a license fee or tax on:
- (A) a parking service business in an amount that is less than or equal to:
    - (I) \$1 per vehicle that parks at the parking service business; or
    - (II) 2% of the gross receipts of the parking service business;
  - (B) a public assembly or other related facility in an amount that is less than or equal to \$5 per ticket purchased from the public assembly or other related facility; and
  - (C) subject to the limitations of Subsections (5)(c) and (d):
    - (I) a business that causes disproportionate costs of municipal services; or
    - (II) a purchaser from a business for which the municipality provides an enhanced level of municipal services.
- (ii) Nothing in this Subsection (5)(a) may be construed to authorize a municipality to levy or collect a license fee or tax on a public assembly or other related facility owned and operated by another political subdivision other than a community reinvestment agency without the written consent of the other political subdivision.
- (b) As used in this Subsection (5):
- (i) "Municipal services" includes:
    - (A) public utilities; and
    - (B) services for:
      - (I) police;
      - (II) fire;
      - (III) storm water runoff;
      - (IV) traffic control;
      - (V) parking;
      - (VI) transportation;
      - (VII) beautification; or
      - (VIII) snow removal.
  - (ii) "Parking service business" means a business:
    - (A) that primarily provides off-street parking services for a public facility that is wholly or partially funded by public money;
    - (B) that provides parking for one or more vehicles; and
    - (C) that charges a fee for parking.
  - (iii) "Public assembly or other related facility" means an assembly facility that:
    - (A) is wholly or partially funded by public money;
    - (B) is operated by a business; and
    - (C) requires a person attending an event at the assembly facility to purchase a ticket.
- (c) (i) Before the legislative body of a municipality imposes a license fee on a business that causes disproportionate costs of municipal services under Subsection (5)(a)(i)(C)(I), the legislative body of the municipality shall adopt an ordinance defining for purposes of the tax under Subsection (5)(a)(i)(C)(I):
- (A) the costs that constitute disproportionate costs; and
  - (B) the amounts that are reasonably related to the costs of the municipal services provided by the municipality.
- (ii) The amount of a fee under Subsection (5)(a)(i)(C)(I) shall be reasonably related to the costs of the municipal services provided by the municipality.
- (d) (i) Before the legislative body of a municipality imposes a license fee on a purchaser from a business for which it provides an enhanced level of municipal services under Subsection (5)(a)(i)(C)(II), the legislative body of the municipality shall adopt an ordinance defining for purposes of the fee under Subsection (5)(a)(i)(C)(II):
- (A) the level of municipal services that constitutes the basic level of municipal services in the municipality; and
  - (B) the amounts that are reasonably related to the costs of providing an enhanced level of municipal services in the municipality.

- (ii) The amount of a fee under Subsection (5)(a)(i)(C)(II) shall be reasonably related to the costs of providing an enhanced level of the municipal services.
- (6) All license fees and taxes shall be uniform in respect to the class upon which they are imposed.
- (7) A municipality may not:
  - (a) require a license or permit for a business that is operated:
    - (i) only occasionally; and
    - (ii) by an individual who is under 18 years old;
  - (b) charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone;
  - (c) require, as a condition of obtaining or maintaining a license or permit for a business:
    - (i) that an employee or agent of a business complete education, continuing education, or training that is in addition to requirements under state law or state licensing requirements; or
    - (ii) that a business disclose financial information, inventory amounts, or proprietary business information, except as specifically authorized under state or federal law.
- (8) (a) Notwithstanding Subsection (7)(b), a municipality may charge an administrative fee for a license to a home-based business owner who is otherwise exempt under Subsection (7)(b) but who requests a license from the municipality.
  - (b) A municipality shall notify the owner of each home-based business of the exemption described in Subsection (7)(b) in any communication with the owner.
- (9) The municipality shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.
- (10) If challenged in court, an ordinance enacted by a municipality before January 1, 1994, imposing a business license fee on rental dwellings under this section shall be upheld unless the business license fee is found to impose an unreasonable burden on the fee payer.

Section 2. Section 11-56-102 is amended to read:

**11-56-102. Definitions.**

As used in this chapter:

- (1) "Event permit" means a permit that a political subdivision issues to the organizer of a public food truck event located on public property.
- (2) "Food cart" means a cart:
  - (a) that is not motorized; and
  - (b) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
- (3) "Food truck" means:
  - (a) a fully encased food service establishment:
    - (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
    - (ii) from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption;
  - (b) a food cart; or
  - (c) an ice cream truck.
- (4) "Food truck business" means a person who operates a food truck or, under the same business, multiple food trucks.
- (5) "Food truck event" means an event where an individual has ordered or commissioned the operation of a food truck at a private or public gathering.
- (6) "Food truck operator" means a person who owns, manages, or controls, or who has the duty to manage or control, the food truck business.
- (7) "Food truck vendor" means a person who sells, cooks, or serves food or beverages from a food truck.
- (8) "Health department food truck permit" means a document that a local health department issues to authorize a person to operate a food truck within the jurisdiction of the local health department.
- (9) "Ice cream truck" means a fully encased food service establishment:
  - (a) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;

- (b) from which a vendor, from within the frame of the vehicle, serves ice cream;
  - (c) that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and
  - (d) that may stop to serve ice cream at the signal of a patron.
- (10) "Local health department" means the same as that term is defined in Section 26A-1-102.
- (11) "Political subdivision" means:
- (a) a city, town, or metro township; or
  - (b) a county, as it relates to the licensing and regulation of businesses in the unincorporated area of the county.
- (12) (a) "Temporary mass gathering" means:
- (i) an actual or reasonably anticipated assembly of 500 or more people that continues, or reasonably can be expected to continue, for two or more hours per day; or
  - (ii) an event that requires a more extensive review to protect public health and safety because the event's nature or conditions have the potential of generating environmental or health risks.
- (b) "Temporary mass gathering" does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the assembly is a temporary mass gathering described in Subsection (12)(a)(i).

Section 3. Section 11-56-103 is amended to read:

**11-56-103. Licensing -- Reciprocity -- Fees.**

- (1) (a) Subject to the provisions of this chapter, a political subdivision may require a food truck business to obtain a business license if the food truck business does not hold a current business license in good standing from another political subdivision in the state.
- (b) A political subdivision may only charge a licensing fee to a food truck business in an amount that reimburses the political subdivision for the actual cost of processing the business license.
- (2) A political subdivision may not:
- (a) require a food truck business to:
    - (i) obtain a separate business license beyond the initial business license described in Subsection (1)(a);
    - (ii) pay a fee other than the fee for the initial business license described in Subsection (1); or
    - (iii) pay a fee for each employee the food truck business employs;
  - (b) as a condition of a food truck business obtaining a business license under Subsection (1):
    - (i) require a food truck operator or food truck vendor to submit to or offer evidence of a criminal background check, except as provided in Subsection (5); or
    - (ii) require a food truck operator to demonstrate how the operation of the food truck business will comply with a land use or zoning ordinance at the time the food truck business applies for the business license; or
  - (c) regulate or restrict the size of a food truck operated by a food truck business.
- (3) (a) A political subdivision shall recognize as valid within the political subdivision the business license of a food truck business obtained in another political subdivision within the state, if the business license is current and in good standing.
- (b) Notwithstanding Subsection (3)(a), a political subdivision is not required to recognize as valid the business license of a food truck business issued in another political subdivision within the state if the food truck business does not have the following for each food truck that the food truck business operates:
- (i) a current health department food truck permit from a local health department within the state; and
  - (ii) a current approval of a political subdivision within the state that shows that the food truck passed a fire safety inspection that the other political subdivision conducted in accordance with Subsection 11-56-104(3)(a).
- (4) Nothing in this section prevents a political subdivision from:
- (a) requiring a food truck business to comply with local zoning and land use regulations to the extent that the regulations do not conflict with this chapter;
  - (b) promulgating local ordinances and regulations consistent with this section that address how and where a food truck may operate within the political subdivision;
  - (c) requiring a food truck business to obtain an event permit in accordance with Section 11-56-105; or

