ORDINANCE NO. 2009-04

AN ORDINANCE AMENDING THE WENDOVER CITY BUSINESS LICENSE FEE SCHEDULE

RECITALS

A. The City of Wendover has conducted a study of its costs to provide services to businesses in the City, including costs to the City for businesses that use a disproportionate level of police services.

B. The City is authorized by law to collect licensing fees from businesses located in the City.

C. The Governing Body of the City makes the following findings associated with the amendment of its fee schedule:

1. The City's fee schedule was last amended in 2000. Since that time the City's costs of administering its business licensing program has increased. These increases are due to many factors, including without limitation, the amounts paid to city staff for their services, costs of supplies, costs associated with mailing and overhead paid at the City offices.

2. The City finds that the following increases are fair and reasonable in all respects and fairly reflect the City's costs associated with the administration of its business license program:

Description	Old Amount $	New Amount
Base Licensing Fee	50.00	75.00
Transfer of License	15.00	25.00
Residential Rental/unit	5.90	6.00
Motels & Hotels/Unit	2.91	3.00

3. The City has never imposed a charge for new license applications. The City finds it reasonable that new license applications be charged a fee of $100.00 to compensate the City for costs associated with the additional time expended by the City staff in the processing of new license applications. This fee is to cover the costs of administration associated with a new license including inspections from the fire department, police department, utility department and city staff.

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4. The City finds that the category of "24-hour businesses" as defined in its earlier ordinance, relates more specifically to those businesses that sell alcohol for off premise consumption. Therefore, the City finds it reasonable that the classification of "24-hour businesses" be terminated, and that any business that sells alcohol be subject to an enhanced services fee of $250.00 (for classes A, B, C, D, E and F licenses) and $50.00 per day for Class G licenses. The enhanced services fee is in addition to the application fee for a new business and in addition to the annual renewal fee of a business.

5. The City has investigated costs associated with the administration of fireworks sales and the associated impacts of said businesses. Accordingly the City finds it reasonable that fireworks sellers be subject to an enhanced services fee of $150.00. The enhanced services fee is in addition to the application fee for a new business and in addition to the annual renewal fee of a business.

C. The Governing Body of the City now desires to adopt an amended fee schedule for businesses licensed by the City

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WENDOVER, TOOELE COUNTY, UTAH AS FOLLOWS:

Section 1. Adoption of Fee Schedule. A Fee Schedule relating to business license fees in the City of Wendover, Utah is adopted, to read in its entirety as set forth in Exhibit "A" attached hereto.

Section 2. Approval of License Application Forms. The forms for license applications attached hereto as Exhibits "B" (Business License Application) and "C" (Alcohol License Application) are hereby approved by the City.

Section 3. Penalty and Remedies. In addition to any remedies described in the City's Business License Ordinance any person who operates a business without first making application for a business license and paying any fee required hereunder, or who knowingly provides false information on any business or alcohol license application shall be guilty of a Class B misdemeanor, and subject to the penalties provided by law. The City is authorized to initiate a civil action to enforce the collection of fees described herein. In the event a civil action is filed to enforce the provision of this Ordinance, the City shall be entitled to recover its costs and attorney's fees.

Section 4. Severability. If any section, paragraph, clause or provision of this ordinance shall be held invalid, unlawful or unenforceable, the same shall not affect the validity or enforceability of the remaining provisions of this Ordinance.

Section 5. Effective Date. This ordinance shall become effective immediately upon approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WENDOVER, TOOELE COUNTY, UTAH THIS 3 DAY OF JUNE, 2009.

THE CITY OF WENDOVER

BY: _____
BRETT SHELTON
MAYOR

ATTEST:

_____
TAMMERA WEYLAND
CITY RECORDER

EXHIBIT "A"

WENDOVER CITY BUSINESS LICENSE FEES

Description	Amount
Commercial and Home Licenses	
NEW Business application base fee (not required for renewals) Non-refundable	100.00
Commercial/Industrial/Manufacturing (base annual fee)	75.00
Home Occupation (Conditional Use) (base annual fee)	50.00
Enhanced Services Fees	
Pawn Shops	270.00
Rentals-Residential (per unit on 2 or more)	per unit: 6.00
Motels and overnight lodging (including RV units)	per unit: 3.00
Residential Solicitation (per individual)	15.00
Transient, Itinerant Merchants, Itinerant Vendors (annual)	100.00
Temporary Street Vendor (one to seven days)	15.00
Special Event Permit (one day only, application fee not required)	15.00
Firework Sales (Per Location)	150.00
Alcoholic Beverage License Fees (separate application required)	
Application Fee	$100.00
Classes A, B, C, D, E, F	250.00
Class G	per day 50.00
Change of location/transfer fee:	25.00

