

**BICKNELL TOWN BUSINESS LICENSE ORDINANCE No. 06-10-2021**

**AN ORDINANCE ADOPTING BICKNELL TOWN RULES AND REGULATIONS FOR THE LICENSING AND OPERATION OF BUSINESSES WITHIN BICKNELL TOWN**

**WHEREAS**, Bicknell Town has an interest in regulating and licensing businesses within Bicknell Town; and

**WHEREAS**, Bicknell Town currently does not have an ordinance pertaining to business licensing, but desires to have such ordinance; and

**WHEREAS**, it is in the best interest of Bicknell Town to have a business licensing ordinance.

**BE IT HEREBY ORDAINED BY THE BICKNELL TOWN COUNCIL that:**

**Licenses generally**

A. There is created the Bicknell Town Business License Department which shall function directly under, and be responsible to, the Bicknell Town Council.

B. The Town Clerk/Recorder of the License Department shall have the authority to make investigation and may call upon other departments of the town for the purpose of determining whether or not any applicant for a business license has, in fact, qualified for the issuance thereof.

C. The Town Clerk/Recorder of the License Department shall have the authority, and may call upon other departments of the town for the purpose of inspecting business licenses. The Town Clerk/Recorder and all other authorized inspectors, in the discharge and performance of their official duties, shall exercise the power to enter free of charge, during business hours, any place of business for which a license is required by this chapter, and to demand the exhibition of a current license from any such person engaged or employed in the transaction of such business. If such person shall then and there fail to exhibit such license, such person or persons shall be liable to the penalty provided for a violation of this chapter.

D. It is unlawful for any person, firm or corporation or any employee thereof, to commence, engage in, carry on, or operate any business in Bicknell Town without first obtaining a license from the town to do so. Every person, partnership or corporation engaged in, carrying on or operating any business, trade, or occupation, including any internet business, in Bicknell Town shall secure, from the license department, a license for such business or profession. A separate license shall be obtained for each separate place of business maintained within Bicknell Town.

E. Every such license shall specify by name the person, firm, or corporation to whom it shall be issued and shall designate the particular place at which the business shall be carried on, provided that when a license is issued to a firm or co-partnership, such license in addition to the firm or co-partnership name, shall specify by name the members of such firm or partnership.

F. It is unlawful for any licensee to sell, transfer or trade any business license issued under this chapter, and shall not allow any person, firm or corporation other than the one therein named or mentioned to do business as authorized by the business license. If a licensee chooses to relocate his business to another site in the town, the licensee shall first make an application with the licensing department to relocate. The licensing department may call for investigation reports from other town agencies in keeping with the purpose of this chapter. The Town Council, after receiving reports furnished

by the licensing department, may at their discretion, deny or grant the transfer of the license strictly within the limitations set out in this chapter. The licensee shall pay a transfer fee equal to one half of a new license fee for that business as listed in this chapter. If the application is denied, then the money so deposited shall be refunded.

G. All business license applications must be approved for proper zoning by the planning & zoning commission.

H. All business license applications must be approved by the Bicknell Town Council prior to issuance of a license by the Town Clerk/Recorder.

I. No license fee or any part thereof shall be refunded for any reason whatsoever once the license has been granted or issued by Bicknell Town.

J. No license or fee shall be required under the terms of this chapter for the conducting of lectures, entertainment, concerts, fairs, exhibitions, bazaars, luncheons, dinners or dances conducted, given or made by the citizens of the town residing therein, conducted or given wholly for benevolent or charitable purposes.

K. Every certificate of license shall be posted by the licensee in a conspicuous place upon the walls of the building, room, or office of the store, or place in which such licensed business, trade, or profession is carried on so that the same may be easily seen. No certificate of license that is not in force shall be permitted to remain posted after the term of such certificate has expired.

L. The Town Clerk/Recorder shall, on a regular basis, make investigation to discover status of all businesses or persons who have been issued a license. When necessary, the town clerk shall inactivate the status of those businesses or persons no longer doing business within Bicknell Town.

M. Seasonal businesses shall pay a full license fee if the business is operated during the entire season.

## **Application**

A. All applications for licenses shall be made in writing and submitted to the Town Clerk/Recorder upon a prepared form which may be obtained from the Town Clerk/Recorder. The amount of such licenses as herein after provided shall be paid in advance to the Town Clerk/Recorder.

B. Business applications shall show the following information and shall be submitted to the Town Clerk/Recorder:

1. The name, physical and mailing addresses, email, website and telephone numbers of the person(s) and partner(s) and/or legal agent(s) desiring the license;
2. Other names the business has been known by (if applicable);
  - a. Day Care – Adult and Child. Proof of application for a state license must be attached to the application, thereafter, upon receipt of state-issued license, a copy of said license must be submitted to the business Town Clerk/Recorder and attached to every business license renewal thereafter;
  - b. Animal Related. If applicable, applicant must attach copy of a kennel license as issued by Bicknell Town and to every business license renewal thereafter;
  - c. Food Related. A copy of a current Food Handlers Permit must be attached to the application and to every business license renewal thereafter;
  - d. Transportation Business. A copy of current insurance policy must be attached to the application and to every business license renewal thereafter;

- e. Recreational business. A copy of current liability insurance must be attached to the application and to every business license renewal thereafter;
  - f. Contractor License. A copy of the license must be attached to the business application and to every business license renewal thereafter;
  - g. List of other licenses and their number(s) required by other state and/or federal agencies;
3. Any other information required by the Town Clerk/Recorder that may be necessary for the purpose of fixing the amount of the license fee.

C. The Town Clerk/Recorder shall, utilizing predetermined fee schedules, determine license categories and fees.

D. Each time the ownership of a business changes a new application and fee for a license shall be submitted. This shall be done prior to the business opening or operating under the new owner.

### **Term**

A. All annual licenses shall commence July 1st and shall be effective through the following June 30th. New business licenses issued between July 1st and June 30th shall not pay a pro-rated fee based on a quarterly assessment.

B. The Town Clerk/Recorder shall, on June 1st of every year mail renewal notices to all businesses or persons holding an active business license. The renewal notice shall state the renewal fee amount, the date by which the fee must be remitted to the Town Clerk/Recorder, and information regarding penalties for non-renewal. The renewal notice shall be accompanied by a request for updated information regarding all particulars of the business or person holding the license. Updated information must be provided prior to renewal of the license.

C. The license department shall not issue a business license until all penalties associated with business licensing and legally assessed against the applicant have been paid in full.

### **License Categories and Fees.**

A. All applicants for business licenses shall be charged a set fee of \$50.

B. Whenever more than one business, trade, profession, calling or occupation is being carried on by one licensee under one roof, the licensee is required to apply for a business license for each business, trade, profession, calling or occupation. Multiple business activities will be defined and delineated by the entity numbers issued by the Utah Department of Commerce.

C. It is unlawful for any person to engage in the business of a traveling merchant without first having procured a license from the town licensing department. All itinerant merchant licenses shall expire three hundred sixty-five (365) days after the date of issuance thereof.

### **Denials or Revocation of license.**

A. In the event the Town Council shall deny any application for a business license, the reason therefore shall be endorsed on the application by the chairman of the Town Council, and the licensing department shall return the fee deposited with a copy of the application to the applicant together with notice that the applicant may appear before the Town Council within thirty (30) days of the denial or revocation for the purpose of presenting reasons for setting aside such denial. If the applicant makes such appearance and presents adequate justification, the Town Council may, at its discretion, set aside the denial and approve the application.

B. The Town Council, upon finding that any person, firm or corporation or any employee of said firm or corporation licensed under this chapter has been convicted of a felony, or that false information has been given in the license application or that the business is being operated in a manner detrimental to the public good, may revoke that business license after public hearing on the revocation. The business license fee shall not be refunded.

C. The Town Council may, at its discretion and upon notice and a public hearing, revoke or suspend any license granted under the provisions of this chapter in order to protect the health, safety and general welfare of the present and future inhabitants of the town. The Town Council may also suspend any license granted under the provisions of this chapter upon finding, after a written complaint has been filed and a proper hearing held, that the licensee has made false material statement(s) of fact in applying for a business license, or the licensee is involved or does participate or allows to take place undesirable business practices, or the licensee has allowed the licensed business and/or physical property on which it is located or in which it is housed to be operated and maintained in such a manner that it is deemed to be a public nuisance and as such an endangerment of the health, safety and general welfare of the residents of the town, or that is determined that the licensee has exceeded what is allowed in the zone, or violated any conditions attached to the operation of such business.

D. Upon receiving a written complaint of violation against a licensee, the licensing department shall make or cause to have made, a thorough investigation of the facts stated in the complaint, and shall at the same time notify the Town Council of the complaint. The Town Council shall set a date and time for a hearing on the matter within thirty (30) days of the initial receipt of the complaint by the licensing department, and shall notify the licensee of the complaint and the date set for the hearing.

E. The Bicknell Town Council may, at the end of the hearing: (1) take no action against the licensee; or (2) suspend the license of the licensee for a set period of time; or (3) revoke the license; or (4) continue the matter to conduct further investigations of the allegations in the complaint or allow the licensee to present further argument in his defense. But in no case shall the Town Council fail to take appropriate action within sixty (60) days of the date the complaint was first received by the licensing department.

**Effective Date.**

Dated this 10th day of June, 2021

This ordinance was passed on the \_\_\_\_\_ day of \_\_\_\_\_ 2021, by the Bicknell Town Council.

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Mayor

\_\_\_\_\_  
ATTEST: Town Clerk