(d) requiring a food truck business to keep a copy of the following in each food truck operated by the food truck business:

- (i) a valid business license for the food truck business, as described in this section, whether issued by the political subdivision or another political subdivision;
- (ii) a valid health department food truck permit, as described in Section 11-56-104, whether issued by a local health department or another health department; or
- (iii) evidence of passing a fire safety inspection, as described in Section 11-56-104, whether conducted by the political subdivision or another political subdivision.

(5) As a condition of obtaining and maintaining in good standing an initial business license as described in Subsection (1)(a), a political subdivision may require a food truck business that operates one or more ice cream trucks to submit to or offer evidence of an annual criminal background check for each employee of the food truck business that operates or will operate an ice cream truck.

Section 4. Section 11-56-104 is amended to read:

**11-56-104. Safety and health inspections and permits -- Fees.**

(1) (a) A food truck business shall obtain, for each food truck that the business operates, an annual health department food truck permit from the local health department with jurisdiction over the area in which the majority of the food truck's operations takes place.

(b) A local health department shall recognize as valid a health department food truck permit that has been issued by another local health department within the state.

(2) A local health department may only charge a health department food truck permit fee to a food truck business in an amount that reimburses the local health department for the cost of regulating the food truck.

(3) (a) A political subdivision inspecting a food truck for fire safety shall conduct the inspection based on the criteria that the Utah Fire Prevention Board, created in Section 53-7-203, establishes in accordance with Section 53-7-204.

(b) (i) A political subdivision shall recognize as valid within the political subdivision's jurisdiction an approval from another political subdivision within the state that shows that the food truck passed a fire safety inspection that the other political subdivision conducted.

(ii) A political subdivision may not require that a food truck pass a fire safety inspection in a given calendar year if the food truck business presents to the political subdivision an approval described in Subsection (3)(b)(i) issued during the same calendar year.

(4) (a) Nothing in this section prevents a local health department from requiring a food truck business to obtain an event permit, in accordance with Section 11-56-105.

(b) Nothing in this section prevents a political subdivision from revoking the political subdivision's approval:  
(i) described in Subsection (1)(b), if the operation of the related food truck within the political subdivision fails a health inspection by a local health department; or  
(ii) described in Subsection (3)(b)(i), if the operation of the related food truck within the political subdivision fails to meet the criteria described in Subsection (3)(a).

(c) For each food truck that fails a health inspection as described in Subsection (4)(b)(i), a local health department may charge and collect a fee from the associated food truck business for that health inspection.

Section 5. Section 11-65-101 is enacted to read:

**CHAPTER 65. ALL-TERRAIN VEHICLE REGULATION**

**11-65-101. Limits on regulation of all-terrain vehicles.**

(1) As used in this chapter:

(a) "Political subdivision" means:

(i) a city, town, or metro township; or

(ii) a county, as it relates to the licensing and regulation of businesses in the unincorporated area of the county.

(b) "Street-legal ATV" means any all-terrain type vehicle that meets the requirements, including the registration, inspection, and license plate requirements, of being a street-legal ATV as described in Section 41-6a-1509.

(2) For any business, including a business that rents one or more street-legal ATVs, a political subdivision may not as a condition of the business obtaining or maintaining a business license or permit:

- (a) require any additional inspection, registration, or license plate requirements, including requiring any additional sticker or other identifying mark, for any street-legal ATV owned or rented by the business;
- (b) require any equipment modifications of a street-legal ATV owned or rented by the business; or
- (c) limit the amount of street-legal ATVs owned or rented by the business.

(3) A political subdivision may not revoke or fail to renew a business license or permit of a business based on the violation of a traffic ordinance or other local ordinance by any customer of the business operating a street-legal ATV.

(4) A political subdivision may not enact or enforce an unreasonable noise ordinance that imposes a fine or other penalty for the operation of a street-legal ATV.

Section 6. Section 17-53-216 is amended to read:

**17-53-216. Business license fees and taxes -- Application information to be transmitted to the county assessor.**

(1) As used in this section, "business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.

(2) Except as provided in Subsection (4)[(a), and subject to Subsection (4)(b)], the legislative body of a county may by ordinance provide for the licensing of businesses within the unincorporated areas of the county for the purpose of regulation, and may impose fees on businesses to recover the county's costs of regulation.

(3) All license fees and taxes shall be uniform in respect to the class upon which they are imposed.

(4) A county may not:

(a) require a license or permit for a business that is operated:

- (i) only occasionally; and
- (ii) by an individual who is under 18 years old;

(b) charge a license fee for a home-based business unless the combined offsite impact 403 of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone; or

(c) require, as a condition of obtaining or maintaining a license or permit for a business:

- (i) that an employee or agent of a business complete education, continuing education, or training that is in addition to requirements under state law or state licensing requirements; or
- (ii) that a business disclose financial information, inventory amounts, or proprietary business information except as specifically authorized under state or federal law.

(5) The county business licensing agency shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.

(6) This section may not be construed to enhance, diminish, or otherwise alter the taxing power of counties existing prior to the effective date of Laws of Utah 1988, Chapter 144.



## **ATTACHMENT 2**

### **Utah Code 68-3-11 and 68-3-12 Rules of Construction**

#### **68-3-11. Rules of construction as to words and phrases.**

Words and phrases are to be construed according to the context and the approved usage of the language; but technical words and phrases, and such others as have acquired a peculiar and appropriate meaning in law, or are defined by statute, are to be construed according to such peculiar and appropriate meaning or definition.

