Christmas Tree Sales - Application Check List

All appropriate fees and documents must accompany this application. A Christmas tree sales business allows the sale Christmas trees and related seasonal merchandise from a temporary location. The application fee is $300. This consists of a $100 licensing fee and a $200 bond. A Christmas tree sales license is valid for up to 8 weeks in the months of November and December. Please allow up to 30 days for processing.

**DOCUMENTS REQUIRED AT TIME OF APPLICATION**
(Please make all necessary copies and attach copies to application)

1. **Proof of name/business registration issued by the Utah Department of Commerce.** Businesses must register a business entity (D.B.A., trust, corporation, LLC etc.) with the Utah Department of Commerce. That agency is located at: Heber Wells Building 160 East 300 South, SLC., 801-530-6701 or online at One Stop Business Registration: [https://secure.utah.gov/account/log-in.html](https://secure.utah.gov/account/log-in.html)

2. **Copy of Certificate of Organization.** This is for LLC’s and Corporations, and can also be obtained with the Utah Department of Commerce or at OneStop when registering the business entity.

3. **Proof of State Sales Tax number.** Business involved with the sale of tangible product must provide evidence of a State Sales Tax number. A State Sales Tax number can be obtained when the business is registered at the OneStop website; you may also obtain the State Sales Tax number from the State Tax Commission at 210 S 1950 W, SLC, 801-530-4849. If you are relocating your business from another licensing jurisdiction, please provide a TC-69C form or if opening a multiple location, then a TC-69B form available from the Tax Commission at www.Utah.GOV

4. **Proof of Federal Employer’s Tax I.D. Number.** Every person who pays wages to one or more employees or who is required to file any federal reports must apply for a Federal Employer’s Tax I.D. Number. This can be done by filling out form SS-4 with the IRS at 50 S 500 East, Salt Lake City, 1-800-829-1040 or by going to the IRS website: [https://www.irs.ustreas.gov/formspubs/index.html](https://www.irs.ustreas.gov/formspubs/index.html). A Federal EIN can also be obtained when the business registers at the OneStop web site.

5. **Completed Midvale City Business License Application & Bond Agreement.**

6. **Copy of a valid lease** or written permission from the property owner allowing business to be conducted on the site.

7. **Written permission granting use of an existing restroom facility** on or nearby the property (must be within 500 ft)

8. **A site plan,** drawn to scale, showing the property and its existing features (i.e. buildings, parking stalls, drive aisles, sidewalks, fire hydrants); the exact location of the vendor in relation to buildings, sidewalks, roadways, driveways, fire hydrants and other important features on the property; all components of the business with sizes/dimensions (i.e. temporary structures, display area, fences, trash receptacle, parking stalls). Photographs and/or illustrations showing all components of the business (i.e. temporary structures, display area, fences, trash receptacle, signage). The site plan and photographs/illustrations need to include all information necessary to show compliance with the applicable zoning requirements listed below.

8. **An electrical plan,** if power is required for the business. Plan needs to show the power source, how it is connected to the temporary structures, how it is protected from the elements, wire size and location. If this is a new power source, an electrical permit must be obtained from the Midvale City Building Department. (If you have any questions, please contact the building official at 801.567.7213.)
ZONING REQUIREMENTS

The city shall not issue a business license for a Christmas tree sales business unless all of the following requirements can be demonstrated as part of the business license application:

