ORDINANCE NO. 2017-O-20

AN ORDINANCE AMENDING TITLE 5 OF THE MIDVALE CITY MUNICIPAL CODE; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Section 10-6-12 Utah Code Annotated 1953 as amended, the City has authority to adopt the Midvale City Municipal Code; and

WHEREAS, the City Council of Midvale City, Utah, held a public meeting regarding the amendment of certain sections of Title 5 on December 5, 2017; and

WHEREAS, the City Council found the proposed amendments appropriate in furthering the goals and policies of the City of Midvale.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The Municipal Code which sets forth the laws and policies within Midvale City, is hereby amended as follows:

See Attachment “A”

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon date of first publication.

Signatures begin on next page
PASSED AND APPROVED this 5th day of December, 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Ron Andreasen, MMC
City Recorder

Date of first publication: Dec. 22, 2017
5.02.090 Business license due dates and waiver.

A. Business license fees for new businesses shall be due and payable upon making application to the business license division. The application shall not be processed until the fees, fines and penalties, if applicable, are paid.

B. Nonrental business license fees for renewal businesses shall be due and payable on or before January 15th of each calendar year. The penalty for nonpayment of the renewal fee shall be:

1. Fifty percent of the fee due if paid by February 15th;

2. Seventy-five percent of the fee due if paid by March 15th; and

3. If the fee plus penalty is not paid by March 15th, the business shall be considered to be operating without a business license in violation of this chapter, subject to criminal prosecution for every day of operation after two months from the due date, and the license fee, if a license is granted thereafter, shall be doubled.

C. All initial nonrental business licenses issued after the commencement of the current license year shall be prorated semi-annually, and the fee paid for each semi-annual period or fraction thereof during which the business has been or will be conducted, according to the following schedules; provided, however, that no annual license fee of thirty-five dollars or less shall be prorated:

1. On or after January 15th, but prior to July 1st, the fee shall be one-half of the annual fee;

2. On or after July 1st, but prior to January 15th, the fee shall be one-half of the annual fee;

3. Each application for a license under this title shall be accompanied by the license fee required to be paid for the issuance of the license desired. In addition to the license fee regularly assessed, any applicant which shall have commenced doing business prior to obtaining a valid license shall be assessed a penalty fee. The penalty fee shall be equal to twenty-five percent of the regular license fee if the applicant has operated without a license for less than thirty days, and shall be equal to one hundred percent of the regular license fee if the applicant has operated without a license for more than thirty days during the calendar year in question. Any license which has been issued pursuant to payment by means of check or bond shall be void and of no force or effect if such check or bond is not honored.
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EXHIBIT A

5.02.010 T.1 Home Occupation-Exempt— A business, transaction or activity conducted entirely within no more than 25% of a primary dwelling and exclusively by persons residing within the dwelling, in a manner that is indiscernible from, clearly incidental, and secondary to the residential use, without altering the dwelling site or structure, the character of the neighborhood, the demand for public facilities or services, creating an unsafe condition, requiring outdoor storage or signage, or providing a short term residential rental.

5.02.110 Exemptions to business license fees requirements.

A. A business license fee shall not be imposed on any person engaged in business solely for religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt under the provision of Section 501(c) of the United States Tax Code.

B. A business license fee shall not be imposed on any person engaged in a business type specifically exempted from paying business licensing fees by the laws of the state of Utah or an "exempt home occupation".

C. Any business exempt from paying the license fee as provided in this section shall still comply with all other requirements of this title. (Ord. 2015-10 § 1 (Exh. A) (part); Ord. 10/28/2003O-12 (part), 2003; Ord. 12-09-97 (part), 1997)

5.02.140 Reciprocal recognition of business licenses.

No license fee or tax shall be imposed by the city on any business whose only activity is the delivery of property sold at a regular place of business licensed and maintained outside the city where:

A. The business is at the time of such delivery licensed by a Utah municipality or county; and

B. 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 section. However, before said business shall commence within the city a police background investigation may be required where appropriate; and

C. Neither the property delivered nor its manufacturing, producing or processing facilities are subject to inspection pursuant to any health or sanitary standards prescribed by the city; and

D. The delivery motor vehicle prominently displays a license plate or symbol issued by a Utah municipality or county evidencing compliance with its business license regulations; and

E. Reciprocity shall not be granted to solicitors, mobile food units or any business requiring police checks or police I.D. cards. (Ord. 2015-10 § 1 (Exh. A) (part); Ord. 10/28/2003O-12 (part), 2003)