

**TOWN OF RUSH VALLEY
ORDINANCE NUMBER 2023-03**

**AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND CONTROLS FOR
THE LICENSING OF BUSINESSES WITHIN THE TOWN OF RUSH VALLEY**

BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RUSH VALLEY, UTAH AS FOLLOWS:

SECTION ONE - PURPOSE: This ordinance is for the purpose of establishing and adopting Chapter 16 Business License and Regulation in the Rush Valley Land Use Management and Development Code. Adoption of Chapter 16 Business License and Regulation will codify procedures with regard to licensing, regulating and controlling businesses within the corporate limits of the Town and assist in the maintenance of an index of all businesses within the corporate limits of the Town.

SECTION TWO – ADOPTION OF Chapter 16 of the Rush Valley Land Use Management and Development Code which will read as follows:

CHAPTER 16: BUSINESS LICENSE AND REGULATION

16.1 General Licensing

Section

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16.1.1 Purpose and Intent. The purpose of this code shall be to license, regulate and control businesses within the corporate limits of the Town of Rush Valley ("Town") and to assist in the maintenance of a current index of all businesses within the corporate limits of the Town.

16.1.2 Application of Chapter. Except as otherwise expressly provided, the provisions of this chapter shall apply to all Town business licensing activities.

16.1.3 Definitions. As used in this title:

AGRICULTURAL INDUSTRY OR BUSINESS means the processing of raw food products by packaging, treating and/or intensive feeding. Agricultural industry includes, but is not limited to, animal feed yards, the raising of fur-bearing animals, food packaging and/or processing plants, commercial poultry or egg production, commercial greenhouses, and similar uses as determined by the Planning Commission.

BUSINESS, TRADE, PROFESSION OR CALLING means and includes all activities engaged in within the limits of the Town carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specified.

BUSINESS LICENSE means the certificate or document issued by the Town evidencing permission or authority from the Town to the holder named therein to carry on a particular business or occupation at a particular location.

ENGAGING IN BUSINESS means the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, and the rendering of personal services for others for consideration by persons engaged in any profession, trade, craft, business, occupation or other calling except the rendering of personal services by an employee to an employer under any contract of personal employment. Engaging in business also includes agricultural industries, but not farming or ranching.

FARM OR RANCH means a parcel of land in an agricultural zoning district which is used primarily for horticultural or farming purposes, such as the growing of crops or other vegetative, or fruit agricultural uses. A ranch is a parcel of land in an agricultural zoning district which is used primarily for ranching purposes, such as grazing of livestock or other non-vegetative or fruit agricultural use.

LICENSEE means the recipient of Business License.

PLACE OF BUSINESS means a location maintained or operated by a person within the limits of the Town from which a business activity is conducted or transacted.

TOWN CLERK means the Town of Rush Valley Clerk.

TOWN OF RUSH VALLEY means the Mayor and Town Council of the Town of Rush Valley.

16.1.4 Doing Business Without a License Prohibited. It shall be unlawful:

- A. To carry on any business, trade, profession or calling without obtaining a business license.
- B. To engage in business if a license has been suspended or revoked.
- C. To otherwise violate any provision of this title.

16.1.5 Failure to Obtain a License – Penalties. Any person doing business without a license when a license is required, including circumstances where a license has expired, been suspended or revoked, shall be subject to criminal penalties as per Utah Code 76-8-410.

16.1.6 License Issuance, Fee Collection, Reviews. The Town shall issue licenses and assess and collect license fees. The Town may review the records of applicants or licensees to ensure compliance with any licensing provision. It may refuse to issue a license or may suspend or revoke a license if the applicant or licensee, for any reason, fails or refuses to cooperate in such a review.

16.1.7 Index of Licenses. The Town Clerk shall maintain an alphabetical and numerical index of all licenses issued.

16.1.8 Procedure to Obtain License. Upon receipt of a Conditional Use Permit (CUP) obtained from the Town Planning and Zoning Commission, applicants for a business license shall submit a properly completed application form to the Town Clerk (Attachment 1). It shall be unlawful to incorrectly or fraudulently state or misrepresent any fact as part of applying for or retaining a license. Unless otherwise provided, if issuance of the requested license is consistent with applicable law, the Town Clerk shall approve the application and issue a license.