#### **68-3-12. Rules of construction.**

- (1) (a) In the construction of a statute in the Utah Code, the general rules listed in this Subsection (1) shall be observed, unless the construction would be:
- (i) inconsistent with the manifest intent of the Legislature; or
  - (ii) repugnant to the context of the statute.
- (b) The singular includes the plural, and the plural includes the singular.
- (c) A word used in one gender includes the other gender.
- (d) A word used in the present tense includes the future tense.
- (e) In accordance with Title 46, Chapter 4, Part 5, Electronic Records in Government Agencies, a word related to the medium used in the provision of a government service may include an electronic or other medium.
- (f) "Include," "includes," or "including" means that the items listed are not an exclusive list, unless the word "only" or similar language is used to expressly indicate that the list is an exclusive list.
- (g) "May" means that an action is authorized or permissive.
- (h) "May not" means that an action is not authorized and is prohibited.
- (i) "Must" means, depending on the context in which it is used, that:
- (i) an action is required or mandatory;
  - (ii) an action or result is compelled by necessity;
  - (iii) an item is indispensable; or
  - (iv) an action or event is a condition precedent to:
    - (A) the authority to act;
    - (B) a prohibition;
    - (C) the accrual or loss of a right; or
    - (D) the imposition or removal of an obligation.
- (j) "Shall" means that an action is required or mandatory.
- (2) (a) Except as provided in Subsection (2)(b) or (c), the use of the following terms in the Utah Code is strongly discouraged:
- (i) "shall not";
  - (ii) "should not";
  - (iii) "must not"; or
  - (iv) "but not limited to" after "include," "includes," or "including."
- (b) A term described in Subsection (2)(a) may be used when unusual circumstances exist that require the use of the term, including the use of the term:
- (i) in an interstate compact; or
  - (ii) to ensure consistency with a federal law or rule.
- (c) (i) Except as provided in Subsection (2)(c)(ii), the use of the word "should" is strongly discouraged.
- (ii) The word "should" may be used to:
- (A) refer to a recommended action, including a provision that a person shall or may recommend whether an action "should" be taken;
  - (B) indicate an expected standard of knowledge, including a provision that a person "should" know:
    - (I) whether a fact exists; or
    - (II) that an action is likely to cause a specified result; or
  - (C) refer to a determination as to whether an action "should" have occurred.
- (d) The use of the word "must" is strongly discouraged when the term "shall" can be used in its place.

## **ATTACHMENT 3**

### **Roy City Municipal Code**

#### **3-1-9: GENERAL AND SPECIFIC BUSINESS LICENSE FEES**

1. General License Fee Imposed: License fees for the purpose of revenues, and/or when appropriate for the purpose of regulation, shall be levied for all businesses and business activities within the city. The city council may modify the amounts chargeable as license fees from time to time by resolution. Except as specifically set forth by ordinance or resolution, a general license fee for all businesses, occupations, professions, and business activities shall be imposed.

2. Categories And Classifications Of Specific Businesses: The following definitions, categories and classifications shall apply and a specific business license fee may be imposed:

a. Fair, Circus, Carnival, or Similar Activities: A fee for the first day and a reduced amount payable for each succeeding day.

b. Fireworks Sales: No license shall be issued without the licensee first providing a valid insurance liability certificate with policy limits no less than dictated by the Utah Governmental Immunity Act. Coverage provided shall list Roy City, its elected officials, officers, employees, agents and volunteers are additionally insureds. The policy shall provide coverage to the City and any person(s) injured through negligent acts involving the sale, distribution or use of fireworks sold in the City and as a result of the licensees' activities in the City. There shall be an annual fee established by the City for the two (2) types of sales which shall be:

i. Sales from booths and stands.

ii. Sales from inside general retail establishments. (Ord. 658, 11-21-1989)

c. Home Occupation and Home Daycare businesses.

d. Peddler, Solicitor Or Vendor: see: Title 3 Chapter 10: Residential Solicitation.

e. Subscription Television: Pay or subscription television businesses engaging in over the air or multi point distribution type services or any other pay or subscription television business not otherwise subject to licensing by the city or subject to franchise agreements with the city shall pay an annual business license fee to the city. (Ord. 658, 11-21-1989)

f. Rental Dwelling Unit: A fee shall be assessed for each person or entity owning rental dwelling units within the city. A disproportionate fee shall also be assessed for each rental dwelling unit. See Title 3 Chapter 8: Rental Dwelling Units.

**ATTACHMENT 4**

**Roy City Municipal Code**

**3-1-12: EXEMPTIONS TO BUSINESS LICENSE FEE REQUIREMENTS**

1. A business license fee shall not be imposed on any person engaged in business solely for religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah.
2. A general contractor or subcontractor engaged in contract work within the corporation limits of Roy City, who do not have offices within the City, but have offices in a jurisdiction which has reciprocal licensing for contractors within the City, and who have a current valid state and local license from the jurisdiction where their office is located.
3. A farmer engaged in the production of crops, livestock, and other agricultural products and in the sale exclusively of agriculture products exclusively by the farmer, provided the crops and other agricultural products are sold on the property where grown.
4. A business which consists of mere delivery of goods purchased at a regular and licensed place of business outside the Roy City corporate limits, not including mobile food vendor businesses.
5. A person under the age of sixteen (16) conducting a business as a part time hobby or occupation who is not engaged in such business activity that would be considered the principal means of the person's support.
6. A person who can demonstrate, by appropriate medical or institutional proof, that the person is disabled and is thereby restricted to the type of work in which the person can be engaged and should be allowed an exemption.
7. Compliance Required: Any business exempt from paying the license fee as provided in this section shall still comply with all other requirements of this title. (Ord. 658, 11-21-1989)

## **ATTACHMENT 5**

### **Roy City Rental Dwelling Licenses**

Roy City is proud to offer the Good Landlord Incentive Program, which is a partnership between Roy City, the owners of rental dwelling units in Roy City, and the Utah Apartment Association. The purpose of the Good Landlord Incentive Program is to provide Roy's landlords with training and resources that enable them to reduce criminal activities and eliminate code violations on their properties.

Title 3, Chapter 8 of the Roy City Municipal Codes requires that any person, as owner, lessee or agent thereof, to keep, conduct, operate or maintain any rental dwelling within the city must first obtain a rental dwelling license. A rental dwelling is "a building or portion of a building that is used or designated for use as a home or residence by one or more persons and available to be rented, loaned, leased, or hired out, with or without consideration, for a period of one month or longer, or arranged, designed or built to be rented, loaned, leased, or hired out for a period of one month or longer, whether or not an owner, agent, or rental manager is in residence". Rental dwelling units include any single-family home, duplex, townhome, condominium, or apartment when used for such purposes. Mobile Home Parks or Trailer Courts shall be licensed and regulated as "Rental Dwelling Units".

Only one rental dwelling license and fee shall be required for each person or entity owning rental dwelling units within the city. The disproportionate fee is required for each rental unit. Some disproportionate fees are not applicable to exempt businesses or exempt landlords.

Landlords, who are exempt from paying the Disproportionate Service fee only, are owners of a residential unit within a single structure that contains no more than four residential units and one unit occupied by the owner. Landlords meeting this exemption are still required to pay the Base License fee. If an owner owns additional properties/buildings they will be required to pay the Disproportionate Service fee for the units of the other buildings. Only the building of 4 or less units that they are residing in is exempt from the Disproportionate Service Fee.

