

ORDINANCE 2023-04

AN ORDINANCE AMENDING BUSINESS LICENSE REGULATIONS IN MULTIPLE REGULATORY VOLUMES, PROVIDING FOR CODIFICATION, INCLUSION IN THE MUNICIPAL CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Gunnison City is a fifth class city of the state of Utah; and

WHEREAS, Cities in the State of Utah are authorized to require business establishments to obtain a business license prior to conducting acts of commerce with city limits; and

WHEREAS, Gunnison City has adopted business licensing regulations regarding review processes, approving authorities, applications, and standards within the Municipal Code and Land Use Ordinances; and

WHEREAS, the Gunnison City Planning Commission reviewed the proposed amendments to the Gunnison City codes and after a properly noticed public hearing, which was conducted on June 22, 2023, has forwarded a positive recommendation for the code amendment attached hereto as Exhibit A to the City Council; and

WHEREAS, Council has determined that the proposed amendments will clarify city standards and help expedite the business licensing process which is in the best interest of Gunnison City.

NOW THEREFORE, BE IT ORDAINED BY THE GUNNISON CITY COUNCIL THAT:

Section I. Amendments Adopted. The City codes and ordinances shall be amended as provided in Exhibit A of this Ordinance, which by this reference made part hereof.

Section II. Contrary Provisions Repealed. Any and all other provisions of the Gunnison City Municipal Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section III. Codification, Inclusion in the Code, and Scrivener's Errors. It is the intent of the City Council that the provisions of this ordinance be made part of the Municipal Code of Gunnison City, Utah as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section IV. Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

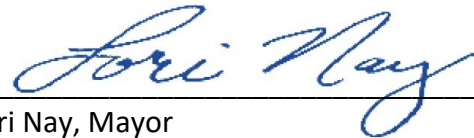
portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section V. Posting and Effective Date. Prior to 5:00 p.m. on July 3, 2023, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on July 3, 2023.

ADOPTED AND PASSED by the City Council of the City of Gunnison, Utah this 28th day of June, 2023.

ATTES 

Valerie Andersen, City Recorder



Lori Nay, Mayor

Councilmember Robert Andersen	<u>YES</u>
Councilmember Shawn Crane	<u>YES</u>
Councilmember Stella Hill	<u>YES</u>
Councilmember Rod Taylor	<u>YES</u>
Councilmember Michael Wanner	<u>YES</u>

I. Gunnison Municipal Code sections to be amended include:

(Proposed additions are underlined and deleted text is shown with strikeout)

Section 4.10.040.1 Application For License

Application for a business license shall be made in writing to the City Recorder. Each application shall contain the following:

1. The name of the person desiring a license.
2. A description of the business, trade, service or profession proposed to be provided.
3. The address or location where such proposed business will be conducted.
4. Temporary/Solicitor licenses shall include The-the period of time for which the license is desired.
5. Payment of the initial license fee.
- ~~5.6.~~ Businesses desiring to sell alcohol products shall also comply with the licensing regulations found in Section 4.20.

Section 4.10.040.2 City Council Acts On Review of Business Applications

1. Authority. In accordance with the laws of the State of Utah, The City Council Mayor or designee shall have authority to consider the application at a duly called Council meeting and shall act to approve or disapprove each permanent and temporary business licensesaid application unless an initial review is required by the Planning Commission as outlined in the Land Use Regulations.
2. Business license reviews shall be completed within five business days unless Planning Commission review is required. No specific approval period is established for alcohol license requests, due to outside agency review processes for which Gunnison has no control.
3. If an application is disapproved, the Council shall communicate the reason for such action shall be communicated to the applicant within the above approval period. Applicants may cure any application weakness and resubmit for approval. The City shall have an additional five days to review any application resubmittal.
- ~~4.~~
- ~~2.4.~~ The Council may delegate the responsibility for the issuance of temporary licenses for door to door peddlers and similar short term commercial activities not operating from a permanent fixed location within the City. No business, whether licensed or not, shall be conducted, and/or no business license shall be issued for any business activity, if the premises and/or building to be used for the purpose do not fully comply with the requirements of all City ordinances. No such license shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Ordinance of this City and any license so issued shall be null and void.
5. The City Council shall be given a monthly report of all new business licenses issued.

Section 4.10.040.3 Expiration of Licenses (moved from 4.10.050)

1. Temporary Licenses. Temporary licenses shall be for the period of time specified in the approved application and shall expire on the date set forth on the permit; provided, that no temporary permit shall be issued for a period longer than six (6) months.

2. Permanent Licenses. The term of the business licenses for permanent business establishments shall be for a period of one (1) year and all licenses shall expire on the date set by resolution of the Council.

3. Operating After License Expiration. ~~Businesses and owners may renew a business license within three months after an expiration period with the payment of all renewal and applicable delinquency fees. A business that fails to renew a license within three months of expiration shall be in violation of this ordinance, be subject to enforcement procedures outlined in 4.10.070, and shall pay initial filing fees in addition to delinquency fees when renewing their license.~~

Section 4.10.040.34 Renewal Of Permanent Licenses

~~Renewal procedures shall include filing of a renewal application and payment of all applicable renewal and delinquency fees.~~

~~The Mayor or designee shall review all renewal requests and determine that Once approved by the Council in accordance with Section 4.10.040 above, licenses for permanent uses will be renewed for successive term without further action by the~~

~~Council provided that payment of the license fee for the next term shall have been received by the City Recorder prior to the date of delinquency as set forth in Section 4.10.060 and the nature of the business activity has remained substantially unchanged from that approved by the Council initial application. If business operations have remained unchanged, then the Mayor or designee shall approve renewal of the business license even if the initial review was handled by the Planning Commission. If however, significant operation changes have occurred, which necessitate review by the Planning Commission or City Council, then the Mayor or designee shall refer the application to such review body for approval.~~

Section 4.10.060 License Fees is renumbered as 4.10.050 and proceeding sections are renumbered accordingly.

Section 4.10.06050.1 City May Assess Business License Fees - Amount Of Fees

The City may assess fees for the purpose of regulation and to defray the cost of administration of this Chapter and the provision of municipal services. The amount of fees charged shall be as set forth in the Gunnison Fee Schedule, which is adopted by resolution of the City Council and may be amended from time to time. ~~All fees for new business shall be paid prior to the time the application is approved by the City Council.~~

Section 4.10.06050.2 Payment Dates For Renewal Of Annual Licenses - Penalty For Late Payment

License renewal fees for annual licenses shall be due each year and shall become delinquent ~~as set forth by resolution of the City Council~~ if not paid prior to February 28 each year. Any license fee not paid prior to the date of delinquency shall be assessed a delinquency fee penalty ~~as set by resolution of the City Council.~~ The amount of penalty shall be added to the original amount of the license and no license shall be issued until all penalties legally assessed have been paid in full.

Section 4.10.060050.3 Licenses Issued For New Business

Fees for licenses issued during the first six (6) months of the year shall be for the full amount of the annual license. Fees for licenses issued during the last six (6) months of the year shall be one-half (1/2) the annual fee.

Section 4.10.060.4 Fee Not To Constitute Undue Burden On Interstate Commerce

None of the license fees provided for by this Chapter shall be applied as to occasion an undue burden on interstate commerce.

II. Gunnison Land Use Ordinance sections to be amended include:

(Proposed additions are underlined and deleted text is shown with strikeout)

Section 202 Gunnison City Council paragraph 1.G is stricken and the remaining paragraphs are renumbered accordingly.

1. The Council is both a Land Use Authority and Appeals Authority, as defined by the Act, and shall have the following powers and duties under this Ordinance:

~~g. To approve, approve with requirements, or deny all business license applications.~~

Section 203 Gunnison City Planning Commission paragraph 1.f is amended as follows: (underlined text is added, stricken text is deleted).

1. Powers and Duties. The Commission shall be an advisory body to the Council on legislative matters pertaining to the General Plan and Land Use Ordinances. The Commission shall have the following powers and duties under this Ordinance:

f. To hear, review, and approve, approve with revisions, or deny ~~of~~ all Home Occupation Business License Applications in accordance with the city's Home Occupation Regulations~~required for the establishment of a new business in the City~~

Section 207 Gunnison City Recorder paragraph 1.b and 1.c are deleted and the remaining paragraphs are renumbered accordingly.

1. Powers and Duties. The City Recorder shall have the following powers and duties:

~~b. To review and approve or deny all Business License Renewal Applications for the renewal of an existing permanent business and determined to be in good standing and complying with all requirements, as applicable.~~

~~e. To review and approve or deny all Application for a Temporary Business License.~~