



Polly McLean, Attorney at Law

TO: Alta Town Council

From: Polly McLean

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Re: Discussion related to Updates to Alta Town Code re Business Licensing

Below are some discussion points related to updating the Business Licensing Code:

1. Definitions: I'd recommend *clarifying the terms and removing "place of business" definition*.
 - a. **Business:** (standard definition close to state code)
 - i. Means and includes all activities engaged in within the Town carried on for the purpose of gain or economic profit, except:
 - ii. The acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically provided; and
 - iii. 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 eighteen (18) years of age shall not be included in the term "business".

((State code 10-1-203. Definition of "Business" the same as Alta)
 - b. **Each separate place of business,**
 - i. 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.
 - c. **Engaging in business,**
 - i. 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.
 - d. **place of business,**
 - i. Each separate location maintained or operated by the licensee within the Town from which a business activity is conducted or transacted.
 - e. Define "location"?
 - f. Add "point of sale" language?

2. Add requirement in application 3-1-5 (A) for information required – proof that name to be licensed is registered with the State or is an individual or partnership.
3. Discuss requirements of 3-1-5 (B) re Peruvian Estates and confirm that existing requirements should be enforced.
4. Discuss adding requirement that signage of the business reflect the registered name or DBA of the business.
5. Make sure language in 3-1-9 “display of license” reflects other provisions correctly – is it required at each register?
6. Add state code exemption re home based businesses? Could put in as an exception to Business. UCA 10-1-203 (7) *A municipality may not:*
 - (b) *charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.*
 - (8) *(a) Notwithstanding Subsection (7)(b), a municipality may charge an administrative fee for a license to a home-based business owner who is otherwise exempt under Subsection (7)(b) but who requests a license from the municipality.*
 - (b) *A municipality shall notify the owner of each home-based business of the exemption described in Subsection (7)(b) in any communication with the owner.*
7. Also confirming that the following is being done or what is needed to help comply with this requirement. UCA 10-1-203 (9) *The municipality shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.*