Rental Dwelling Licenses may be obtained from the City's Community Development Department. The license must be renewed annually by January 1st

Roy City offers a Good Landlord Incentive Program. All landlords are eligible to participate in the Good Landlord Incentive Program, but participation is not required. Landlords who choose to participate will receive a significant discount on license fees and disproportionate service fees. The fees associated with rental dwelling units shall be as follows:

Base License fee: \$145.00

Disproportionate Service Impact fee: \$33.00 per unit (single-family =1 unit, duplex = 2 units, 3 + buildings = each unit in each building, Mobile Home or Trailer Parks = 1 unit for each space in the complex)

Discounted Fees for Good Landlord Incentive Program Participants:

Base fee: \$40.00

Disproportionate Service Impact Fee: \$8.50 per unit as defined above.

The following information will be required when applying for a Roy City Rental Dwelling license.

- Roy City Rental Dwelling Unit License Application completed in full
- Fit Premises Questionnaire completed for each rental building
- Payment remitted to Roy City Corporation, Attn: Licensing Dept, 5051 S. 1900 W., Roy, UT 84067

If participation in the Good Landlord Program is desired, you will need to include the following, in addition to the items listed above:

- Good Landlord Program Agreement/Contract

- Copy of your Landlord training certificate

To register for Landlord training you may contact The Good Landlord at [www.thegoodlandlord.net](http://www.thegoodlandlord.net) or at 801-554-0475 (The Good Landlord now offers on-line classes and live classes) or you may contact the Utah Apartment Association at [www.uaahq.org](http://www.uaahq.org) or at 888-244-0401. (The UAA offers live classes only) The live classes are held at several different locations along the Wasatch Front. Attendance at any location will be accepted by Roy City.

To participate in the Good Landlord Incentive Program, some of the requirements, but not limited to, are as follows:

1. Landlords Obligations: The Landlord, or the landlord's bona fide agent for all aspects of property management, and all managers of the landlord responsible for the day to day management of the rental dwellings must complete a landlord training or refresher class, approved by the city, within the two (2) year period immediately preceding the date of application or certification. First time applicants to the good landlord incentive program shall be required to complete the training within six (6) months or the date of application; failure to complete the training program within the six (6) month time frame shall be grounds for disqualification from the program. Owners will be required to successfully complete the training program every two (2) years after the initial training certification. If the property is held in joint or common ownership only one of the owners need apply and qualify under the program.

2. Rental applications: The landlord must require complete rental applications on all prospective adult tenants and all adult tenants occupying the premises. The application must state that any false information provided on the application will be grounds for denial or eviction.

a. The rental application shall require of each applicant:

- (1) Full name, including middle initial.
- (2) Date of birth.
- (3) Driver's license number or state identification card number.
- (4) Social security number.
- (5) Names, dates of birth, and relationship to tenant of all people who will occupy the premises.
- (6) Name, address and phone number of two (2) previous landlords.
- (7) Income and employment history for the past two (2) years.

b. The following background checks are done on all adults occupying the premises:

- (1) The landlord contacts previous landlords listed on the application, and inquires about any lease violations or damage to property.
- (2) Valid picture ID is presented to verify the identity of the applicant.

3. The landlord agrees to provide in its leases or rental agreements that tenants may be evicted if they engage in illegal drug use, sale, manufacture, distribution, or other criminal activity on or near the rental premises, and the landlord agrees to commence and pursue eviction proceedings when the landlord is aware that a violation of such provision exists.

4. The landlord agrees to implement and maintain those aspects of property management determined by the city to be related to the control and prevention of illegal activity on rental property.

5. The landlord agrees that the rental dwellings and the surrounding premises shall be owned and maintained in compliance with city ordinances affecting the use, care or maintenance of real property (zoning ordinances, nuisance ordinances, etc.), and the premises kept free of any public nuisance as defined by city ordinance or state law; provided, however, that a landlord will be considered to be in compliance with this requirement if violations are corrected in the time frame required under any notice of violation.

6. The landlord shall have paid any outstanding penalty assessed against the landlord for failing to correct a notice of violation applicable to the landlord's rental dwelling units.

7. The discount provided herein is conditioned upon the landlord's compliance with the requirements of the program during the term of the licensing year for which the discount is granted.

8. If it is determined by the business license division that a landlord, or any of a landlord's rental dwelling units, is not in compliance with the requirements of the good landlord incentive program during any portion of the licensing period for which a discount was provided, the landlord, together with all his or her rental dwelling units, shall be disqualified from the program, and the discount shall be disallowed in accordance with the provisions of Chapter 1 of this title for the entirety of the term of such license. Disqualification from the good landlord incentive program may be appealed to the city manager. The landlord shall be required to pay the full fee for every rental dwelling unit listed on their license application for that year.

9. After disqualification, the landlord may reapply for the program in the next licensing year only if the landlord has corrected the problems leading to the disqualification and paid all amounts disallowed in the prior year.

10. Indemnification. To the fullest extent permitted by law, landlord agrees to indemnify, defend and hold the City, its Elected Officials, Officers, Employees, Agents, and volunteers harmless from and against any and all lawsuits, damages, and expenses, including court costs and attorney's fees, by reason of any claim and/or liability imposed, claimed, and/or threatened against the City for damages because of bodily injury, death, and/or property damages arising out of, or in consequence of, the performance of services under this Agreement, to the extent that such bodily injuries, death, and/or property damages are attributable to the negligence of landlord and/or landlord's servants, agents, employees, and/or assigns.

A full description of the Rental Dwelling Unit Licensing, the Good Landlord Incentive program, and forms/applications can be obtained on the City's website at [www.royutah.org](http://www.royutah.org).

If you need more information or have questions you may call (801) 774-1040 or email at [ced@royutah.org](mailto:ced@royutah.org).

