



## **TOQUERVILLE CITY**

### **ORDINANCE 2023.24**



AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY SECTION 7, CHAPTER 1 OF TITLE 3 OF THE TOQUERVILLE CITY CODE MODIFYING REGULATIONS REGARDING THE TERM FOR NEW BUSINESS LICENSES AND THE RENEWAL OF EXISTING BUSINESS LICENSES AND TO ELIMINATE THE ABILITY TO OBTAIN AN INITIAL LICENSE THAT WAS VALID FOR LONGER THAN 12 MONTHS.

#### RECITALS

WHEREAS Toquerville City ("the City") is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2) .

WHEREAS the City, by and through its legislative body, the Toquerville City Council ("City Council"), is delegated the power to regulate businesses operating within its City limits and fix the terms, manner of issuance and fee amount for obtaining a business license pursuant to Utah Code Ann. 10-8-4.

WHEREAS the City Council has, upon recommendation from the City's Staff, determined that it is necessary and appropriate for the City amend its business licensing ordinances – specifically Section 7, Chapter 1 of Title 3 to eliminate the ability acquire a business license that lasts longer than the twelve months (from January 1 to December 31 of each year).

#### ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT OF SECTION 7, CHAPTER 1, TITLE 3 OF THE TOQUERVILLE CITY CODE. Section 7 (License Term & Payment Dates) of Chapter 7 (Business License Provisions) of Title 3 (Business and License Regulations) of the Toquerville City Code is hereby amended and restated in its entirety as follows:

##### *3-1-7: LICENSE TERM AND PAYMENT DATES:*

*A. Initial Applications and Renewal Applications: A Business License shall commence January 1 of each year and shall expire on December 31 of each year regardless of when they are submitted.*

*B. Inspections Made: Notwithstanding the provisions of Subsection A of this Section, no license shall be granted and validly in force until any and all required inspections have been made, all City administrative approvals have been given, and all licensing and delinquency related fees (including any such unpaid fees from prior years) are paid by the applicant.*



*C. Payment Date On Renewal Licenses: Except as provided in Subsection D, of this Section, annual business licensing fees shall be due and payable on or before December 31 of the year immediately prior to year for which the Business License is applicable and in force; and shall become delinquent if not paid, in full, prior to March 1 of the year in which the Business License is applicable and in force.*

*D. Payment Date On Initial Licenses: Payment for initial Business Licenses are due and payable at the time of application therefor; and no license shall be issued until such payment is made. There is no grace period for the payment of such fees wherein business may lawfully be transacted.*

*E. Delinquency Fees, Civil Penalty And Collection Costs:*

*1. Delinquency Related Fees: Delinquency related fees shall mean and include any fees and costs provided for in this Section 7.*

*2. Late Fees: Any license not renewed and paid for (in full) prior to December 31, shall incur a late fee, which shall be established by resolution and which may be changed from time to time and set forth in the City's uniform fee schedule. No license may be issued until all Delinquency Related Fees are paid in full.*

*F. Enforcement: The failure to pay fees by March 1, shall result in a prior license being non-renewable. If the applicant wishes to continue engaging in business, the applicant will need to re-apply for a new business license and the following shall be performed before an applicant may lawfully transact business within the City again:*

*1. Applicant must submit to the City a new business license application and any necessary documents as may be required by the City License Officer pursuant to Section 3-1-5, above.*

*2. Applicant must pay the license fee prescribed by Section 3-1-6 above, as well as any Delinquency Related Fees, including Late Fees and licensing fees due during any lapse in licensure while the applicant continued to Engage in Business.*

*3. Applicant must subject itself any the proposed Place of Business to be inspected for compliance with all building, safety and health codes adopted by the City pursuant to Section 3-1-3(C) above.*

*4. Applicant must repay the City all enforcement costs incurred by the City or otherwise attributable to the applicant's prior delinquency and/or illegal conduct, including all costs and reasonable attorney's fees incurred by the City.*

**2. REPEALER.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only

for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 15<sup>th</sup> day of November, 2023, based upon the following vote:

Councilmember:

Ty Bringhurst	AYE	✓	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	✓	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	✓	NAE	_____	ABSTAIN	_____	ABSENT	_____
Gary Chaves	AYE	✓	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	✓	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY  
a Utah Municipal Corporation

  
Justin Sip, Toquerville City Mayor

Attest:

  
Daisy Fuentes, Toquerville City Recorder

