

EUREKA CITY BUSINESS AND LICENSE ORDINANCE

GENERAL LICENSING PROVISIONS

1-1-1: PREVIOUS ORDINANCES

This Ordinance supersedes any previous Business and License Ordinance or Regulations, but does not exempt any person or business from any unpaid penalties incurred previous to the adoption of this ordinance.

1-1-2: DEFINITIONS

As used in these regulations:

BUSINESS: Includes all activities engaged in within the City carried on for the purpose of gain or economic profit, except that in the acts of employees rendering service to employers shall not be included in the term “business”, unless otherwise specifically provided.

EACH SEPARATE PLACE OF BUSINESS: Each separate establishment or place of operation, whether or not operating under the same name, within the City, including a home or other place of lodging if the same is held out by advertisements, listings, or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible, personal property at either retail or wholesale, or both, in the City.

EMPLOYEE: The operator or manager of a place of business and any persons employed in the operation of said place of business in any capacity and also any salesman or agent engaged in the operation of said place of business in any capacity and also any salesman or agent engaged in the operation of the place of business in any capacity.

ENGAGING IN BUSINESS: Includes, but is not limited to, 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 a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

PLACE OF BUSINESS: Each separate location maintained or operated by the licensee within the City from which business activity is conducted or transacted.

WHOLESALE: A sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.

WHOLESALE: A person doing a regularly organized wholesale or jobbing business and selling to retail merchants, jobbers, dealers or other wholesalers, for the purpose of resale.

1-1-3: LICENSE ASSESSOR AND COLLECTOR:

The City Recorder is designated and appointed as ex officio assessor of license fees for the City. Upon approval of the license by the City Council, the City Recorder shall assess the amount due thereon and shall collect all license fees based upon the rate established. The City Recorder shall enforce all provisions of these Regulations, and shall cause to be filed complaints against all persons violating any of the provisions of these Regulations by notifying, in writing, the Mayor and City Council of any violations.

1-1-4: BUSINESS LICENSE REQUIRED:

A. It shall be a Class B Misdemeanor, subject to penalty as provided in Utah Code 76-3-301, for any person to transact, engage in, or carry on any business, trade, profession, calling or to operate a vending, pinball, or coin operated machine without first receiving the class or type of license required by the City. The period of such license will be for one year.

B. A special short term business permit may be issued by the Mayor, City Manager, or Recorder for retail sales at booths, concession stands, fruit stands, etc... for a period not to exceed seven (7) days. The fee for this permit shall be set by resolution of the City Council.

1-1-5: APPLICATION FOR BUSINESS LICENSE; CONTENTS:

Items A-F below are required prior to review by Eureka City Planning and Zoning Commission.

The applicant shall present to the City Recorder the State of Utah Certificate of Registration and the Utah State Tax Commission Sales Tax License or Use Tax Certificate of Registration. All applications for a Business License submitted to the City Council for approval shall include:

- A. The name of the person desiring a license.
- B. The kind of license desired, stating the business, calling, trade, or profession to be performed, practiced or carried on.
- C. The Class of License desired, if such licenses are divided into classes.
- D. The place where such business, calling trade or profession is to be carried on, giving the street number if the business calling trade or profession is to be carried on in any building or enclosure having such number.

- E. The period of time for which such license is to be issued.
- F. An agreement to comply with all local ordinances and State Laws.
- G. Copies of valid State occupational/professional or alcoholic beverage licenses, as applicable.
- H. Copies of the State of Utah Certificate of Registration and the Utah State Tax Commission Sales Tax License or Use Tax Certificate of Registration.
- I. A copy of the Eureka City Planning and Zoning recommendation.

All business license applications must be presented to the Eureka City Planning and Zoning Commission for review prior to, and approved by the City Council and the Business License Certificate signed by the Mayor before the license is issued and business can commence. The Business License Certificate must be signed by the Mayor or City Manager in his absence, within two weeks of approval by the City Council.

1-1-6: ANNUAL LICENSE FEES:

- A. Schedule: The business, location, trade, calling, or profession of every person engaged in a business in the City shall pay an annual license fee, which shall be established by resolution.
- B. Penalty for Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty of ten percent (10%) of the amount of such license fee shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid in full.

1-1-7: RENEWAL OF LICENSE:

A. All requests for Business License Renewals must include all items listed in paragraph 1-1-5 with the exception of item (I), Planning and Zoning Review, and must be signed by the Mayor, or in his absence, the City Manager. The Mayor or Recorder may at their discretion send the request for renewal to the City Council for review and approval or disapproval of the request. The City Recorder must verify the Utah State Tax Commission Sales Tax License, or Use Tax Certificate of Registration is current and has not been revoked before forwarding the request to the Mayor or City Council.

1-1-8: PAYMENT DATES:

All license fees shall be due and payable as follows, except as may be otherwise provided:

- A. Annual Fees Due: Annual fees shall be payable in advance before the expiration of the Business License. The Annual License shall be valid for one (1) year.
- B. Delinquent: Annual fees shall be due one year after the previous license was issued, or renewed and shall become delinquent sixty (60) days later if the license has not been renewed and the annual fee and any penalties have not been paid in full.
- C. Any person or business conducting business after sixty (60) days without renewing their business license and paying their annual fee shall be considered to be operating a business without a license as set forth in paragraph 1-1-4.

1-1-9: DISPLAY CERTIFICATE OF LICENSE:

- A. Posted in Conspicuous Place: Every certificate of license issued under this title shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted. IF the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person ready to be shown on request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.
- B. Coin Operated Machine: In the event the license is for a coin operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.