# ATTACHMENT 6

## Roy City Business License Fee Schedule

### ROY CITY BUSINESS LICENSE FEE SCHEDULE

As of 9/3/19

<u>BASE FEES</u>	X # of Units	Extended Amount
General Business License .....	\$75.00	_____
Transfer Fee (if same business name & location) .....	\$30.00	_____
Fair, Circus and Carnival		
First Day .....	\$525.00	_____
Per Succeeding Day .....	\$131.00	_____
Firework Sales		
Sales from Booths and Stands .....	\$315.00	_____
Sales from General Retail Establishments .....	\$263.00	_____
Home Occupation License - (Only if ALL work done inside home)	\$50.00	_____
Home Day Care License .....	\$40.00	_____
Peddler or Vendor License .....	\$75.00	_____
Solicitor		
Per Vendor .....	\$50.00	_____
Per Youth Age 11 through 15 .....	\$4.50	_____
<b>**BASE FEE TOTAL</b>		_____
 <b><u>VARIABLE FEES ( PLUS BASE FEES)</u></b>		
Amusement Machines (per machine) .....	\$48.00	_____
Barber and Beauty Shop (per chair over 4) .....	\$19.00	_____
Billboard Advertising Sign		
Per Sign .....	\$34.00	_____
Per Square Foot of Sign Area .....	\$0.11	_____
Billiard or Pool Table (per table) .....	\$47.00	_____
Bowling Lane (per lane) .....	\$19.00	_____
Christmas Tree Sales (clean-up deposit) .....	\$100.00	_____
Chronic Care Hospital (per bed) .....	\$1.05	_____
Cigarette Vending Machine (per machine) .....	\$58.00	_____
Gaming Device or Machine (per machine) .....	\$1,050.00	_____
Motel and Hotel (per unit over 10 units) .....	\$9.50	_____
Public Dance Hall .....	\$250.00	_____
Service Station (per hose over 6 hoses or selection buttons) .....	\$11.50	_____
Square Footage (per unit of square feet)		
Retail/Wholesale (per 5,000 sq ft over first 5,000) .....	\$68.00	_____
Warehouse (per 20,000 sq ft over first 20,000) .....	\$68.00	_____
Vending Machine (per machine) .....	\$19.00	_____
<b>**VARIABLE FEE TOTAL</b>		_____
 <b><u>MISCELLANEOUS FEES</u></b>		
Liquor License, Class A,B,C,D,E, OR F .....	\$375.00	_____
Beer Sales, Class A,B,C,D,E, OR F .....	\$375.00	_____
Entertainment and Dancing .....	\$47.00	_____
Sale of Distressed Goods		
Base Amount .....	\$105.00	_____
per \$1000.00 of Submitted Inventory .....	\$10.50	_____
Sexually Oriented Business		
Initial - Business License Initial fee \$200.00 .....	\$100.00	_____
Renew- Employees, Officers, etc. Initial fee \$100.00 .....	\$50.00	_____
<b>**MISCELLANEOUS FEE TOTAL</b>		_____
 <b><u>FIRE INSPECTION FEES</u></b>		
4,999 sq ft & Under .....	\$30.00	_____
5000 sq ft & over .....	\$50.00	_____
Home Occupation & Home Day Care .....	\$10.00	_____
Commercial Daycare & Preschool .....	\$40.00	_____
Nursing & Group Homes .....	\$50.00	_____
Amusement Buildings .....	\$50.00	_____
Firework sales (inside store and outside tent) .....	\$50.00	_____
Firework Demonstration .....	\$75.00	_____
<b>**FIRE INSPECTION FEE TOTAL</b>		_____

**PENALTY INFORMATION**

Add 50% of total fee if paid between 2/1 and 2/28  
 Add 75% of total fee if paid between 3/1 and 3/31  
 Double the fees if paid 4/1 or after

**ATTACHMENT 7**

**2017 Legislative Senate Bill 81 - Local Government Licensing Amendments**

**2018 Legislative Senate Bill 158 - Municipality Business Licensing**

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**LOCAL GOVERNMENT LICENSING AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: Marc K. Roberts

**LONG TITLE**

**General Description:**

This bill modifies provisions related to a municipality's or a county's authority to license a business.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions authorizing a municipality or a county to license a business;
- ▶ prohibits a municipality or a county from requiring a license or charging a fee for certain home based businesses; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-1-203**, as last amended by Laws of Utah 2016, Chapter 350

**17-53-216**, as last amended by Laws of Utah 2008, Chapter 250

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-1-203** is amended to read:

**10-1-203. License fees and taxes – Application information to be transmitted to the county assessor.**



114 under Subsection (5)(a)(i)(C)(I):

115 (A) the costs that constitute disproportionate costs; and

116 (B) the amounts that are reasonably related to the costs of the municipal services

117 provided by the municipality.

118 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(I) shall be reasonably related to  
119 the costs of the municipal services provided by the municipality.

120 (d) (i) Before the legislative body of a municipality imposes a license fee on a  
121 purchaser from a business for which it provides an enhanced level of municipal services under  
122 Subsection (5)(a)(i)(C)(II), the legislative body of the municipality shall adopt an ordinance  
123 defining for purposes of the fee under Subsection (5)(a)(i)(C)(II):

124 (A) the level of municipal services that constitutes the basic level of municipal services  
125 in the municipality; and

126 (B) the amounts that are reasonably related to the costs of providing an enhanced level  
127 of municipal services in the municipality.

128 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(II) shall be reasonably related to  
129 the costs of providing an enhanced level of the municipal services.

130 (6) All license fees and taxes shall be uniform in respect to the class upon which they  
131 are imposed.

132 (7) A municipality may not:

133 (a) require a license or permit for a business that is operated:

134 (i) only occasionally; and

135 (ii) by an individual who is under 18 years of age; or

136 (b) charge a license fee for a home based business, unless the combined offsite impact  
137 of the home based business and the primary residential use materially exceeds the offsite  
138 impact of the primary residential use alone.

139 ~~(7)~~ (8) The municipality shall transmit the information from each approved business  
140 license application to the county assessor within 60 days following the approval of the  
141 application.

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**MUNICIPAL BUSINESS LICENSING**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: A. Cory Maloy

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**LONG TITLE**

**General Description:**

This bill addresses a municipality's licensure of a home-based business.

**Highlighted Provisions:**

This bill:

- ▶ modifies a prohibition on charging a fee for a home-based business;
  - ▶ allows a municipality to charge an administrative fee when an otherwise exempt business owner requests a license;
  - ▶ requires certain notification regarding the home-based business license exemption;
- and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**10-1-203**, as last amended by Laws of Utah 2017, Chapter 361

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-1-203** is amended to read:

**10-1-203. License fees and taxes -- Application information to be transmitted to the county assessor.**

- 114 (A) the costs that constitute disproportionate costs; and  
115 (B) the amounts that are reasonably related to the costs of the municipal services  
116 provided by the municipality.
- 117 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(I) shall be reasonably related to  
118 the costs of the municipal services provided by the municipality.
- 119 (d) (i) Before the legislative body of a municipality imposes a license fee on a  
120 purchaser from a business for which it provides an enhanced level of municipal services under  
121 Subsection (5)(a)(i)(C)(II), the legislative body of the municipality shall adopt an ordinance  
122 defining for purposes of the fee under Subsection (5)(a)(i)(C)(II):
- 123 (A) the level of municipal services that constitutes the basic level of municipal services  
124 in the municipality; and
- 125 (B) the amounts that are reasonably related to the costs of providing an enhanced level  
126 of municipal services in the municipality.
- 127 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(II) shall be reasonably related to  
128 the costs of providing an enhanced level of the municipal services.
- 129 (6) All license fees and taxes shall be uniform in respect to the class upon which they  
130 are imposed.
- 131 (7) A municipality may not:
- 132 (a) require a license or permit for a business that is operated:
- 133 (i) only occasionally; and
- 134 (ii) by an individual who is under 18 years of age; or
- 135 (b) charge ~~[a license fee for a homebased]~~ any fee for a resident of the municipality to  
136 operate a home-based business, unless the combined offsite impact of the ~~[homebased]~~  
137 home-based business and the primary residential use materially exceeds the offsite impact of  
138 the primary residential use alone.
- 139 (8) (a) Notwithstanding Subsection (7)(b), a municipality may charge an administrative  
140 fee for a license to a home-based business owner who is otherwise exempt under Subsection  
141 (7)(b) but who requests a license from the municipality.

