

ORDINANCE NO. 2017-17

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTERS 6.01 (GENERAL PROVISIONS), 6.02 (LICENSE FEES), AND 6.03 (REGULATION AND ENFORCEMENT) OF THE CENTERVILLE MUNICIPAL CODE REGARDING BUSINESS LICENSE FEES, FAILURE TO RENEW BUSINESS LICENSE, REVOCATION OF BUSINESS LICENSE, AND REQUEST FOR REDUCTION IN LICENSE RESTRICTIONS AFTER REVOCATION

WHEREAS, the City Council as previously adopted Title 6 of the Centerville Municipal Code regarding Business Regulations; and

WHEREAS, the City Council desires to amend various sections of Title 6 (Business Regulations) to clarify provisions and penalties for failure to renew a business license and to provide some relief from the restriction on business license issuance after revocation as more particularly provided herein; and

WHEREAS, the City Council finds that the proposed revisions and updates to Title 6 (Business Regulations) are in the best interest of the public and businesses within the City to ensure that the City's ordinances clearly describe the penalties and ramifications for failure to renew a business license and also to provide some relief under certain circumstances for the reissuance of a revoked business license.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. **Amendment.** The following sections of Chapter 6.01 (General Provisions) of the Centerville Municipal Code are hereby amended and/or enacted to read as follows:

6.01.030 Business License Required

Unless otherwise provided, it shall be unlawful for any person to engage in any business within the City without first having obtained a business license pursuant to this Title. It shall also be unlawful for any person to continue doing business within the City after a previously issued business license has expired or been suspended or revoked without renewing said license and paying any applicable fees and penalties.

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6.01.120 Term Of Business License

The business license year for City business licenses is the calendar year. All business licenses shall be effective from the date of issuance and shall expire each year on December 31st. Each business license must be renewed in accordance with the provisions of this Title and all applicable renewal fees must be paid by January 2 in order to avoid expiration of the business license.

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6.01.130 Renewals

Each year, licensees shall renew their business licenses by completing an application for a license renewal signed under penalty of law that all information contained therein is true. The renewal application shall be submitted to the Business License Official by January 2 together and returning it, along with the proper annual renewal fees as set forth in CMC 6.02 (License Fees) and the City Fee Schedule, to the Business License Official by January 2nd. Renewal applications for businesses which require police checks of the licensees under the original license application shall be submitted to the Police Department to determine whether the licensee still meets the necessary qualifications. Upon receipt of the application fees, and Police Department approval, if applicable, the Business License Official shall be authorized to prepare a certificate of license as provided in this Chapter.

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6.01.122 Failure to Renew Business License

Business licenses that are not renewed by January 2, shall be deemed expired and placed in inactive status until all delinquent fees and penalties are paid and the business license is renewed. It shall be unlawful to operate a business within the City after the business license has expired. For example, if a business license is not renewed including payment of applicable fees paid by January 2, it shall be unlawful to operate the business from and after January 3 with an expired license. Fees for renewal of delinquent licenses increase with each month of delinquency as provided in CMC 6.02.040. If a business license has not been renewed by April 1, the Business License Official may seek to have the business license revoked in accordance with CMC 6.03.040.

Section 2. **Amendment.** The following sections of Chapter 6.02 (License Fees) of the Centerville Municipal Code are hereby amended and/or enacted to read as follows:

6.02.010 License Fees Required

It is unlawful for any person to engage in business within the City without first paying all license fees required by this Title and any other required taxes, fees, penalties and assessments. All license fees imposed by this Title shall be in addition to any and all other license, permit, development or other applicable fees imposed by the City. All license fees shall be paid in full to the City prior to issuance of the business license. If a business license has expired or is suspended or revoked, the licensee shall be required to pay all delinquent business licensing fees, penalties, and interest due and owing to the City prior to renewal of the expired license or issuance of a new business license in the case of a revoked license.

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6.02.040 Payment Dates For License Fees

- (a) Business license fees for new businesses shall be due and payable prior to issuance of the business license by the City. No business license shall be issued until the applicable fees are paid. Business license fees may be prorated for new businesses in accordance with the provisions of CMC 6.02.030.

