

Chapter 1 BUSINESS LICENSE

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5-1-1 Definitions.

For the purpose of this chapter, the following terms shall have the meanings herein prescribed:

- (a) **Business** means and includes all activities, trades, callings, professions or occupations engaged in or caused to be engaged in within the corporate limits of Sandy City with the object of gain or economic profit. The term business shall also include the owners, managers or officers of the business who bear responsibility for causing the business to comply with this ordinance, but shall not include the acts of employees rendering service to those owners, managers or officers. Notwithstanding, for the purposes of this title, business shall include nonprofit entities and charitable organizations qualified as 501(c)(3) (non-profit).
- (b) **City** means the incorporated limits of Sandy City as it may be amended from time to time.
- (c) **License** means a business license certificate issued by Sandy City under these ordinances.
- (d) **License fee** means the business license fee, renewal fee, or replacement fee (as applicable) and other fees as established by the City Council
- (e) **License Section** means those assigned to process business licenses within the

Sandy City Community Development Department

- (f) **Mayor** means the Sandy City Mayor or his designee.
- (g) **Person** means any individual, receiver, assigner, trustee in bankruptcy, trust, estate, firm, copartnership, 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, nonprofit or otherwise.
- (h) **Place of business** means any location maintained or operated by a licensee within the City from which business activity is conducted or transacted.

5-1-2. Unlawful to Transact Business Without a License.

- (a) It shall be unlawful for any person to be engaged in business without first having obtained a license from the City unless exempted under these ordinances or under other applicable law.
- (b) A separate license must be obtained for each branch establishment, or separate place of business, in which the business is carried on, and for each separate kind of business.
- (c) Each license shall authorize the party obtaining it to carry on, pursue, or conduct only that business described in such license, and only at the location or place of business which is indicated thereby.
- (d) Any person violating any of the provisions of this title shall be guilty of a Class B misdemeanor.
- (e) Imposition of criminal penalties for violations of this title shall not be construed to prevent the City from taking other actions consistent with other laws.

5-1-3. Duties of Business License Section.

- (a) It shall be the duty of the License Section to prepare and issue a license after the license fee has been paid and the license has been approved as provided herein. The license shall state the period of time covered thereby, the name of the person to whom issued, the business licensed, and the location or place of business.
- (b) The License Section shall charge a fee established by the City Council for each duplicate license issued to replace any license issued under these ordinances.
- (c) In no case shall any mistake made by the License Section in under-stating the fee for a license prevent or prejudice the collection by the City of what shall be actually due from any person carrying on a business subject to a license under this title.
- (d) The License Section shall keep on file an alphabetical list of the licenses issued with the number, name of applicant, place and kind of business, and such remarks as may be considered necessary.

5-1-4. Application and Licensing Procedure.

- (a) A license application shall be initiated by the applicant filing a written application on a form, and addendums if any, provided by the License Section, accompanied by

payment of the license fee. If for any reason the license is not granted the license fee shall be refunded to the applicant, with exception of one-fourth the amount, or amounts established by the City Council, being retained by the City to cover processing costs.

- (b) No license shall be approved by the Mayor until the City's Police Chief, Fire Chief, Chief Building Inspector, Director of Community Development, or their designees, and the License Section, and other agencies as may be required, have reviewed the application and made their recommendations. The recommendations shall be returned to the License Section.
- (c) The License Section shall then submit the application, with the recommendations, to the Mayor. The Mayor shall make his determination within ten (10) working days from the date he receives a completed application, with the recommendations, from the License Section.
- (d) The Mayor may deny or revoke the license if the applicant has:
 - (1) been convicted of a felony or charged with any crime involving moral turpitude;
 - (2) obtained a license by fraud or deceit;
 - (3) failed to pay personal property taxes, Utah state sales taxes, or other required fees; or
 - (4) violated the laws of the State of Utah, the United States Government, or any ordinance, rule or regulation of the City or any Salt Lake County or Utah state agency governing operation of the business holding the license or permit.
- (e) If the application is approved, the Business License Section shall issue a license as provided by this ordinance.
- (f) In addition to the license fee, any applicant which shall have commenced doing business prior to obtaining a valid business license may be assessed a penalty fee as established by City Council.