**ATTACHMENT 8**

**Ogden City Home Occupation License Application**



**Home Occupation License Application** \_\_\_\_\_

Ogden City Customer Service Center  
 2549 Washington Blvd. Suite 240  
 Ogden, UT 84401  
 Phone: 801-629-8959

Business License # \_\_\_\_\_  
 State Sales Tax # \_\_\_\_\_  
 State License # \_\_\_\_\_

Property Owner  
 Rental

New Business       New Owner       New Location

DBA Name \_\_\_\_\_

Business Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Business Phone \_\_\_\_\_

E- Mail Address \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Name of business owner \_\_\_\_\_

Birthdate \_\_\_\_\_ Driver's License # \_\_\_\_\_ Opening date of business \_\_\_\_\_

Describe business \_\_\_\_\_

License Fees:	
Base license fee	\$ _____
Other fee	\$ _____
<b>Total fees</b>	<b>\$ _____</b>
<b>Penalty</b>	<b>\$ _____</b>
<b>Total due</b>	<b>\$ _____</b>

Type of organization:     Corporation       Partnership       Proprietorship       LLC

Home occupation businesses must comply with the following guidelines, **even if a business license is not required:**

- The occupation is limited to members of the family who reside on the premises
- The occupation does not require any interior or exterior alterations of the dwelling
- The occupation does not include the sale of commodities which are not produced on the premises
- The occupation does not use any accessory building, yard, or space outside of the main building not normally associated with residential use; it may include child day care of not more than eight (8) children
- The occupation does not include any wholesale and/or retail sales of commodities

Section 10-1-203 of the Utah Code provides that a municipality may not charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

I, We, \_\_\_\_\_ hereby acknowledge that I have read understand the ordinance requirements applicable to Home Occupation and agree to conduct said business strictly in accordance with the Laws and Ordinances covering such business, and understand that it is unlawful to make any false statement, declaration, or report as required in this application.

Date \_\_\_\_\_ Signed by \_\_\_\_\_

Planning	<input type="checkbox"/> Approved	<input type="checkbox"/> Not approved	By: _____	Date: _____
Fire	<input type="checkbox"/> Approved	<input type="checkbox"/> Not approved	By: _____	Date: _____
License	<input type="checkbox"/> Approved	<input type="checkbox"/> Not approved	By: _____	Date: _____

## ATTACHMENT 9

### Centerville, Utah Municipal Code

#### 6.01.070 Home Occupations

Except as otherwise expressly provided, this Title shall apply to persons engaged in business, trade, service or professions in their homes as well as to those engaged in business at a separate establishment or location. Applicants for a home occupation business shall comply with the provisions of this Title and with the applicable provisions of CZC 12.62 (Home Occupations). Pursuant to Utah Code 10-1-203, the City may not charge a fee for a resident of the City to operate a home occupation business, unless the combined offsite impact of the home occupation and the primary residential use materially exceeds the offsite impact of the primary residential use alone. Given the status of State law, the City has elected to not require a business license for home occupations, but such uses are subject to applicable provisions of CZC 12.62 (Home Occupations). The City may issue a courtesy business license for a home occupation upon request by the business owner. Any request for a courtesy business license for a home occupation shall be subject to an administrative fee as permitted by Utah Code 10-1-203, and as more particularly set forth in the City Fee Schedule.

HISTORY - *Adopted by Ord. 2017-03 on 4/4/2017 - Amended by Ord. 2018-05 on 2/20/2018  
Amended by Ord. 2019-08 on 5/7/2019*

### South Ogden, Utah Municipal Code

#### 3-1-3: Fee For License

A. Consolidated Fee Schedule: For the purpose of recovering the City's costs of regulation, annual license fees in the amount specified in the City's consolidated fee schedule are hereby levied and assessed, as authorized by Utah Code section 10-1-203, et seq., upon the privilege of doing or engaging in business in the City during any calendar year, or part thereof, and upon the privilege of doing any of the acts within the City for which a license fee is prescribed during any calendar year or portion thereof.

1. The City may not:

a. Require a license or permit for a business that is operated:

(1) Only occasionally; and

(2) By an individual who is under eighteen (18) years of age; or

b. Charge a license fee for a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone. (Ord. 17-15, 6-20-2017, eff. 6-20-2017)

c. Notwithstanding anything in this Code to the contrary, the City may not charge any fee for a resident of the Municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

d. (1) Notwithstanding subsection A1c of this section, the City may charge an administrative fee for a license to a home-based business owner who is otherwise exempt under subsection A1c but who requests a license from the Municipality.

(2) The City shall notify the owner of each home-based business of the exemption described in subsection A1c of this section in any communication with the owner. (Ord. 18-15, 11-20-2018, eff. 11-20-2018)

### North Ogden Municipal Code

#### 4-1-5 Fee for License:

G. Exceptions to Fee Requirement: In accordance with Utah Code § 10-1-203, all home based businesses shall be exempt from paying a business license fee except for businesses which materially exceeds the offsite impact of the primary residential use alone. The following businesses have a rebuttable

presumption that they exceed the offsite impacts because of the noise, traffic, smells, or other non-residential externalities:

1. In home child or adult care and preschool businesses;
2. Businesses that require or attract more than 10 vehicle trips per day, including but not limited to package delivery, client visits, and employee trips;
3. Businesses which are allowed by City Code to utilize employees who live outside of the residence but work in the home;
4. Any business that is required to have a fire inspection; and
5. Any business that is required to obtain a license from another government agency, such as the Department of Health.
6. Any business which typically requires overnight parking including for residential rentals.

### **Logan City Municipal Code**

#### **5.16.040: LICENSE FEES:**

A license fee will not be charged for a home occupation unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone. License fees for licenses issued pursuant to this chapter shall be the same as set forth in section 5.02.190 of this title. (Ord. 17-06, 2017)

### **Provo City Municipal Code**

#### **HOME BASED BUSINESS LICENSING REQUIREMENTS**

Due to Utah State Senate Bill 81, passed March 24, 2017, certain home-based business are no longer to be charged a license fee unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone. Before submitting an application, please review the Provo City Code Chapters 14.41.050 for Minor and 14.41.060 for Major Home Occupations.

**Note:** The Provo City Consolidated Fee Schedule shows no-fee requirement for Home Occupation or Home Occupation / Day Care / Pre-School

#### **Chapter 14.41 Home Occupations**

14.41.010 Purpose and Intent. To encourage the majority of business activities to be conducted in appropriate commercial zones. Business activities may be conducted within a residence on a limited basis if such activities comply with standards of this Section. All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege which can be revoked if disruption of the residential neighborhood occurs.

14.41.020 Home Occupation Permit Required. To assure compliance with provisions of this Title and to protect the character of residential neighborhoods in the City of Provo, a Home Occupation Permit shall be obtained from the Community and Neighborhood Services Department before a dwelling unit in a residential zone may be used for business purposes.

#### 14.41.040 Conditions.

(2) The home occupation shall be conducted wholly within the structure on the premises and shall not exceed forty-nine percent (49%) of the total floor area of said structures. The home occupation shall not occupy any area within the garage, unless the garage still functions for parking, and as long as two (2) parking spaces for residential use are still available.