16.1.9 Inspections. As a condition of the issuance, continuation or renewal of a business license, the applicant shall, upon reasonable demand, permit continuing inspections of the place of business or other activity to ensure compliance with all applicable business, zoning, health, or safety regulations. The Town may refuse to issue a license or may suspend or revoke a license if the applicant or licensee should, for any reason, fail or refuse to cooperate with an inspection.

16.1.10 Separate License Required for Each Location. A separate license must be obtained, and a separate fee paid for each place of business where a business activity is established. Each license shall authorize the licensee to engage in only that business activity described in such license and only at the location which is indicated thereon. A location shall be considered separate if it has been assigned a different mailing or street address. A business that regularly provides goods or services at various locations in the Town but has no place of business or mailing address shall still be required to obtain a business license.

16.1.11 Term of License - Transfer Prohibited. Unless otherwise expressly provided, the following shall apply to all licenses issued pursuant to this title:

- A. All licenses shall be issued for a period of one year which shall extend from January 1 to December 31. The Town will send a letter of renewal before the due date (Attachment 2).

- B. No license shall be in any manner assignable or transferable, nor shall it authorize any licensee to do business at any other place than indicated in such license, or authorize any other business than is therein mentioned.

16.1.12 License Fees.

- A. Except as provided for in Section 16.1.15, Reciprocal Licenses, every person intending to engage in business shall, before commencing business, obtain a license for each place of business, or if no place of business is established, for each business activity that takes place within the Town. The person shall also pay to the Town the minimum fee in such amount as established by the Town Council.
- B. License fees shall be paid in advance for the term of the license. They shall not be prorated when a new application is made during the license term. License fees shall not be refunded because the business or activity for which the same was obtained has been discontinued for any reason.
- C. Any person or firm who fails to renew the license before it expires shall be assessed an administrative penalty in addition to the regular fee. The penalty is 50% of the regular fee.
- D. License fees and penalties shall be collected by the Town Clerk.
- E. Payment thereon shall be enforced as authorized by law. In addition to any criminal action, the Town may bring civil action to collect any delinquent or unpaid fee. In the event legal action is filed to collect delinquent or unpaid fees, the debtor shall pay a reasonable attorney's fee and costs.

16.1.13 Town of Rush Valley Authorized to Examine and Inspect Businesses – Powers and Duties. The Town and inspectors are hereby authorized and empowered to examine and inspect all places of business to verify that businesses authorized by the license issued are carried on in accordance with this chapter and other applicable laws. They may enter any building or premises during regular business hours; or, if there are no regular business hours, shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If the property owner or other responsible person refuses entry or inspection of the property, the Town may obtain and execute a search warrant.

16.1.14 Additional Fees. Town business license fees are also in addition to fees that may be required by the State of Utah.

16.1.15 Reciprocal Licenses – No Fee Required. Wherever any person, firm or corporation doing business in the limits of the Town which has no office, building or plant in the Town but has a current business license in a city or town located within Tooele County, such license shall be recognized by the Town for the purpose of waiving the Town license fee.

16.1.16 Code Compliance.

- A. Issuance of a business license does not excuse a licensee from compliance with applicable zoning, building, fire, electrical, or health codes or other regulatory requirements.

No license shall be issued without first obtaining a Conditional Use Permit from the Town Planning and Zoning Commission indicating that the proposed business complies with the Town's zoning regulations.

- B. The following shall be printed on the face of each license:

"NOTICE: To engage in the business for which this license is issued, you must comply with all Town health and safety codes, including those relating to zoning, building, health and fire safety. If now, or in the future, you do not comply with these codes, this license does not authorize you to engage in business."

16.1.17 Exemptions.

- A. No business license is required for any person or organization for an activity which is conducted for charitable or religious purposes.
- B. No business license is required for any farming or ranching operation.
- C. No business license is required for yard sales of less than seven days in duration, activities of minors in short-term entrepreneurial activities such as lemonade stands, or any person engaged in a business specifically exempted from municipal licensing by the laws of the United States or the State of Utah.
- D. Businesses located within the boundaries of federal military installations or Indian reservations are exempt from obtaining a business license, unless such a business extends its activities beyond the installation or reservation boundaries into the Town.
- E. The person claiming an exemption has the burden of establishing such exemption.