1. The business must be located in the State Street Commercial (SSC), Regional Commercial (RC), Bingham Junction (BJ) – urban subareas only, Riverwalk – retail/office/flex subareas only, The Junction at Midvale – urban subareas only, or Jordan Bluffs – urban subareas only zone district.
2. Location on Private Property. The business and any activity associated therewith must be located on private property and only as a secondary use to another primary commercial use. The business shall not be located on public property (including public sidewalks, public streets, public parking areas or other public places as defined by the city) or on vacant or residentially used property, regardless of the zoning district.
3. Impervious Surface. The business must be located on a hard surface with no portion of the business located in a landscaped or non-improved area, with the exception of the display/retail area for cut trees (can be located on gravel surface).
4. Setbacks. The business must be located a minimum of ten feet behind the inside edge of the public sidewalk (or 15 feet from the edge of the road right-of-way if no sidewalk exists); five feet from combustible walls, roof eave lines, awnings, etc.; ten feet from any building openings (i.e. doors, windows, vents, etc.); and five feet from a fire hydrant, driveway, handicapped parking space and loading area.
5. Traffic Safety. The business location shall not impede auto and/or pedestrian traffic or create auto/pedestrian conflicts. Private sidewalk clear widths shall not be reduced below five feet and the itinerant business shall not interfere with the internal parking lot circulation.
6. Parking. The site must have adequate parking to accommodate the primary uses(s) on site as well as any area used by the itinerant business. No part of the itinerant merchant business shall occupy required parking stalls for the primary use(s).
7. Power. All electrical wiring must be in compliance with the National Electrical Code and approved by the Midvale City Building Department. Extension cords and generators are prohibited.
8. Temporary Only. All aspects of the business shall be temporary in nature with no permanent facilities constructed on site, with the exception of the required permanent power source.
9. Maintenance. The area around the business shall be kept clean and orderly. A trash receptacle shall be provided for patrons. The merchant is responsible to cleanup all trash, litter, spills, etc. within a minimum 20-foot radius of the business.
10. Business Conduct. The business may not solicit or conduct business with persons in motor vehicles or use any flashing lights, noise, sound or other motion producing devices to attract attention to its operation.
11. Regulatory Compliance. All applicable local and state regulations (i.e., food permit, tax numbers, registration, etc.) shall be met.
12. Business License. All requirements of Title 5, Chapter 5.14 of the Midvale Municipal Code shall be met.

- A minimum of five on-site parking stalls are required for a Christmas tree sales use.
- The display/retail area for cut trees may be located on a gravel surface, however, all other aspects of the business must be located on an impervious surface, i.e. parking lot, concrete patio, etc.
- Signage must be attached to an on-site fence and shall not exceed 32 square feet on each side of the Christmas tree lot. No flashing or animated lights or searchlights may be used. No off-site signage is allowed, including within the public right-of-way.
- A portable fire extinguisher, Type 2A-10 BC minimum, must be mounted within easy reach of employees.
- Christmas trees sales can be operated for up to eight weeks in the months of November and December. All aspects of the Christmas tree sales use must be removed by December 31st and cannot be put on the site before November 1st.
- The business shall not be conducted before 10am and after 10pm.
IMPORTANT NOTE

Please contact the appropriate departments for inspections after the application is filed and the business is ready for inspections. It is the responsibility of the applicant to schedule these inspections.

<table>
<thead>
<tr>
<th>Department</th>
<th>Phone</th>
<th>Email:</th>
<th>REQ</th>
<th>APPT:</th>
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</thead>
<tbody>
<tr>
<td>Fire Department</td>
<td>Ph. 801-750-9476</td>
<td><a href="mailto:cyee@unifiedfire.org">cyee@unifiedfire.org</a></td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Midvale City: Building &amp; Safety</td>
<td>Ph. 801-567-7213</td>
<td><a href="mailto:acullimore@midvale.com">acullimore@midvale.com</a></td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Salt Lake County Health Dept.</td>
<td>Food: 385-468-3845</td>
<td><a href="mailto:healthfood@slco.org">healthfood@slco.org</a></td>
<td>Y/N</td>
<td></td>
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<tr>
<td></td>
<td>Health/Salon: 385-468-3835</td>
<td><a href="mailto:healthsan@slco.org">healthsan@slco.org</a></td>
<td></td>
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<tr>
<td></td>
<td>Water/Haz. Waste: 385-468-3862</td>
<td><a href="mailto:healthwater@slco.org">healthwater@slco.org</a></td>
<td></td>
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<tr>
<td>Utah Dept. of Agriculture</td>
<td>Food: 801-538-7159</td>
<td><a href="mailto:etaylor@utah.gov">etaylor@utah.gov</a></td>
<td>Y/N</td>
<td></td>
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<tr>
<td></td>
<td>Pesticide: 801-538-7188</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>South Valley Water Reclamation</td>
<td>801-566-7711</td>
<td><a href="mailto:sparkinson@svwater.com">sparkinson@svwater.com</a></td>
<td>Y/N</td>
<td></td>
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If you have any questions please contact our Business License Department

