WENDOVER CITY

ORDINANCE 2013-02

AN ORDINANCE AMENDING THE WENDOVER CITY BUSINESS LICENSE FEE SCHEDULE, LICENSE EXPIRATION DATE, PROCEDURES FOR HANDLING NOTICES AND LATE FEES AND BUSINESS LICENSE APPLICATION

SECTION ONE: PURPOSE. The purpose of this Ordinance is to establish a consistent fee schedule for business and to update such fees so that they reflect administrative cost actually being used for their issuance and regulation.

SECTION TWO: 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 doing business in Wendover City.

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

   a. The City's fee schedule was last amended in 2009. Due to the lapse of time since, the City finds it reasonable to reevaluate and amend their business license ordinance. These amendments 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; and

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

   c. Policy and Procedures shall be established to regulate the granting and renewal of business licenses in Wendover City Utah.

D. Attached hereto is Exhibit A: Business License Application.

SECTION THREE: PROPOSED ORDINANCE. The following language is proposed and if so shall become the policy and law of Wendover City:

1. Procedures and language required for Notice of Renewal Deadline for all businesses operating in Wendover City:
    a. Business licenses shall expire on September 30th of each and every year. Renewal payments not made on or before September 30th will receive a 50% late fee which will be applied on October 1st.
    b. A Notice of Renewal Deadline shall be mailed to all businesses operating in Wendover City by August 1st of each and every year.
    c. Final Notice of Renewal, with penalty fee, shall be mailed to further remaining businesses operating in Wendover City who have not paid by October 10th of each and every year. Notice shall state that failure to renew within 30 days of October 10th could result in criminal prosecution for operating a business without a license.

2. Wendover City's Business license fees are as follows:

Base License fee (Includes all home occupation, commercial operated, single event businesses, etc.)	$40.00
Change to Application	$25.00
Renewal fee	$40.00
Rental Units	$6.00 / unit
Motel Units	$3.00 / unit
Firework Sales	$150.00

[area intentionally left blank]

3. Penalty and Remedies. In addition to any remedies and penalty allowed by law and 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 herein, or who knowingly provides false information on any business or alcohol license application shall be guilty of a Class C 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 provisions of this Ordinance, the City shall be entitled to recover its costs and legal fees. City reserves the right of inspection for any business which is operating within Wendover City and at the discretion of law enforcement, may close any business for violating the ordinances of the City or the laws of the State of Utah. If such action is taken, the business owner may seek an appeal from the Wendover City Council.

SECTION FOUR: REPEALER. Any Wendover City Ordinance or regulation in conflict with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION FIVE: EFFECTIVE DATE. This ordinance shall take effect immediately upon the posting of complete copies of this Ordinance in three public places within Wendover City, Utah as provided for by law.

Adopted, Enacted and ordered posted by the Wendover City Council, this 7th day of August, 2013.

WENDOVER CITY COUNCIL

Mike Crawford

By Mayor Mike Crawford

ATTEST:

Mariah F. Murphy

Mariah Murphy, City Clerk/Recorder

(Seal)

Date of Publication 08/29/13

" EXHIBIT A"

BUSINESS LICENSE APPLICATION

*** OFFICE USE ONLY ***

Business License No. _____

Date of Application _____ / _____ / _____

[ ] Paid $ _____ Taken by _____

CITY OF WENDOVER
920 E. Wendover Blvd.
P.O. Box 430
Wendover, UT 84083
435-665-7030
www.WendoverCityUtah.com

BUSINESS LICENSE APPLICATION

[ ] COMMERCIAL BUSINESS [ ] TEMPORARY BUSINESS

[ ] HOME-BASED BUSINESS [ ] APPLICATION CHANGE

BUSINESS CONTACT INFORMATION

NAME: _____ PHONE: _____

NATURE OF BUSINESS: _____

PHYSICAL ADDRESS: _____
(STREET) (CITY) (STATE) (ZIP)

MAILING ADDRESS: _____
(P.O. BOX / STREET) (CITY) (STATE) (ZIP)

WEB ADDRESS (PLEASE PRINT): _____

CONTACT INFORMATION

CONTACT 1: _____ PHONE: _____

MAILING ADDRESS: _____
(P.O. BOX / STREET) (CITY) (STATE) (ZIP)

E-MAIL ADDRESS (PLEASE PRINT): _____

CONTACT 2: _____ PHONE: _____

MAILING ADDRESS: _____
(P.O. BOX / STREET) (CITY) (STATE) (ZIP)

ADDITIONAL INFORMATION

STATE SALES TAX #: _____

EIN/FEDERAL TAX #: _____

NAME REGISTRATION #: _____

COUNTY HEALTH PERMIT # : _____
(FOR ALL FOOD VENDORS)

STATE LICENSE (DOPL) #: _____
(INCLUDING FEDERAL FIREARMS, CONTRACTORS, COSMETOLOGY, ETC)

TYPE: _____ BONDED [YES] [NO]

BUILDING INFORMATION

1. WILL REMODELING BE REQUIRED TO ACCOMMODATE THIS BUSINESS? [YES] [NO]
2. WILL YOU BE SELLING FOOD? [YES] [NO]
3. DO YOU PLAN TO SELL ALCOHOL? [YES] [NO]
   IF YES, A SEPARATE APPLICATION IS REQUIRED.

BUSINESS TYPE

[ ] CORPORATION [ ] PARTNERSHIP

[ ] PROPRIETORSHIP [ ] LLC

BUSINESS LICENSE FEES

[ ] BASE LICENSE FEE $40.00

[ ] RENTAL UNITS $6.00/UNIT

[ ] FIREWORKS $150.00

[ ] APPLICATION CHANGES $25.00

[ ] MOTEL / HOTEL $3.00/UNIT

TERMS AND CONDITIONS

It is the responsibility of the applicant to comply with all State and County license regulations. Applicant agrees to comply with all city regulations according to Ordinance 94-09 for the City of Wendover, Utah (copy available upon request). Signature below indicates agreement to these terms. The receipt of payment for license fees does not constitute as being an approval to operate a business. The actual license will be issued only when all departments have given approval. To open and/or operate a business without final approval is a Class B Misdemeanor and punishable by law.

- NOTARIZATION REQUIRED FOR ALL LICENSES -

(To be filled out in the Presence of a Notary)

I _____ BEING DULY SWORN DEPOSE AND SAY THAT I AM THE APPLICANT ABOVE NAMED AND THAT THE STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND CORRECT.

_____ _____

DATE APPLICANTS SIGNATURE

***** BELOW IS FOR NOTARY USE *****

STATE OF _____

COUNTY OF _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 20_____.

_____

(SEAL) NOTARY PUBLIC

ALL WENDOVER CITY BUSINESS LICENSES EXPIRE ANNUALLY ON SEPTEMBER 30TH

** PLEASE NOTE THAT SOME BUSINESSES **
WILL REQUIRE AN INSPECTION TO VERIFY
ALL CITY AND STATE CODES ARE MET.
FIREWORK STANDS WILL BE INSPECTED
ON AN ANNUAL BASIS.

***** OFFICE USE ONLY *****

FIRE DEPARTMENT	DATE
BUILDING DEPARTMENT	DATE
PLANNING & ZONING	DATE
CITY COUNCIL	DATE