Bond Requirements for Certain Businesses:

A $1000 bond is required of the following businesses: carpet cleaners, drapery cleaners, exterminator, fumigator or pest control operator, food refrigeration storage units, furniture cleaners, house mover.

A $10,000 bond is required for an Alcohol Beverage License.

Bonding must be provided by: (a) cash; (b) an irrevocable letter of credit from a bank with offices in the State of Utah; or (c) with a corporate surety authorized to do business in the State of Utah. Each bond shall be conditioned to indemnify the City or any individual for loss, damage or expense occasioned by the act or failure to act of the licensee, or by any failure of the licensee to comply with the laws of the City, the Health Department or the State.

EXHIBIT "B"

BUSINESS LICENSE APPLICATION

City of Wendover

Date of Application_____

Business License Certificate Number _____

New ☐
Transfer ☐

920 WENDOVER BLVD. PO BOX 430 WENDOVER, UT 84083
PHONE: (435) 665-7030 FAX: (435) 665-2523

◆ BUSINESS LICENSE APPLICATION ◆

NOTICE: Please complete each statement below. Incomplete applications will not be accepted. Applications must be completed within thirty (30) days. Any application not completed within this time frame, will require repayment of fees and re-application of license.

SECTION A — BUSINESS INFORMATION

Name of Business:_____ Business Phone:_____
FAX Number:_____

Business Address:_____
(Street Number) (Suite) (City) (State) (Zip)

Business Mailing Address:_____
(PO Box) (City) (State) (Zip)

State Sales Tax Number (if applicable):_____ Bond Required:_____
State Registration Number / DBA / FEIN (if applicable):_____
State License Number / DOPL (if applicable):_____ E-Mail Address:_____

Nature of Business:_____
Detailed Description of Commercial Business:_____
Will there be any building or remodeling: Yes No Gross Leasable (Area in Sq. Ft.):_____
Commercial License - Property Owner Written Approval: Yes No Are you a Sexually Oriented Business: Yes No
Does Your Business Have an Alarm: Yes No

Will any of the following be a part of the business:

· Fireworks Sales	Yes	No	N/A
· Beer/Liquor Sales	Yes	No	N/A
· Door-to-Door Sales	Yes	No	N/A
· Motorized Vehicle	Yes	No	N/A
· Bill Posting/Handbills	Yes	No	N/A

PART B — HOME OCCUPATION INFORMATION ONLY

· Will customers visit the home	Yes	No
· Will display or stock of merchandise be at home	Yes	No
· Will employees be at the house	Yes	No
· Any unusual traffic be created in neighborhood	Yes	No
· Will parking on roadside be needed	Yes	No
· Will flammable, toxic or poisonous materials be kept at the home	Yes	No

· What portion of home is to be used for business (25% total structure area)_____

PART C — BUSINESS OWNER INFORMATION

Owner's Name:_____
(If other than sole proprietor, give names of partners or corporate president and secretary)

Home Address:_____
(Street Number) (City) (State) (Zip)

Home Phone:_____ Drivers License Number:_____ _____
(State)

Social Security Number:_____ Date of Birth:_____

➢ **This form is an application for a business license. The receipt for payment of license fees thereof does not constitute being approved to operate a business. The actual license will be issued only when all inspections are completed and signed off by the various City departments and approval is given by the Business License Office. To open and/or operate a business without final approval is a Class B Misdemeanor and punishable by law.**

LIST TWO RESPONSIBLE / AVAILABLE EMERGENCY CONTACTS:

Name: _____ Name: _____

Address: _____ Address: _____

Phone: _____ Phone: _____

I UNDERSTAND AND AGREE to comply with all regulations of City of Wendover Ordinance 94-09, (copy available upon request). **I UNDERSTAND that business shall not commence at this location without first obtaining a business license**, and that inspections of the City Planning and Zoning, Fire Officials, Tooele County Sheriffs Department, and the County Health Officials must first be completed and the building approved by these officials for business activities.