7505 S Holden Street, Midvale, UT 84047 * 801-567-7213 * acullimore@midvale.com
**BUSINESS LICENSE APPLICATION**

**License Number:**
- [ ] New Application
- [ ] Change Owner/Location
- [ ] Other

**Ownership:**
- Sole Proprietor
- Partnership
- LLC
- Corporation

**License Type:**
- Home
- Commercial
- Solicitors & Itinerant Merchants
- Booth Rental
- Alcohol

**Is this a new type of Business at this Location:**
- Yes
- No

**Description of Business Activities:**

**Emergency Contact:**

**Business Name:** ____________________________
**DBA Name:** ____________________________

**Business Address:** (Physical, no PO Box or Virtual Office)

**Mailing Address (if different):**

**Business Phone:** ____________________________
**E-Mail Address:** ____________________________

**Professional License # & Type (if Applicable):**

**EPA Hazardous Materials on Site:**
- Yes
- No

**Is Business Name Registered with the State:**
- Yes
- No

**Federal Tax ID#/SS#:** ____________________________

**Utah Sales Tax #:** ____________________________

**Information of Owner, Partner, or Corporate Officers and a Local Manager**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Title:</th>
<th>Name:</th>
<th>Title:</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Home Address:</td>
<td>Home Address:</td>
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<tr>
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<td>City/State/Zip:</td>
<td>City/State/Zip:</td>
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<td>D.O.B.:</td>
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**Property Owner Information**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Address:</th>
<th>City/State/Zip:</th>
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**Fee Amount**

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<tr>
<th>Fee Type</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Base Fee</td>
<td></td>
</tr>
<tr>
<td>Bond</td>
<td></td>
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<tr>
<td>Variable Fee(s)</td>
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</tbody>
</table>

**Total**

**Approvals**

- Building: Date: SVWR: Date:
- Fire: Date: Zoning: Date:
- Code Enf.: Date: Zone: Date:
- Health: Date: Zone: Date:

**Notes:**

The foregoing information is correct to the best of my knowledge. I am aware that this application does not authorize conducting business until approved by Midvale City and a license has been issued. I also agree to conduct said business strictly in accordance with the laws and ordinances covering such business, and that no other type of business will be conducted other than what has been stated above. **It is the responsibility of the licensee to renew the license, failure to receive notice does not excuse this responsibility.**

**Signatures:**

- Signature
- Title
- Date

**Business Licensing Midvale City:** 7505 S Holden Street, Midvale, UT 84084
801-567-7213
Penalty Acknowledgment Agreement

Itinerant Merchants are required to comply with all applicable requirements of the Midvale City Municipal Code, Zoning Ordinance, State and Federal Laws. If an itinerant merchant violates these requirements while conducting business within Midvale City, the business owner shall be penalized as follows:

1. The first offense shall result in a warning and the licensee/business shall within twenty-four hours bring the business into compliance with the Municipal Code or the business license shall be revoked.

2. The second offense shall result in the licensee/business having the business license revoked immediately and the licensee/business shall be prohibited from obtaining a business license in Midvale City for one year from the date of the offense.

3. The third offense shall result in the licensee/business having the business license revoked immediately and the licensee/business shall be prohibited from obtaining a business license in Midvale City.