1-1-10: TRANSFER OF LICENSE PROHIBITED:

No license granted or issued under any ordinance of the City shall be assigned or transferred to any other person. It shall not be deemed to authorize any person other than therein named to do business or to authorize any other business, calling, trade or profession than is therein named unless by permission of the City Council.

1-1-11: BRANCH ESTABLISHMENTS:

A separate license must be obtained for each separate place of business in the City and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license; provided that warehouses and distributing places used in connection with or incident to a business licensed under this Ordinance shall not be deemed to be separate places of business or branch establishments.

1-1-12: JOINT BUSINESS LICENSES:

Whenever any person is engaged in two (2) or more businesses at the same location within the City, and the State Tax Commission requires separate Sales Tax Licenses or Use Tax Certificate of Registration, such person shall be required to obtain separate

licenses for conducting each of such businesses. The sale of alcohol or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two (2) or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license fee for such business.

1-1-13: RECIPROCAL RECOGNITION FOR DELIVERY OF GOODS:

- A. Exceptions: No license shall be required for operation of any vehicle or equipment in the City when:
 - 1. Such vehicle is merely passing through the City.
 - 2. Such vehicle is used exclusively in intercity or interstate commerce.
- B. Delivery of Property: No License s hall be required by this Ordinance of any person whose only business activity in the City is the mere delivery in the City of property sold by him at a regular place of business maintained by him outside the City where:
 - 1. Such person's business is at the time of such delivery licensed by the Utah Municipality or county in which such place of business is situated; and
 - 2. The authority licensing such business grants to licensees of the City making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this Ordinance; and
 - 3. Neither the property delivered nor any of the facilities by which it was Manufactured, produced, or processed are subject to inspection by authority of the City for compliance with health or sanitary standards prescribed by the City; and
 - 4. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol issued by the said licensing authority to evidence such business license.
- D. Certification of Section: the City Recorder shall, at the request of any person, Certify a copy of this Ordinance to any municipality or county of the State to which a copy has not previously been certified.

1-1-14: EXEMPTIONS TO LICENSE:

Tax Exempt Businesses: No license fee shall be imposed under this Ordinance on:

- A. Any person engaged in business for solely religious, charitable, or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the State.
- B. Any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State.
- C. Any person not maintaining a place of business within the City who has paid a like or similar license tax or fee to some other taxing unit within the State and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in the City and doing business in such taxing unit.

Reciprocal Agreements With Other Agencies: The license assessor and collector may, with approval of the City Council, enter into reciprocal agreements with the proper officials of other taxing units as may be deemed equitable and proper in effecting the exemption provided for under the Tax Exempt Businesses section of this Ordinance.

1-1-15 REVOCATION OR DENIAL OF LICENSE:

- A. Failure to Comply; Unlawful Activities: Any license issued pursuant to the provisions of this Ordinance or of any ordinance of the City may be revoked and any application denied by the City Council because of:
 - 1. The failure of the licensee or applicant to comply with the conditions and Requirements of this Ordinance or any ordinance of the City.
 - 2. Unlawful activities conducted or permitted on the premises where the Business is conducted.
- B. Notice to Licensee: Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the City Council intends to revoke the business license or deny the application to renew, together with the reason or reasons thereof, at a regular or special meeting of the City Council (which shall be at least 10 days and not more than 30 days from the date notice is sent), and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked or the application denied.
- C. Not Applicable to Businesses Not Previously Licensed: Subsection B of this Section shall not apply to applications for licenses for businesses which have not previously been licensed by the City, and such applicants need only be informed that their application has been denied.

AGREEMENT TO COMPLY WITH ORDINANCES AND LAWS

I AGREE TO COMPLY WITH ALL LOCAL, COUNTY, STATE, AND FEDERAL LAWS PERTAINING TO OPERATING THE BUSINESS FOR WHICH I AM APPLYING FOR A BUSINESS LICENSE.

I UNDERSTAND THAT FAILURE TO COMPLY WITH ALL LOCAL, COUNTY, STATE, AND FEDERAL LAWS COULD RESULT IN THE REVOKATION OF MY BUSINESS LICENSE AND/OR CRIMINAL PROSECUTION.

Applicant Name (Print) _____

Business Name (Print) _____

Applicant Signature _____

Date: _____

Witnessed by:

Eureka City Recorder Signature _____

**EUREKA CITY
APPLICATION FOR A BUSINESS LICENSE**

Renewal or initial application? _____

Name of Person Applying (print): _____

Business Name as stated on the State of Utah Certificate of Registration:

Utah State Business Entity number: _____

Utah State Sales Tax Identification number: _____

Type of Business, calling, trade or profession (short explanation of your intended business):

Class of License (if applicable) _____

Physical address of business location: _____

Mailing address of business (if different from above) _____

The period of time for which license is to be issued (normally 1 year): _____

I affirm that the information provided above is true and correct to the best of my knowledge:

Applicant Signature: _____ Date: _____

Eureka City Recorder Signature: _____ Date: _____

Eureka City Planning and Zoning Commission Recommendation: Yes _____ No _____

Approved: Yes _____ No: _____ (Recorder mark one of these)

Eureka City Mayor Signature: _____ Date: _____

EUREKA CITY BUSINESS LICENSE APPLICATION CHECKLIST

The following documents are included with the Application:

____ Copies of valid State occupational/professional or alcoholic beverage licenses (if applicable)

____ Copy of the State of Utah Certificate of Registration

____ Copy of the Utah State Tax Commission Sales Tax License or Use Tax Certificate