16.1.18 Suspension or Revocation – Grounds. The Town may suspend or revoke a license if:

- A. The business fails to perform any condition of their Conditional Use Permit.
- B. The business fails or refuses to permit or cooperate with a review or inspection.
- C. The business fails to pay a required fee.
- D. Continuing operation of the licensed activity would constitute a nuisance or present a danger to the health, general welfare or morals of the community.
- E. The business is violating this chapter or any other applicable law, including zoning, building or health regulations.

16.1.19 Suspension or Revocation – Hearing. No license issued under this title shall be suspended or revoked until an informal hearing is held before the Town Council.

- A. Written notice of a hearing shall be sent to the licensee via first class mail at least ten days prior to the hearing date. Such notice shall state the basis of the complaint and the time and place of the hearing.
- B. The Town Council may, at the end of the hearing: (1) take no action against the licensee; or (2) suspend the license of the licensee for a set period of time; or (3) revoke the license.
- C. If necessary, the Planning and Zoning Commission may be used to determine appropriate action.

16.1.20 Displaying License. Every certificate of license shall be displayed by the licensee in a conspicuous place easily viewed and/or accessible, in which the licensed business, trade, profession, or calling is carried on. When such a certificate of license has expired it shall be removed from public view.

16.1.21 New License – Six Months Wait. No person who has been denied a license or whose license has been revoked, and no person associated or connected with such a person in the conduct of business, shall be granted a new license until six months after such denial or revocation has elapsed.


16.2 Alcoholic Beverages - Reserved

16.3 Sexually Oriented Businesses – Reserved

16.4 Residential Solicitation – Reserved

29 PASSED AND ADOPTED by the Town Council of the Town of Rush Valley, Utah, this day of November 2023.

BY ORDER OF THE TOWN COUNCIL OF
THE TOWN OF RUSH VALLEY, UTAH


By: Mayor Brian Johnson

ATTEST


Patty Rowe, Town Clerk/Recorder

Councilmember Albrecht voted
Councilmember Burrows voted
Councilmember Gardner voted
Councilmember Harding voted

aye
aye
aye
aye

ATTACHMENT 1

Business License Application

Town of Rush Valley
PO Box 363 52 South Park Street
Rush Valley, UT 84069
Tooele County, State of Utah

****Office Use Only****

Business License #: _____

of Employees: _____

CUP #: _____

Amount Paid: _____

Date Paid: _____

☐ Commercial \$50 plus \$5 per employee ☐ Residential \$30 plus \$5 per employee ☐ No fee permit

Legal Name of Business:

Phone #:

(_____) _____

Business Address:

Mailing Address (if different):

Nature of Business:

State Sales Tax and/or EIN/SSN/Federal Tax #:

Tooele County Health Permit # (if applicable):

State License Type (Division of Professional Licensing):

State License #:

Will you be growing or dispensing medical marijuana?

Y N

Will any tobacco products (including electronic and vape) be sold?

Y N

Will you be selling food?

Y N

Name of Business Owner(s):

Phone #:

(_____) _____

Address:

Email Address:

I declare under the penalty of perjury that the information contained on this business license application is true and complete. I understand and agree to comply with all applicable ordinances and regulations of the Town of Rush Valley. I understand that I shall not begin business at this location without first obtaining a business license, which includes conforming to the Town's zoning regulations and the Town and Tooele County Health and Safety Codes, including those related to building and fire safety.

Signature of Applicant:

Date:

ATTACHMENT 2

Town of Rush Valley
PO Box 363
52 South Park Street
Rush Valley UT 84069-0363

December 1, 2023

Dear Business Licensee:

The Tooele County Clerk recently sent a letter informing you that effective January 1, 2024, Rush Valley Town will be the entity issuing licenses for businesses within their town limits.

Additionally, the expiration date for business licenses will now be December 31 of each year rather than June 30. The fee will remain the same and is listed on the attached business license application. If payment is made after December 31, 2023, a penalty of 50% of the regular fee will be assessed.

Please complete the attached application and return it, along with your payment, to:

Town of Rush Valley
PO Box 363
Rush Valley UT 84069

If you have any questions, please contact the Town Clerk/Recorder at (435) 255-5931 or townofrv@gmail.com.

Mayor Brian Johnson
Town of Rush Valley