_____

Business Owner's Signature Date

BELOW THIS LINE FOR OFFICE USE ONLY

➢**NOTE: INITIAL BUSINESS LICENSE FEE MUST BE PAID WITH CASH, MONEY ORDER, CASHIER CHECK, CREDIT OR OTHER CERTIFIED FUNDS. BUSINESS LICENSE RENEWALS SHALL BE DUE ANNUALLY ON OR BEFORE JULY 1. RESPONSIBILITY OF RENEWAL IS THAT OF THE LICENSEE. FAILURE TO RECEIVE RENEWAL NOTICE DOES NOT EXCUSE THIS RESPONSIBILITY.**

NEW Business application base fee (not required for renewals) Non-refundable		100.00	$_____
Home Occupation (Conditional Use) (base fee)		50.00	$_____
Commercial/Industrial/Manufacturing (base fee)		75.00	$_____
Pawn Shops		270.00	$_____
Rentals-Residential (per unit on 2 or more)	Number of Units_____	@ 6.00	$_____
Motels and overnight lodging (including RV units)	Number of Units_____	@ 3.00	$_____
Residential Solicitation (per individual)		15.00	$_____
Transient, Itinerant Merchants, Itinerant Vendors (annual)		100.00	$_____
Temporary Street Vendor (one to seven days)		15.00	$_____
Special Event Permit (one day only, application fee not required)		15.00	$_____
Seasonal Business Licenses:			
Firework Sales (Per Location)		150.00	$_____
Motorized vehicle retail sales (ice cream vendors, etc., 120 days maximum) ($150 for first six (6) vendors; $25 for each additional vendor)		75.00	$_____
Christmas Tree Lots, Farmers Markets, Booths, Stands, etc. (Per Location)		75.00	$_____
Alcoholic Beverage License Fees: (Separate application required)			
*Application fee (Non-refundable; not required if applied in conjunction with business license) :		100.00	$_____
Change of location/transfer fee:		25.00	$_____
	TOTAL FEE		$_____

Bond Requirements for Certain Businesses:
Bonding with a corporate surety authorized to do business in the State of Utah, conditioned to indemnify the City or any individual for loss, damage or expense occasioned by the act or failure to act of the licensee, or by any failure of the licensee to comply with the laws of the City, the Health Department or the State. A **$1000** bond is required of the following businesses: **Examples are: carpet cleaners, drapery cleaners, exterminator, fumigator or pest control operator, food refrigeration storage units, furniture cleaners, house mover.** A **$10,000** bond is required for an Alcohol Beverage License.

Bonding required: Yes No N/A Insurance Company _____ Bond No: _____

DEPARTMENT APPROVAL:

Health/Agriculture Dept. Approval	Yes	No	N/A	Date:	_____	Initials _____
Fire Dept. Approval	Yes	No	N/A	Date:	_____	Initials _____
Planning and Zoning Dept. Approval	Yes	No	N/A	Date:	_____	Initials _____
Sheriff Dept. Approval	Yes	No	N/A	Date:	_____	Initials _____
City Council Approval:	Yes	No	N/A	Date:	_____	Initials _____

RESTRICTIONS:_____

_____

_____

TOOELE COUNTY SHERIFF'S DEPARTMENT
435-665-7010

BUSINESS REGISTRATION

920 Wendover Blvd.
Wendover, UT 84083

Please legibly print or type this form. All sections are required.

Name of Business Business Phone
Business Hours

Business Address

➢ **Emergency Notification**—Please list the closest available responder first.

Name	Home Address, including City	Phone or Cell #	* Date of Birth
1.			
2.			
3.			

➢Alarms

Burglar Alarm: Yes No

Alarm Agency: _____ Phone # _____

Fire Alarm: _____ Phone # _____

➢Janitorial Service Yes No Name: _____ Phone#_____

➢Building Owner: Name _____
Address _____ Phone # _____

*** All information is for Sheriff's purposes only and will not be disseminated.**

Departmental Approval Contact Information

Wendover City Fire Department
Fire Chief: Kirk Patten
Cell: (801) 633-6026

Tooele County Sheriffs Department
920 Wendover Blvd. Suite B24
Wendover UT, 84083
(435) 665-7010

Tooele County Health Department:
151 North Main Street
Tooele, UT 84074
rwarner@utah.gov
www.tooelehealth.org

Robert Warner, L.E.H.S
Office (435) 277-2451
Fax (435) 277-2444
Toll Free (866) 704-3443

Building Inspector:
Joe Williams (801) 633-6004

Planning and Zoning:
Meetings held First Tuesday of the month. Application must be received two weeks prior to be placed on agenda. Contact City Offices for more information, (435) 665-7030.

