

**APPLE VALLEY
ORDINANCE O-2024-76**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “5.04.040 Unlawful To Operate Without A License” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.04.040 Unlawful To Operate Without A License

Unless exempted by state, federal or local law, it shall be unlawful for any person to engage in business or work within the town, regardless of business address whether on a temporary or permanent basis, without first procuring the Apple Valley Business ~~L~~License required by this Chapter. All licenses issued under the provisions of this Chapter are non-transferable and expire on December 31st of each year.

SECTION 2: **AMENDMENT** “5.04.010 Purpose” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.04.010 Purpose

The purpose of this Chapter is to enact an Apple Valley ~~B~~Business ~~L~~License fee structure and schedule consistent with state law.

SECTION 3: **AMENDMENT** “5.04.060 License Application” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.04.060 License Application

Applications for Apple Valley business licenses shall be made in writing to the Town Clerk, or his or her designee. Each application shall state the name of the applicant, the location of the

business, if any, the fee to be paid, the name and address of the business agent residing in the town who is authorized to receive service of process and any communication regarding the applicant's license, state sales tax reporting number, state contractor's license number, if applicable, and state real estate broker's license number, if applicable, and shall contain such additional information as may be needed for the purpose of issuing the license. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the mayor, or his or her designee.

SECTION 4: **AMENDMENT** “5.04.070 Application Fee” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.070 Application Fee

The applicant must include the fee designated on the Apple Valley Business License Fee Schedule with his or her completed application.

SECTION 5: **AMENDMENT** “5.04.080 Refund Of Fee” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.080 Refund Of Fee

Unless otherwise provided herein, no Apple Valley business license fee is refundable for any reason whatsoever, once the license has been issued. If a license is denied, the applicant shall be entitled to a refund of the amount paid in excess of twenty-five dollars (\$25.00), which shall be retained to offset application processing costs.

SECTION 6: **AMENDMENT** “5.04.100 Inspections For Code Compliance/Notice Of Infraction License Revocation” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.100 Inspections For Code Compliance/Notice Of Infraction License Revocation

Prior to the issuance of a license to engage in a business not previously licensed at that

location, or a business with a change of location, the applicant shall permit inspection of the prospective place of business to ensure compliance with building, fire, and health codes. Businesses licensed within the Town may be inspected periodically for compliance with building, fire, and health codes. Failure to comply with town codes may result in revocation of the [Apple Valley](#) business license.

SECTION 7: **AMENDMENT** “5.04.160 Duty To Display License” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.160 Duty To Display License

Every licensee keep his/her [Apple Valley business](#) license displayed and exhibited in a conspicuous place within the Business while the license is in force. Every licensee that does not have a fixed place of Business shall carry such license with him at all times while carrying on the Business for which the license is issued and shall produce the license for inspection when requested to do so.

SECTION 8: **AMENDMENT** “5.04.170 Branch Establishments” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.170 Branch Establishments

A separate [Apple Valley business](#) license must be obtained for each branch establishment or separate location in which business is engaged in, within the town, as if such branch establishment or location were a separate business. Each license authorizes the licensee to engage only in the business licensed at the location and in the manner designated in such license.

SECTION 9: **AMENDMENT** “5.04.180 Separate Businesses, Licensed Premises” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.180 Separate Businesses, Licensed Premises

Where two or more persons conduct separate businesses at the same location, each such person shall obtain a separate Apple Valley business license for each such business and must pay the required license fee for such business.

SECTION 10: **AMENDMENT** “5.04.200 Exceptions To The Business License Fee” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.200 Exceptions To The Business License Fee

No Apple Valley business license fee shall be imposed under this section upon the following persons or businesses:

- A. Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any business license fee be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act;
- B. Any insurance company or agent, for so long as state law exempts them;
- C. Any contractor holding a valid license issued by the local jurisdiction in which the licensee has its principal place of business, and by the state under Utah Code 58-55 Part 3. Such contractor must be able to present his state contractor license and valid business license to any authority or client upon request. It shall be unlawful for any person to conduct business within the town as a contractor without holding a valid state contractor license qualifying the licensee for the type of work to be done or without holding a valid business license in the entity where the principal business office is located.
- D. Any alarm company holding a valid business license issued by the local jurisdiction in which the licensee has its principal place of business;
- E. Any tow truck motor carrier holding a valid business license to perform tow truck service issued by the local jurisdiction in which the licensee has its principal place of business unless the tow truck business is also physically located in the town.
- F. Any sales or merchandise damaged by smoke or fire or of bankrupt concerns, where such stocks have been acquired from merchants of the town theretofore, regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;
- G. Any person who sells his/her own property which was not acquired for resale, barter, or exchange and who does conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year;

- H. Any person selling surplus household goods or furnishings at a private residence in the garage or yard, if such garage sale is held no more frequently than three (3) days in any one calendar quarter at the same residence.
- I. Any person engaged in agriculture.
- J. Any person engaged in a business in conjunction with an event sponsored by Apple Valley, where a booth or space is rented from the town. In such case, the business license fee shall be considered included in the booth or space rental fee.

REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE This Ordinance shall be in full force and effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley