

Chapter 1
General Licensing Provisions
(Title 11, Chapter 1 adopted by ordinance 2014-21 effective October 7, 2014)

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Section 11-1-1. Definitions.

- (1) Business: means and includes all activities engaged in within the corporate limits of Grantsville carried on for the business of gain or economic profit, including professions, trades, occupations, and all and every kind of calling for a profit or livelihood and includes the rental or leasing of one or more residential rental units.
- (2) Residential Unit: means an apartment or place of residence and includes the appurtenances, grounds, and facilities held out for the use of a residential renter generally, and any other area or facility provided to the renter in a rental agreement. Residential rental unit also includes an apartment located in the home of the lessor. It does not include facilities contained in boarding, rooming house, or similar facility, mobile home lot, or recreational property rented on an occasional basis.
- (3) Employee: means the operator, owner or manager of said business and any persons employed by such person in operation of said business in any capacity and also any salesman, agent or independent contractor engaged in the operation of said business in any capacity.
- (4) Person: means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co partnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise.
- (5) Gross Revenue: means the gross receipts of the business, but shall not include: The amount of any federal tax, except excise taxes imposed upon or with respect to retail or wholesale sales, whether imposed upon the retailer, wholesaler, jobber or upon the consumer and regardless of whether or not the amount of federal tax is stated to customers as a separate charge; and the amount of net Utah State Sales Tax. The term "gross sales" includes the amount of any manufacturer's or importer's excise tax included in the price of the property sold, even though the manufacturer or importer is also the wholesaler or retailer thereof, and whether or not the amount of such tax is stated as a separate charge.

- (6) Temporary Business: means engaging in a business on a lot without a permanent building or on a lot with a permanent building, but disassociated with any business located within said building.
- (7) Permanent Building: means any structure used or intended for supporting or sheltering any use or occupancy having footings and a foundation.
- (8) Place of Business: as used in this chapter shall be deemed to include cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, fraternal organizations, clubs, and any other place where the general public is invited or admitted for business purpose. Multiple dining facilities located in one building and owned or leased and one "place of business" as herein defined. Occupied hotel and motel rooms are not open to the public and shall be exempt from this definition (R.O. 1955, Section 7-2).

Section 11-1-2. License Requirement.

1. Except for door to door solicitation, every business and every person engaged in business in the City must annually procure a business license, plus any other license which may be required in this Code. A separate license is required for each separate business or location.
2. It is unlawful to engage in business without the current license or licenses required in this Code. Every day without a required license is a separate offense.
3. All licenses are non-transferable as to both the license holder and the location.

Section 11-1-3. License Supervisor.

The City Recorder is hereby designated as the License Supervisor. The License Supervisor shall have the duty to receive applications for licenses, to review them for completeness, to collect license fees, and to issue or deny licenses as appropriate, or refer the applications to the City Council as required.

Section 11-1-4. Application for License.

1. Applications for a license shall be made in writing upon the forms provided by the City.
2. An applicant must provide all information requested upon the application form. A license shall not be granted upon an incomplete form.
3. It is unlawful to give the City an application for a license which contains false or misleading information. Any such application shall be denied.

Section 11-1-5. License Terms and Fees.

1. All licenses, unless otherwise provided in this Code, shall be valid for the calendar year in which issued, or part thereof remaining. New licenses must be obtained every calendar year.
2. Prior to the granting of any license, the applicant must pay the license fee. All license fees shall be set by resolution of the City Council, unless otherwise specified in other chapters of this Title. The license fee for each business required to be licensed in Grantsville City is as follows: Class A, \$25.00 and Class B, \$50.00. (Amended 3-6-91 by Ordinance 91-2)
3. License fees for businesses licensed for the previous year shall be double the normal fee if renewed on or after February 1st of the current year.

4. Real property units shall be charged an additional amount of \$1.00 per unit to be leased. This includes trailer park units, apartment units, multi residential units on a single property such as a duplex, triplex, etc.
5. A business that has failed to acquire a business license which has previously been issued a license and has been in business continuously since that time, shall pay the minimum amount for each of the previously unlicensed years and shall pay an additional \$50.00 fee. The burden shall be on the Applicant to show that the business had ceased to operate.
6. A business that has been in operation for more than a year and has never applied or been issued a business license shall pay a fee in the amount of \$100.00 in addition to the fees required for a business to receive an initial business license as outlined herein. The burden shall be on the Applicant to show that the business has not previously been in operation.

Section 11-1-6. Display of License.

1. All licenses must be displayed on the business premises to which granted in a conspicuous place in view of the public.
2. The license or licenses of any business shall be exhibited upon request to a City representative or any peace officer. It is unlawful to refuse to do so.

Section 11-1-7. Appeal of License Denial.

Any person whose license application has been denied by the License Supervisor has the right to appeal to the City Council. Any such appeal shall be requested in writing within 30 days of the denial. An appeal shall be conducted as provided in this Chapter.

Section 11-1-8. Grounds for Denial, Modification, Suspension or Revocation.

The License Supervisor may deny, and the City Council may deny, modify, suspend or revoke any license for any of the following reasons:

- (a) fraud or misrepresentation in the application or procurement of the license;
- (b) violation of, or failure to comply with, any provision of this Code;
- (c) failure to pay any required fee when due;
- (d) failure to comply with current zoning ordinances or failure to perform any condition of a conditional use permit;
- (e) failure to perform any requirement of the City made in the approval of a request to the City for any license, permit, etc., such as off-street parking, site plan provisions, architectural review, landscaping, of any other such requirement;
- (f) failure to maintain qualifications for the license;
- (g) maintenance of an illegal sign;
- (h) conducting an illegal business upon the premises;
- (i) violating any statute or ordinance involving moral turpitude;
- (j) any conduct or act on the business premises, or any conduct, act or condition permitted, by the licensee or any employee which renders, or tends to render, such business or its premises a public nuisance or a menace to the health, peace, safety or general welfare of the City;

- (k) failure to comply with any applicable provision of the Uniform Fire Code, Uniform Building Code, Uniform Electrical Code, or any other building code provision adopted in this Code;
- (l) violation of any provision of the particular Chapter of this Code applicable to the license in question; or
- (m) conducting business without any license required by State Law; or
- (n) conducting business in violation of any applicable State Law; or
- (o) for other good cause shown.
- (p) upon any revocation, an applicant whose license has been revoked or any third party acting on their behalf shall be prohibited from applying for a new license for a period of six (6) months.

Section 11-1-9. Procedure for Appeal, Denial, Modification, Suspension or Revocation.

1. Before the City Council may deny, modify, suspend or revoke any license, it shall first afford the applicant or licensee an opportunity in a hearing to show cause why such license should not be denied, modified, suspended or revoked.
2. The applicant or licensee shall be given notice of such hearing, which notice contain the following:
 - a. The time, place and date of the hearing;
 - b. A statement of the purpose of the hearing;
 - c. A reasonably definite statement setting forth the grounds alleged under Section 11-1-8 of this Code.
3. At the hearing, the applicant or licensee shall have the right to appear personally or by counsel, to be represented by counsel, to cross examine any witnesses, to produce evidence and witnesses in their own behalf, and to state their case to the Council.
4. After due deliberation, the City Council shall announce its decision, and shall notify the applicant or licensee of its findings and determination.

Section 11-1-10. Records to be Maintained.

It is the duty of every person liable for the payment of a business license fee imposed by this Chapter, to keep and preserve for a period of four (4) years such books and records as will accurately reflect the amount of their gross annual sales of goods and services for any year, and the number of employees from which can be determined the amount of any license fee for which they may be liable under the provisions of this Chapter.

Section 11-1-11. Exemption to License.

No license fee shall be imposed under this Chapter upon any person engaged in business for solely religious, charitable eleemosynary or other type of strictly non-profit purpose who is tax exempt in such activities under the laws of the United States and the State of Utah, not shall any 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.