City Council: Meetings held first and third Wednesday of the month. Contact City Offices to be placed on agenda, (435) 665-7030.

HOW TO APPLY FOR A CITY OF WENDOVER BUSINESS LICENSE

The City of Wendover is a great place to locate a business. This office wishes to offer assistance with the application process and has designated this set of procedures to help you understand some of the requirements for opening a business in the City of Wendover.

If your business is located in a commercial or industrial zone, you must complete the Business License application and the Tooele County Sheriff's Business Registration. If you are applying for a home office or home occupation, complete the Business License application form only.

Businesses that wish to use a business name, but are not incorporated or a limited liability company must register the DBA (Doing Business As) with the Department of Commerce. You may register the DBA or corporation online at www.business.utah.gov/registration. The charge for a DBA is $22.00. You must provide a state approved copy of your DBA, Articles of Incorporation or Articles of Organization when you submit your application to our office. For assistance with your business registration with the state you may contact the State Tax Commission at (801) 374-7070 or (801) 530-4849. If your business is a corporation or LLC, you should have a Federal Identification Number. Businesses involved with the sale of a tangible product must provide evidence of a Utah State Sales Tax number. You may obtain all these requirements at www.utah.gov under the business tab.

Licensing fees must accompany the application. A list of fees is included on the application. If you have any questions regarding the type of business you have and the fees you must pay, please contact our office at (435)665-7030. If for any reason your license should be denied, you will receive a refund of the fees you paid less $100.00 for processing of the application.

A business license will be granted when business is incompliance with all local, state, federal, fire and building codes and all inspections are completed and signed off by the various City departments and the Business License Office gives approval.

There are additional application requirements for alcohol sales. Please contact the City offices for further information.

Business Licenses expire annually on June 30th. Renewals are due by July 1st. Renewal notices are sent as a reminder, but you are ultimately responsible for ensuring timely renewal payments. If the license is not paid within 30 days of the due date, a 50 percent penalty of the amount of the fee shall be added to the original amount due. If the fee is still not paid within sixty days of the due date, a 75 percent penalty of the amount of the fee shall be added to the original amount due. If the fee plus penalty is still not paid within ninety days, then the business shall be considered to be operating without a business license in violation of Ordinance No. 94-09, Section 1-108, subject to criminal prosecution for every day of operation after three months from the due date and the license fee, if a license is granted thereafter, shall be doubled, as required by Section 1-102 (2).

These forms are application for a business license. The receipt of payment of license thereof does not constitute being approved to operate a business. The actual business license is issued only when all inspections and approvals are completed. City of Wendover shall not be held responsible for delays in processing an incomplete application, or for property improvements and other business expenditures occurring before the license applicant receives final approval. Licenses not approved within 30 days of application may be denied.

Allow 2-4 weeks for processing you business license application, providing no complications arise. Incomplete applications will be returned. If you have any questions, call (435) 665-7030.

EXHIBIT "C"

ALCOHOL LICENSE APPLICATION

Date of Application_____

Business License Certificate Number _____

New ☐
Transfer ☐

City of Wendover

920 WENDOVER BLVD. PO BOX 430 WENDOVER, UT 84083
PHONE: (435) 665-7030 FAX: (435) 665-2523

◆ ALCOHOL LICENSE APPLICATION ◆

NOTICE: Please complete each statement below. Incomplete applications will not be accepted. Applications must be completed within thirty (30) days. Any application not completed within this time frame, will require repayment of fees and re-application of license.

Type of License Requested: *(Check all that apply)*

New License (Additional $100 application fee) (Non-refundable)

Renewal (No application fee)

Classification of Beer License:

Class A: $250.00	Class C: $250.00	Class E: $250.00	Class G: $50.00/day
Class B: $250.00	Class D: $250.00	Class F: $250.00	

Classification of Liquor License:

Class 1: $250.00	Class 2: $250.00	Class 3: $100.00/day

Business Information:

Business Name: _____

Occupation or Business: _____

Physical Address: _____

Mailing Address (if different): _____

Phone: _____ Fax: _____

Website: _____ Email: _____

Applicant Information:

Full Name: _____

Permanent Residence Address: _____

_____

Mailing Address (if different): _____

Phone: _____ Cell: _____

Date of Birth _____ Place of Birth _____ U.S. Citizenship: YES NO

SS# _____ DL # _____ State _____
(photo copy required)

Email: _____

The following questions must be answered for the persons applying and all partners, managing agents, managers, officers, directors, stockholders holding at least 20% of the total issued and outstanding stock of an applicant corporation; or a member who owns at least 20% of limited liability company.

Are all of the above mentioned persons 21 years of age or older? YES NO

List all felonies the applicant or any of the above mentioned persons have ever been convicted of:

List all criminal offenses the applicant, or any of the above mentioned persons, have been convicted of concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcohol:

The undersigned grants consent for authorized City Officials and all law enforcement agencies be given unrestricted access rights; to enter the premises, inspect the entire premises. YES NO

Bond Requirements Alcohol Beverage License:
Bonding with a corporate surety authorized to do business in the State of Utah, conditioned to indemnify the City or any individual for loss, damage or expense occasioned by the act or failure to act of the licensee, or by any failure of the licensee to comply with the laws of the City, the Health Department or the State. A **$10,000** bond is required for an Alcohol Beverage License.

Insurance Company _____ Bond No: _____

Under penalty of perjury, the undersigned personally certifies, represents, and warrants as follows:

I understand that this document is an official government record to be filed with the Wendover City Clerk/Recorder. As such I hereby certify under oath, that the foregoing information is true and correct. I further understand that including any false or forged information or documents or making any written or false or inconsistent statement will subject me to criminal penalties under Title 76, Chapter 8 of the Utah Code.

That I am a citizen of the United States and over the age of 21 years. That I am of good moral character and have never been convicted of, pleaded guilty to, pleaded no contest to, nor forfeited bail on any of the following: any felony and/or, any violation of any law or ordinance relating to the sale or use of alcoholic beverages, intoxicating liquors, drunken driving, driving under the influence, or driving while intoxicated, or of keeping a gambling or disorderly house. That I am not a member of any partnership, corporation, of legal entity, of which any partner, member, director, manager or officer lacks any such qualifications.

I hereby make application for the issuance of an alcohol license from Wendover City in accordance with the provisions of Wendover City Ordinance 2001-02. (Copy available upon request.)

I agree if a license is issued that it shall be subject to revocation as provided in the above ordinances.

Respectfully submitted,

_____

DEPARTMENT APPROVAL:

Health/Agriculture Dept. Approval	Yes	No	N/A	Date:	_____	Initials _____
Fire Dept. Approval	Yes	No	N/A	Date:	_____	Initials _____
Planning and Zoning Dept. Approval	Yes	No	N/A	Date:	_____	Initials _____
Sheriff Dept. Approval	Yes	No	N/A	Date:	_____	Initials _____
City Council Approval:	Yes	No	N/A	Date:	_____	Initials _____

RESTRICTIONS:_____

_____

_____

_____

Schedule B: Alcohol License Application

PROVIDE HEREON A DETAILED DIAGRAM TO SCALE OF THE PROPOSED LICENSE PREMISES:

Departmental Approval Contact Information

Wendover City Fire Department
Fire Chief: Kirk Patten
Cell: (801) 633-6026

Tooele County Sheriffs Department
920 Wendover Blvd. Suite B24
Wendover UT, 84083
(435) 665-7010

Tooele County Health Department
151 North Main Street
Tooele, UT 84074
rwarner@utah.gov
www.tooelehealth.org

Robert Warner, L.E.H.S
Office (435) 277-2451
Fax(435) 277-2444
Toll Free (866) 704-3443

Building Inspector
Joe Williams (801) 633-6004

Planning and Zoning:
Meetings held First Tuesday of the month. Application must be received two weeks prior to be placed on agenda. Contact City Offices for more information, (435) 665-7030.

City Council: Meetings held first and third Wednesday of the month. Contact City Offices to be placed on agenda, (435) 665-7030.