5-1-5. Compliance with Building and Zoning Requirements.

No license shall be valid for any business, and no permit shall be valid for any activity, if the business or activity purposed do not fully comply with all applicable Federal, State, Salt Lake County and City laws, regulations and ordinances, including all City building, fire and zoning ordinances.

5-1-6. Temporary Permits.

- (a) Notwithstanding other provisions to the contrary, the License Section may issue a temporary permit to conduct business, which permit shall be valid for not more than sixty (60) days and which cannot be extended or renewed, if any of the following conditions exist:
 - (1) a delay in granting a license exists because of delayed inspection requirements and / or research by City staff, or

- (2) a delay in granting a license exists because the developer, lessor, builder, seller, or other person (not the applicant) is causing the delay which precludes the issuance of the license, and there is no significant reason to delay the opening of the business, or
 - (3) it appears on the face of the application that there is no basis for the denial of a license other than the applicant has been doing business without a license under innocent mistake of fact, being unaware of his duty to obtain a license
- (b) Temporary permits may also be issued for seasonal sales such as pumpkin sales, Christmas tree sales, flowers sales for Memorial Day, and other such sales, unless otherwise regulated under any applicable Sandy City Ordinance.
- (c) Fees charged for temporary permits shall be established by the City Council.

5-1-7. Renewal.

- (a) A license shall be renewed in conformance with the following schedule:
 - (1) A building contractor and building subcontractor license shall be renewed for a one year period on July 1st through June 30th for each year.
 - (2) A home occupation license shall be renewed on April 1st effective through the last day of March.
 - (3) Commercial business licenses shall be renewed on the January 1st effective through December 31st.
 - (4) A temporary business, itinerant business, and door-to-door solicitors having no permanent, fixed location in the City are not subject to license renewals and instead must re-apply for a new license should such business wish to continue beyond the expiration date indicated on the license certificate, and in accordance with all provisions of these Sandy City Ordinances.
- (b) The License Section is responsible for mailing a renewal notice to each business pursuant to a schedule described in the Business License and Billing Collections section of the Sandy City Operations Manual.

5-1-8. License Fees - When Due - Penalties for Late Payment or Nonpayment.

- (a) Except as otherwise provided in this title, any person engaged in business shall pay the license fee to conduct or operate a business in the City.
- (b) A license fee not paid when due shall be considered delinquent and the following penalties shall be charged:
 - (1) Failure to pay within 30 days of the due date - Twenty-five percent of the normal fee in addition to the normal fee.
 - (2) Failure to pay after 45 days of the due date - Seventy-five percent of the normal fee in addition to the normal fee.
- (c) Any person engaged in business before having received a license may be charged a penalty which shall be one hundred percent of the normal license fee in addition to the normal license fee.

- (d) The applicant may appeal any penalty charged pursuant to this section through the administrative appeal process. Information concerning the appeal process shall be available from the License Section upon request.
- (e) License fees for licenses issued for less than a full year shall be charged on a quarterly pro-rata basis. Any portion of a quarter shall be considered a full quarter in computing the pro-rata license fee.

5-1-9. Transferability.

No license issued under this title shall be transferable except under the following conditions:

- (a) A license may be transferred to another location if:
 - (1) The licensee makes application for such transfer stating the new location and date of transfer,
 - (2) The new location has been inspected by and passes all requirements of all appropriate City departments, as determined by the License Section, to include but not be limited to, the City's Fire and Police Departments, Building and Safety Division, and Planning Division,
 - (3) The new location complies with all rules, regulations, statutes and ordinances of all appropriate Salt Lake County, State of Utah and federal agencies, and
 - (4) All appropriate fees are paid, including inspection fees and transfer fees.
- (b) No license may be assigned or transferred to any person.
- (c) No license may authorize any business except as named thereon.
- (d) If a partnership or association applies to delete the name of an individual or group of individuals from its license, a new license may be reissued in the name of the revised partnership or association provided the appropriate license fee is paid and appropriate applications are supplied.

