

TOWN OF ALTA

ORDINANCE NO. 2017-O-3

AN ORDINANCE AMENDING THE BUSINESS AND LICENSE REGULATIONS CHAPTER OF THE ALTA TOWN CODE

WHEREAS, the Town Council of the Town of Alta has compiled, organized, and codified the ordinances of the Town of Alta and approved the same on December 9, 2010; and

WHEREAS, Title 3, Chapter 3 of the Alta Town Code regulates businesses;

WHEREAS, Utah Senate Bill 81, which became effective on May 8, 2017, altered Utah Code § 10-1-203 by adding additional limitations on a municipality's authority to regulate businesses;

WHEREAS, in the interest of public health and safety, the Town Council finds it necessary to maintain a registry of permitted home occupation businesses by continuing to require a Town-issued permit for each home occupation business;

WHEREAS, the actual fully burdened cost of labor and facility overhead associated with issuing a home occupation business permit is \$128.00 per permit, but Utah Code § 10-1-203(7)(b) precludes the Town from charging a license fee for home occupation businesses that comply with the Town's standards; and

WHEREAS, the Town Council deems it in the best interest of the Town to amend Title 3, Chapter 3 of the Alta Town Code to comply with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ALTA AS FOLLOWS:

Section 1. Amended Code Provisions. The following provisions of the Alta Town Code are amended as follows, with ~~bold/strikethrough~~ indicating deletions and **bold/underline** indicating additions.

TITLE 3: BUSINESS AND LICENSE REGULATIONS

CHAPTER 1: BUSINESS LICENSE PROVISIONS

Section 3-1-1: DEFINITIONS:

As used in this title:

BUSINESS: Means and includes all activities engaged in within the town carried on for the purpose of gain or economic profit, **except:**

(A) that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically provided; **and**

(B) activities engaged in within the town carried on for the purpose of gain or economic profit that are operated only occasionally and by an individual who is under 18 years of age shall not be included in the term "business."

EACH SEPARATE PLACE OF BUSINESS: Each separate establishment or place of operation, whether or not operating under the same name, within the town, including a lodging facility, home, condominium unit, time period unit 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 town.

EMPLOYEE: The operator, owner or manager of a place of business and any persons employed by such person in the operation of said 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 town from which a 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.

CHAPTER 3: HOME OCCUPATIONS

Section 3-3-1: DEFINED

"Home occupation" means and includes all activities engaged in within a residential building within the town, carried on for the purpose of gain or economic benefit, **except:**

(A) that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically provided; **and**

(B) activities carried on for the purpose of gain or economic benefit that are operated only occasionally and by an individual who is under 18 years of age shall not be included in the term "home occupation."

Section 3-3-8: PENALTY

It shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code, for any person to transact, engage in or carry on any business, **home occupation**, trade or profession, without first receiving the class or type of license **or permit** required by the town.

Section 2: Amended Fee Schedule. The following portions of the Town of Alta Fee Schedule are amended as follows, with **~~bold/strikethrough~~** indicating deletions and **bold/underline** indicating additions.

Business and Liquor

Fee Information	Current Fee
Business License Fees ³	
Category 1	\$224.75
Category 2	\$224.75
Category 3	\$154.00
Category 4	\$128.00
Category 5	\$154.00
Category 6	\$184.75
Category 7	\$169.75
Category 8	\$295.00
Category 9	\$35.00
Category 10	\$0.00 Exempt from fee
<u>Home Occupation Permit</u>	<u>No fee</u>

Liquor License	
Singles Event Permit	\$50.00
On premise beer license	\$225.00 per six months; \$450.00 per year
Off premise beer license	\$225.00 per six months; \$450.00 per year
Restaurant license	\$125.00 per six months; \$250.00 per year
Limited restaurant license	\$125.00 per six months; \$250.00 per year
Private club	\$225.00 per six months; \$450.00 per year

³ Business License Category Definitions:

Category 1 = Hotels with 20 or more guest rooms (as defined by the Town of Alta Land Use Regulation 10-1-6)

Category 2 = Hotels with more than 10 and less than 20 guest rooms

Category 3 = Lodging with 10 or less guestrooms

Category 4 = Property management, transportation, business & personal services, ~~home occupations~~ (generally, have either no premises in Alta or are located inside another business)

Category 5 = Retail & General Services (generally, have their own entrance from outside)

Category 6 = Restaurant/Cafeteria/Bar

Category 7 = Day Care businesses

Category 8 = Ski Lift company

Category 9 = Temporary

Category 10 = Non-profit

Section 3: If any part or provision of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this ordinance.

Section 4: This ordinance shall take effect upon posting or publication as may be required by law.

PASSED AND DATED THIS _____ DAY OF _____, 2017.

Mayor Tom Pollard

ATTEST:

Katherine S.W. Black, Town Clerk