(4) The home occupation may include the sale of commodities. However, it is the intent that it be limited to items produced on the premises, or items that are incidental to the service provided, i.e., a beautician who also sells hair care products to her clientele. Retail sales of products and services are allowed at the home with a maximum of two (2) customers per hour between the hours of 8:00 a.m. and 9:00 p.m., provided customers do not unreasonably disturb the peace and quiet of the neighborhood.

(5) No sign or advertising shall be displayed on the premises except name plates as permitted by Section 14.38.050(9), Provo City Code.

(6) No display of any kind shall be visible from the exterior of the premises.

(7) Garage, basement, yard or other similar sales shall not be allowed more than a total of five (5) days in any calendar year. Such sales do not constitute a home occupation.

(10) The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

(11) The home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises, or vibrations.

(15) In instances where the home includes an accessory apartment, major home occupations are not allowed unless use of the accessory apartment is terminated.

(16) Sufficient off-street parking must be provided for all business-related vehicles which park at the location of the home occupation, including those of the applicant, employee, customers, clients, and business-related visitor vehicles.

14.41.090 Business License Required. A Home Occupation Permit is not a business license, and the granting of said permit shall not relieve the permittee of any other license requirement of the City or of any other public agency.

**ATTACHMENT 10**

**SUBJECT: House Bill 146 – Local Licensing Amendment**

Robert Dandoy

Sat 4/9/2022 3:14 PM

To: Cameron Diehl' <cdiehl@ulct.org>

Cc: Robert Dandoy

Cameron, sorry to send this email ... etc.

I'm learning a lot ..., etc.

I do have one question on a Bill that I'm sure will not be a major focus in the League but still may require some changes to our existing ordinances. It is HB 146 that will go into law without the Governor's signature. So that I have a better understand of this Bill can you or your legal counsel give me your assessment of the following:

**10-1-203. License fees and taxes -- Application information to be transmitted to the county assessor.**

**(7) A municipality may not:**

**(b) charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone;**

I'm trying to make sure I address each of these Bills with our staff and City Council, but I'm not sure I completely understand the wording or the intent of this phrase.

Any help would be greatly appreciated.

I must tell you ... etc.

Thanks for all you and your team do for Roy City. **Respectfully! Bob Dandoy, Mayor Roy City**

Cameron Diehl <cdiehl@ulct.org>

Thu 4/14/2022 8:10 AM

To: Robert Dandoy

Cc: Justin Lee <jlee@ulct.org>

Mayor,

First things first: I'm thrilled ... etc. I've copied our Director of Government Relations Justin Lee so that you have his contact info as well.

Second, Justin was our point person on HB 146 and can give you more insight on the bill in general. **For the provision you referenced, the concept was that a city could collect a fee if the home occupation business had an impact above and beyond what a normal residential use would have. That language goes back about a decade when the legislature sought to remove home occupation business license fees in general. If the home occupation business has no impact, then the city could not charge a licensing fee. Most cities have elected to waive the licensing fee except to recover the administrative cost of licensing.** I hope that helps.

See you next week ... etc. **Cameron**

Justin Lee <jlee@ulct.org>

Thu 4/14/2022 8:25 AM

To: Cameron Diehl <cdiehl@ulct.org>; Robert Dandoy

Good morning Mayor,

I look forward to seeing you at our conference next week.

I agree with Cameron's assessment of 10-1-203(7)(b) – that is existing language in code that HB146 didn't impact. The changes in HB146 this year mostly dealt with food truck licensing, with changes to all-terrain vehicles thrown in right at the end.

All the best, **Justin**



**ATTACHMENT 11**

**Roy City Fire and Rescue Fee Schedule**

**ROY CITY FIRE AND RESCUE FEE SCHEDULE**

Effective: July 2019

**PREVENTION**

**Commercial Properties**

Site Plan Review		\$50.00
Building Plan Review	1-20,000 Sq Ft	\$50.00
	20,001-50,000 Sq Ft	\$75.00
	50,001 + Sq Ft	\$95.00
Inspection		N/C

**Subdivision Development**

Plan Review	1-30 Lots	\$50.00
	31-100 Lots	\$50.00
	101+ Lots	\$75.00
Additional Plan Review		\$50.00
Inspection		N/C

**Fire Protection Systems**

*Fire Sprinkler Systems*

Plan Review	1-20 Sprinkler Heads	\$50.00
	21-100 Sprinkler Heads	\$100.00
	101-300 Sprinkler Heads	\$200.00
	201-500 Sprinkler Heads	\$200.00
	501+ Sprinkler Heads	\$200.00
Additional Plan Review		\$50.00

**Specialized Inspections**

In-Home including Daycare	\$10.00
Daycare Facilities	\$40.00
Nursing Homes	\$50.00
Group Home	\$50.00
Storage Tank Removal	\$100.00
Other Type Not Classified	\$50.00

**Specialized Permits**

Amusement Buildings	\$50.00
Burn Permit	N/C
Explosives	\$50.00
Firework Sales	\$50.00
Firework Demonstration	\$75.00
Tent Structures	\$75.00
Other	\$75.00

**Business License**

Inspection 4,999 sq feet and under	\$30.00
Inspection 5,000 sq feet and over	\$50.00
Re-inspection (one)	N/C

## **ATTACHMENT 12**

### **Roy City Website**

#### **Applications and Forms**

- [Business License Application \(PDF\)](#)
- [Business License Fee Schedule \(PDF\)](#)
- [Food Truck License Application \(PDF\)](#)
- [Special Event Application \(PDF\)](#)
- [Solicitor License Application \(PDF\)](#)

Business licenses, including home occupations, may be obtained at the City Offices, in the Community Development department.

#### **Who must register their business?**

All businesses in Utah are required by law to register with the Utah Department of Commerce either as a "DBA" (Doing Business As), Corporation, Limited Liability Company or Limited Partnership. Businesses are also required to obtain a business license from the City or County in which they are located.

#### **Where do you register your business name with the State of Utah?**

You can register your business with the State at:

**Utah Division of Corporations and Commercial Code**  
**160 East 300 South, 2nd Floor**  
**Salt Lake City, UT 84145-0801**  
**(801) 530-4849**

#### **One Stop - Online Business Registration**

#### **Do I need a Roy City Business License in addition to registering the name of my business with the State of Utah?**

Yes, all Roy City businesses need a license with the City.