5-1-10. Display of License.

- (a) Every person having a license, and carrying on a business, at a fixed location of business, shall display the license in a conspicuous place at that fixed location.
- (b) Every person having a license, and carrying on a business, and not having a fixed location of business, shall carry the license with him at all times while carrying on that business.
- (c) Every person having a license, and carrying on a business, shall produce the license whenever requested to do so by a police officer, or other person authorized to issue licenses, inspect premises, or collect fees for licenses.
- (d) Notwithstanding, and in addition to the requirements above, a door-to-door solicitor shall be required to produce the license when requested by persons being solicited.

5-1-11. Powers of Police and Fire Department.

All City police officers, firefighters and code compliance officers are authorized to examine all places of business and persons and to see that licenses are current and that the business is carried on in accordance with this title and other applicable laws.

5-1-12. Prima Facie Evidence

- (a) In any action brought under or arising out of the provisions of this title, if a person represents himself as engaged in a business for which a license is required, or if a person exhibits a sign advertising such a business, that shall be prima facie evidence of the liability of such person to hold a license
- (b) The conviction and punishment of any person for transacting any business, trade, calling, profession or occupation without a license, shall not excuse or exempt such person from the payment of any license due or unpaid at the time of such conviction, and nothing shall prevent a criminal prosecution for any violation of the provisions of this title.

5-1-13. No Rebate Allowed.

No rebate shall be allowed for any license unless the applicant makes application to the Mayor showing good cause. The Mayor shall have discretionary power as to what, if any, amount shall be rebated.

5-1-14. Exemptions.

- (a) Persons engaged in the following activities may be exempt from the license provisions under this title:
 - (1) a farmer engaged in the production of crops, livestock and other agricultural products and in the sale exclusively of agricultural products by him, provided such crops and other agricultural products are sold on the property where grown,
 - (2) a non profit organization or operation where the receipts, when collected by a public educational facility, military, or governmental organization, are appropriated for the purposes and objects for which such organization is formed, and no person directly or indirectly derives a profit therefrom;
 - (3) an employee working in the service of an employer where the employer has been issued a valid License,
 - (4) a general contractor or sub-contractor engaged in contract work in the City, who do not have offices in the City, but have offices in a jurisdiction which has reciprocal licensing for contractors with the City, and who have a current valid state and local license from that jurisdiction in which their office is located,
 - (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 activities that would be considered the principal means of that person's support,

- (6) if the business consists of mere delivery in the City of goods or trade services purchased at a regular and licensed place of business outside of the City, not including, however, mobile food vendor businesses, or
 - (7) if the business is an approved vendor at a city-sponsored event.
- (b) Persons engaged in the following activities may be exempt from license fees, but shall obtain a license and shall operate the business in accordance with all applicable laws regulating the business:
- (1) a non-profit charitable organization, or a fraternal association or organization, exempted by State or federal law,
 - (2) a private, non-profit educational facility,
 - (3) 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 he can be engaged and should be allowed an exemption, or
 - (4) a business that is explicitly described in State or Federal law as having an exemption from local license fees.

5-1-15. Audit - Corrections.

All license fees and reports shall be subject to audit and correction at the close of any calendar year. The License Section may examine the business records of any person engaged in business within the City.

5-1-16. Public Health.

A person engaged in a business involving manufacturing, handling or processing food or perishable items shall have written approval from the Salt Lake Valley Health Department and / or the U.S. Department of Agriculture before a license may be issued. A license may be revoked at any time for non-compliance with the City / County / State and / or Federal Health and Sanitary Ordinances or Regulations.