- (b) Business license fees for renewal businesses shall be due and payable on or before January 2~~nd~~ each year. If the business license is not renewed and the renewal license fee paid by January 2, the business license shall be deemed expired in accordance with CMC 6.01.122. In addition to expiration of the license, the following increased renewal fees and penalties shall apply. If the license renewal fee is not paid by January 31, a 50% penalty of the amount of the fee shall be added to the original amount due in order to renew the license. If the renewal fee is still not paid by February 28, a 75% penalty of the amount of the fee shall be added to the original amount due in order to renew the license. If the fee is still not paid by March 31, a 100% penalty of the amount of the fee shall be added to the original amount due, and such delinquent fees and penalties shall thereafter be subject to interest to be assessed at the standard treasurer's rate. No license shall be issued until all fees, ~~and~~ penalties, and interest have been paid in full.
- (c) Penalty fees may be appealed to the Business License Official who may, for good cause shown, refund up to 50 % all or part of the applicable penalty fee that has been paid. The decision of the Business License Official regarding refund of penalty fees may be appealed to the City Manager as set forth in CMC 6.03 (Regulation and Enforcement). Penalty fees must be paid prior to any appeal requesting relief.

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6.02.050 Collection Of Delinquent Fees

All license fees due and unpaid under this Chapter and all penalties and interest thereon shall constitute a debt to Centerville City, and may shall be collected by court proceedings in the same manner as any other debt, which remedy shall be in addition to all other existing remedies.

Section 3. Amendment. The following sections of Chapter 6.03 (Regulation and Enforcement) of the Centerville Municipal Code are hereby amended and/or enacted to read as follows:

6.03.040 Suspension Or Revocation Of Business License

An existing business license may be suspended or revoked for any of the following reasons:

- (a) The license does not meet the qualifications for a license as provided under this Title;
- (b) False or incomplete information given on an application;
- (c) The licensee has violated or is violating any provision of this Title or provision of the Centerville Municipal Code, State or federal statutes or regulations or health department rules and regulations governing the licensee's business;
- (d) The licensee has obtained or aided another person to obtain a license by fraud or deceit;

- (e) The licensee has failed to pay any applicable business license fees or any other taxes, ~~or fees, or penalties~~ to the City when due;
- (f) The licensee has refused authorized representatives of the City access to the licensed premises for the purpose of an inspection or has interfered with such representatives while in the performance of their duty in making such inspection;
- (g) The licensee is not complying with a requirement or condition set by the Planning Commission under a conditional use permit, the Board of Adjustment in granting a variance or special exception, the City Council, or written agreement;
- (h) Violation of this Title by the agents or employees of a licensee and violations of any other laws by the agents or employees committed while acting as an agent or employee of the licensee; or
- (i) Any other reason expressly provided for by ordinance.

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6.03.100 Licensing After Revocation

Except as otherwise provided in CMC 6.03.102, a~~A~~ person, whose license has been revoked, may not be issued a license for a period of 12 months after the revocation.

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6.03.102 Request for Reduction in License Restriction.

Any person that has had a business license revoked may request a reduction of the 12 month license restriction period set forth CMC 6.03.100.

- (a) Written Request. Such request shall be filed in writing with the City Council and shall set forth the reasons and qualifications for the request.
- (b) Qualifications. The following requirements must be met to qualify for a reduction in the 12 month license restriction period:
 - (1) It must be the first time the person has had a business license revoked by the City;
 - (2) The person must pay for all delinquent business license fees, penalties and interest applicable to the license for renewal or reissuance;
 - (3) The person must pay for all delinquent or pending civil or criminal penalties and settle or conclude any such civil or criminal enforcement actions with the City;
 - (4) The person must show by sufficient evidence that the business and place of business is in compliance with all applicable city, county, state and federal rules and regulations, including payment of back taxes, and that the business is in good standing with the State of Utah; and
 - (5) The person must show by sufficient evidence that the business and place of business is in compliance with applicable health, fire, police and other public safety rules and regulations.

(c) Public Hearing. The City Council shall hold a public hearing on the request for reduction in the 12 month license restriction period.

(d) Decision. After holding the public hearing on the matter, the City Council may approve, approve with conditions, or deny the request for reduction. The City Council shall provide written findings of its decision including findings regarding compliance or noncompliance with the requirements to qualify for the reduction set forth herein and direction to the Business License Official regarding the time frame and conditions for the reissuance of the license.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, which occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 5th DAY OF JULY, 2017.

ATTEST:


Marsha L. Morrow, City Recorder

CENTERVILLE CITY

By: 
Mayor Paul A. Cutler

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Fillmore	<u>X</u>	_____
Councilmember Ince	<u>X</u>	_____
Councilmember Ivie	<u>X</u>	_____
Councilmember McEwan	_____	_____
Councilmember Mecham	<u>X</u>	_____

Absent



CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.


MARSHA L. MORROW, City Recorder

DATE: July 7, 2017

RECORDED this 7 day of July, 2017.

PUBLISHED OR POSTED this 7 of July, 2017.