#### **View applicable Municipal Codes**

# ATTACHMENT 13

## Roy City Application for Business License (Located on the Website)



### APPLICATION FOR BUSINESS LICENSE

*THREE PART FORM - PLEASE PRESS DOWN*

COMMUNITY DEVELOPMENT  
5051 South 1900 West  
Roy, Utah 84067  
(801) 774-1040

BUS. NAME REGISTRATION # \_\_\_\_\_  
STATE SALES TAX # \_\_\_\_\_  
STATE WITHHOLDING TAX # \_\_\_\_\_  
FEDERAL TAX (EIN) # \_\_\_\_\_  
STATE PROF. LIC # \_\_\_\_\_  
SOCIAL SECURITY # \_\_\_\_\_  
DRIVERS LICENSE # & STATE \_\_\_\_\_

Name of Business \_\_\_\_\_  
Business Address \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Business Phone \_\_\_\_\_ E-Mail Address \_\_\_\_\_  
Business Owner \_\_\_\_\_  
Owner's Address \_\_\_\_\_  
Phone \_\_\_\_\_ Birth Date \_\_\_\_\_  
Property Owner \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
Business Manager \_\_\_\_\_  
Phone \_\_\_\_\_  
Opening date of business \_\_\_\_\_ Bldg. Area Sq. Ft. \_\_\_\_\_

**Make Check payable to: ROY CITY**

#### LICENSE FEES

**BASE FEES:**  
General Business \$ \_\_\_\_\_  
Home Occupation \$ \_\_\_\_\_  
Solicitor \$ \_\_\_\_\_  
\$ \_\_\_\_\_

**VARIABLE FEES:**  
Vending Mach \_\_\_\_\_ @ \_\_\_\_\_ \$ \_\_\_\_\_  
Sq. Footage \_\_\_\_\_ @ \_\_\_\_\_ \$ \_\_\_\_\_  
Service Stat. \_\_\_\_\_ @ \_\_\_\_\_ \$ \_\_\_\_\_  
Beer - Class \_\_\_\_\_ \$ \_\_\_\_\_  
Liquor - Class \_\_\_\_\_ \$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

**SUBTOTAL FEES** \$ \_\_\_\_\_  
FIRE INSPECTION \$ \_\_\_\_\_  
PENALTY \$ \_\_\_\_\_  
**TOTAL AMOUNT DUE** \$ \_\_\_\_\_

List three names & phone numbers of people who can respond to the business with a key if necessary or know how to contact the business owner.

1 \_\_\_\_\_ Phone \_\_\_\_\_  
2 \_\_\_\_\_ Phone \_\_\_\_\_  
3 \_\_\_\_\_ Phone \_\_\_\_\_

**TYPE OF ORGANIZATION:**

Corporation       Limited Liability Co.       S-Corporation  
 Sole Proprietor       Partnership       Other \_\_\_\_\_

**DESCRIPTION OF BUSINESS:**

\_\_\_\_\_

Does business have an automated external defibrillator on site?       Yes / No

This form is an application for a business license; the actual license will be issued only when all inspections are received and approved. All information must be accurately completed or the issuance of license will be delayed. Issuance of this business license shall in no way relieve the applicant of his/her responsibility of complying with applicable zoning, health, building, or fire regulations. This license will expire December 31st of the year of issue.

I, We \_\_\_\_\_ hereby agree to conduct said business strictly in accordance with the Laws and Ordinances covering such business, and understand that it is unlawful to make any false statement, declaration or report as required in this application.

Date \_\_\_\_\_ Signed By \_\_\_\_\_  
Applicant / Agent

**FOR INTERNAL USE ONLY**

Department Review:      Zoning: \_\_\_\_\_      Fire: \_\_\_\_\_      Health: \_\_\_\_\_      Police: \_\_\_\_\_

This foregoing application is       Approved      Date: \_\_\_\_\_  
    Denied      Reason for Denial \_\_\_\_\_

Receipt# \_\_\_\_\_  
Date \_\_\_\_\_  
License# \_\_\_\_\_

\_\_\_\_\_  
LICENSE OFFICER

# ATTACHMENT 14

## Roy City Business License Fee Schedule Worksheet

### ROY CITY BUSINESS LICENSE FEE SCHEDULE WORKSHEET

	X # OF UNITS	AMOUNT
<b>BASE FEES</b>		
General Business License		\$75.00
Firework Sales		
Sales from Booths and Stands		\$315.00
Sales from General Retail Establishments		\$263.00
Home Occupation License (Only if ALL work done inside home)		\$50.00
Home Day Care License & Home Pre-school		\$40.00
		<b>**BASE FEE TOTAL (1):</b>
<b>VARIABLE FEES ( PLUS BASE FEES)</b>		
Amusement Machines (per machine)		\$48.00
Barber and Beauty Shop (per chair over 4)		\$19.00
Billboard Advertising Sign		
Per Sign		\$34.00
Per Square Foot of Sign Area		\$0.11
Billiard or Pool Table (per table)		\$47.00
Bowling Lane (per lane)		\$19.00
Christmas Tree Sales (clean-up deposit)		\$100.00
Chronic Care Hospital (per bed)		\$1.05
Gaming Device or Machine (per machine)		\$1,050.00
Motel and Hotel (per unit over 10 units)		\$9.50
Public Dance Hall		\$250.00
Service Station (per gas button over 6 buttons)		\$11.50
Square Footage (per unit of square feet)		
Retail/Wholesale (per 5,000 sq ft over first 5,000)		\$68.00
Warehouse (per 20,000 sq ft over first 20,000)		\$68.00
Vending Machine (per machine)		\$19.00
		<b>**VARIABLE FEE TOTAL (2):</b>
<b>MISCELLANEOUS FEES</b>		
Liquor License, Class A,B,C,D,E, OR F		\$375.00
Beer Sales, Class A,B,C,D,E, OR F		\$375.00
Entertainment and Dancing		\$47.00
Sexually Oriented Business		
Business License Initial fee		\$200.00
Business License Renewal Fee		\$100.00
Employees, Officers, etc. Initial fee		\$100.00
Employees, Officers, etc. Renewal fee		\$50.00
		<b>**MISC FEE TOTAL (3):</b>
<b>FIRE INSPECTION FEES</b>		
4999 sq ft & Under		\$30.00
5000 sq ft & Over		\$50.00
Home Occupation & Home Daycare & Pre-schools		\$10.00
Commercial Daycare & Pre-schools		\$40.00
Nursing & Group Homes		\$50.00
Amusement Buildings		\$50.00
Firework Sales (Inside store and Outside stands)		\$50.00
Firework Demonstration		\$75.00
		<b>**FIRE FEE TOTAL (5):</b>
<b>**TRANSFER EACH FEE TOTAL TO FRONT SHEET</b>		
<b>***** PENALTY FEE INFO *****</b>		
Add 50% of total fee if paid between 2/1/22 and 2/28/22      Add 75% of total fee if paid between 3/1/22 and 3/31/22		
Double the fees if paid 4/1/22 or after.		

**HOME-BASED BUSINESS LICENSING FEE EXEMPTION    \*\* A BUSINESS LICENSE IS STILL REQUIRED \*\***

Certain home-based business are exempt from licensing fees. In order to qualify for the fee exemption, all of the following criteria must be met:

1. Entire business is inside home, and
2. No customers will visit the home, and
3. The offsite impact of the business materially exceed the offsite impact caused by its residential use, and
4. There will be no outdoor storage associated with the business.

If your home-based business qualifies for the fee exemption, please acknowledge your understanding of these criteria by signing below. A business license is still required. Please update your information and sign on the front of this form and return it.

X  
 Business Owner Signature \_\_\_\_\_ (must sign the other side of application too)      Date \_\_\_\_\_