5-1-17. Denial, Suspension or Revocation of Licenses.

- (a) In addition to other provisions in these ordinances, the Mayor may deny a license application, or suspend or revoke any license which has heretofore been issued, for the following reasons:
- (1) obtaining or renewing, or aiding another in obtaining or renewing, a license by fraud, deceit or misrepresentation, or
 - (2) filing or encouraging another to file false information with the License Section or any other state or local agency as part of the licensee's license application, or
 - (3) failing to pay any fees required by this title or other City ordinance or resolution, or

- (4) refusing to permit authorized officers to make inspection or to take samples of commodities, or interfering with such officers while in the performance of their duties, or
 - (5) knowingly allowing illegal activities to occur on any place of business in which the licensee has interest, or
 - (6) violating any law of the State of Utah, the United States Government, or any ordinance, rule or regulation of the City or any Salt Lake County or Utah state agency governing operation of the business holding the license or permit.
- (b) It shall be unlawful for any person whose application for license is denied, or whose license has been suspended or revoked to carry on or continue to conduct any business for which the license was denied, suspended or revoked.
- (c) No person who has been denied a license or whose license has been revoked under the provisions of this ordinance and no person associated or connected with such person in the conduct of such business shall be granted a license to carry on the business, trade, calling, profession or occupation for which the said license was denied or revoked until he again makes application for a new license fee as is required by ordinance.

5-1-18. Denial, Suspension and Revocation of Licenses - Applicant to be Heard.

- (a) The License Section may recommend the denial, suspension or revocation of a license to the Mayor.
- (1) Upon recommendation to deny, suspend or revoke, the License Section shall notify the applicant or licensee ("respondent") in writing, by certified mail to the most current business address or other mailing address on file with the License Section, or by personal delivery, of the recommendation to deny, suspend, or revoke, to include the grounds therefore.
 - (2) Within ten (10) working days of receipt of such notice, the respondent may request a hearing in writing to the Mayor. The hearing request will include a statement of reasons why the license should not be denied, suspended, or revoked.
 - (3) Within ten (10) working days from the receipt of the respondent's hearing request, the Mayor shall notify the respondent of the hearing date, which hearing shall be within twenty (20) working days from receipt of respondent's request for a hearing.
 - (4) The Mayor may appoint a hearing officer to conduct the hearing, hear the evidence to determine if grounds exist for denial, suspension or revocation, and render a decision.
 - (5) At the hearing, the respondent shall have the opportunity to be represented by counsel, present its evidence and witnesses, and cross-examine any of the City's witnesses.
 - (6) The Mayor or hearing officer shall issue a written opinion within ten (10) working days after the hearing and send the same, by certified mail or personal delivery, to the respondent.

- (7) If the Mayor or hearing officer determines that sufficient grounds exist for denial, suspension or revocation, such shall become final five (5) days after the written opinion is sent, and shall include a statement advising the respondent of its right to appeal the decision to a court of competent jurisdiction.
- (8) An appeal to such court of competent jurisdiction must be made within twenty (20) days after the decision to deny, suspend or revoke becomes final.
- (b) If the Mayor or hearing officer finds that insufficient grounds exist for denial, suspension, or revocation, the Mayor shall so notify the respondent within five (5) days after the hearing and direct the License Section to issue the license so long as all other requirements have been met..

5-1-19. Mayor Responsibility

Notwithstanding any provision of this ordinance to the contrary, all licensing approvals, denials, transfers, suspension, revocations and similar actions under this title shall be decided by the Mayor.

5-1-20. Obscene conduct in places of business, suspension or revocation of license.

It shall be unlawful for any owner, operator, manager or lessee, or any agent, partner, associate or employee of such owner, manager or lessee, of any business, to allow or permit an entertainer, employee, patron or any other person to appear in or on said place of business naked, or in indecent attire or lewd dress except in such business licensed pursuant to the Sexually Oriented Business License Ordinance, or to make any obscene exposure of his or her person.