I, ___________________________________________ owner of __________________________ hereby acknowledge that I understand the requirements under which I must conduct business within Midvale City. I also acknowledge that I understand the above penalties, if I or any of my employees violate the applicable requirements.

____________________________________________  ________________________________________
Applicant's Signature                              Date
CASH BOND AGREEMENT
FOR ITINERANT MERCHANT-CHRISTMAS TREE SALES

TO: MIDVALE CITY CORPORATION

We, the undersigned, being (corporate and/or individual identification) ________________________________
with a present address of ____________________________________________________________, hereinafter called
“Applicant” hereby deposit with the City of Midvale at 7505 S Holden Street, Midvale City, Utah 84047, a cash
bond in the amount of $200.00 for the purposes of holding a Christmas Tree Lot(s) located on the property(ies)
located at __________________________________________________________ in Midvale City, Utah.

Midvale City shall hold the above stated sum, allocated as follows:

<table>
<thead>
<tr>
<th>Christmas Tree Lot(s)</th>
<th>$ ____________________________</th>
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<tbody>
<tr>
<td>TOTAL</td>
<td>$ ____________________________</td>
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The amount stated shall be applicable to every other part in the event of the Applicant’s failure to perform the
aforesaid Christmas Tree Lot(s) upon the faithful observance of all laws and ordinances of the city. Notwithstanding the honest performance of all duties required by chapter 5.28.010-5.28.120 of the Midvale Municipal Code or other ordinances and for the protection of persons dealing with such Christmas Tree Lot(s) against fraud, deception and imposition

The City Administrator or Director of Community and Economic Development on the advice of the Business
Licensing Administrator shall have sole power to authorize the release of any funds held. To guarantee payment to
the Applicant, payments shall be made by checks drawn on the above-stated account and made payable to specific
individuals involved in the Christmas Tree Lot(s), requiring the signatures of the Applicant and the Business
Licensing Administrator.

After final inspection of the completed Christmas Tree Lot(s) and related activities by Midvale City, one hundred
percent (100%) of the amount pertaining to the above-specified cash bond shall be released immediately.

The Applicant acknowledges that he/she has been informed of the release provisions of this bond.

This Bond Agreement will allow a maximum completion time of two (2) years from the date of approval by the
Business Licensing Administrator before being declared in default. It may also be declared as being in default;
however, if a period of ninety (90) days passes, at any stage of the Christmas Tree Lot(s) event being completed.
The Community Economic Development Director and/or City Administrator shall have the power to make this
determination.

It is also agreed that violation of any City Ordinances, State Statutes or Federal Regulations with respect to the
Christmas Tree Lot(s) owner, or deviation in any way from Christmas Tree Lot(s) event and related activities, may
be considered grounds for declaration of default of the Applicant’s obligation hereunder.

In the event of default, said Business Licensing Administrator, Community Economic Development Director and/or
City Administrator shall provide a notice by Certified Mail to all parties that the Applicant has failed to comply with
his/her obligation to hold a Christmas Tree Lot(s) event as agreed or that the Applicant is otherwise in default.
Midvale City may then cause legal remedies to be made and may, upon completion of the Christmas Tree Lot(s)
event, obtain exclusive use of the Cash Bond Funds to pay the actual costs thereof.
Should the Cash Bond contain insufficient funds to complete the legal remedies, Midvale City is entitled to pursue any legal action available to recover the shortage from either the Applicant or the primary commercial business involved. Midvale City also has the right to pursue and to receive reimbursement of legal fees and court costs necessary in recovering the necessary funds to complete the improvements.

Attest

Applicant

By:

Title

PHILLIP HILL – CED Director

Approved as to Calculation:

LISA GARNER- City Attorney

Subscribed and sworn before me this __________ day of ____________________________ , 20___

Notary Public

My commission expires: _____________________

Residing in: _____________________________