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5.1 Purpose

Business licenses are essential for the administration of business activity in Huntsville Town, provide an effective vehicle for complying with State Laws, and are necessary to cover the costs of the administration thereof. Rules and regulations covering health, safety, morals, peace, good order, comfort and convenience of the general public with respect to any business covered hereunder are adopted by the Huntsville Town Council and copies of such rules and regulations shall be made available to and displayed by the licensees affected thereby in a conspicuous place upon the licensed premises. The Huntsville Town Council shall appoint the Huntsville Town Clerk or another individual to serve in the role of the Huntsville Town Business License Official.

5.2 License Necessary

It shall be unlawful for any person to engage in, carryon, or operate any business in Huntsville Town, or use any property for business, without first making application for and obtaining approval for a license from the Huntsville Town Council for such business, and by paying in advance the license fee required therefore as provided in this Title.

5.3 License Non-Transferable

No license granted or issued under any of the provisions of any Title of Huntsville Town shall be in any manner assignable or transferable or authorize any person other than the person therein mentioned or named to do business, or authorize any other business than is therein mentioned or named to be done or transacted, provided that any person to whom one or more licenses have been issued transact or carry on some business at a definite location in Huntsville Town may, except as hereinafter provided, make application for the transfer of any or all of his said licenses for the sole purpose of transacting or carrying on the same business as is therein mentioned at some other definite location in Huntsville Town, by himself, by filing said application with Huntsville Town Business License Official. No application shall be approved unless the business as conducted in the new location shall be conducted in the same manner and by the same persons, as was the case when such business was conducted in the original location. The Business License Official, after examination of all appropriate reports, may in their discretion, deny or grant the transfer of such licenses strictly within the above limitations.

5.4 Applications for License-Contents

All applications for licenses shall be made in writing and submitted to the Huntsville Town Business License Official upon a prepared form, which may be obtained from the Business License Official.

- A. Each application shall show the following:
 - 1. The name and address of the person desiring a license. If the applicant is a partnership, the names and addresses of the partners, and if a corporation, the names and addresses of all officers and directors shall be supplied.
 - 2. The kind of license desired, stating the business to be practiced or carried on.
 - 3. The class of license desired, if such licenses are divided into classes.

4. The place where such business is to be carried on, giving the street number, if such business is to be carried on in any building or enclosure or stated location.
 5. The period of time for which such license is desired to be issued.
 6. If the license is for a business that requires certification by an association, the State or Federal government, proof of such certification will be required. If a business license application receipt is required for such certification to be obtained, the Huntsville Town Business License Official may issue an application receipt prior to final issue of the business license, which is pending issuance of the certification.
 7. Such other facts and information as may be required by any Huntsville Town Title or the Statutes of the State of Utah.
- B. License Application –Filing. Each application for a license under this Title shall be filed by the applicant with the Huntsville Town Business License Official and shall be accompanied by the required license fee for the issuance of the license desired. The fee may be in the form of cash, check, or certified cashiers check made payable to Huntsville Town. Applications received by the Huntsville Town Business License Official shall be numbered in the order of their receipt and shall be filed in numerical sequence in the license department.
- C. License Application- Referral. After receipt of an application for a license such application shall be submitted to the appropriate official for investigation as necessary as required by this Title.
- D. License Application –Investigation. Within ten (10) days after receipt by the Huntsville Town Business License Official of each application for a license, the Huntsville Town Business License Official shall, may refer the application to the Weber County Sheriff, Huntsville Town Building Inspector, Weber County Fire Department, Weber-Morgan County Health Department, association, State or Federal Departments or other official or body, for the purpose of investigation and inspection of the general reputation and character of the person making the application, or directly interested therein, the general reputation of those who would patronize the business if such license were granted, the nature and kind of the applicant's business, whether such place has been conducted in a lawful manner and in accordance with the standards of Huntsville Town as a whole where the application is for the continued operation of a business theretofore permitted by the Title of Huntsville Town to so operate, to determine if the operation of the business has and will meet the health and safety requirement together with any fact or fact granting or denial of the license.
- E. License Application –Report of Investigation. Upon being requested to do so by the Huntsville Town Business License Official, the Weber County Sheriff, Huntsville Town Building Inspector, Weber County Fire Marshall, Weber-Morgan County Health Inspector or other official or body shall conduct the investigation and inspection provided for in this section, and within ten (10) business days after receiving such request, the person shall submit a report of his investigation together with his recommendation as to whether the license may be granted or denied.
- F. License Application – Approval. After receiving any report and recommendations prescribed above the Huntsville Town Council may order further investigation concerning the application. In the event the Huntsville Town Council shall approve any application for a license pursuant to the provisions of this Title, such approval shall be endorsed on the application and the Huntsville Town Business Licensing Official shall forthwith issue a license certification in accordance with the provisions of this Title.
- G. License Application – Denial. In the event the Huntsville Town Business License Official shall deny any application for a license, the reasons for such denial shall be placed on the application so denied by the Huntsville Town Business License Official shall return the application together with any fees deposited with the application to the applicant, the licensing official shall also inform the applicant of this right to appear before the Huntsville Town Council to contest the denial. If the applicant makes such an appearance, upon presentation to the Huntsville Town Council of sufficient reasons why such application should not be denied, the Huntsville Town Council may set aside the denial and approve the application. If the application is approved, the Huntsville Town Council shall dispose of the matter in accordance with the section above.

5.5 License Fee– License Period

All licenses provided for in this Title shall, except as provided in this Title, be payable annually in advance commencing January 1st, and unless revoked as provided in this Title, shall be effective through the following December 31st unless otherwise provided for. A license fee thereof shall be in the same proportion to the yearly fee, as the remainder of the license year shall bear to the whole license year, figured from the time the business commenced operation. All license fees shall be determined by resolution of the Huntsville Town Council and made payable to Huntsville Town.

- A. **Combination License.** Where two or more types of duly licensed businesses are conducted within a single establishment by the same person, a combination license may be issued therefore. However, such combination license shall not include licenses for beer, Christmas tree lots, or fireworks stands.

The annual fee for such combination licenses shall be based on the full regular fee for the type of business, which carries the highest rate plus one-half of the regular rate on each other business involved.

- B. **Fees Not Refunded.** No license fee, or any part thereof, shall be refunded for any reason whatsoever, once the license has been granted or issued by Huntsville Town.
- C. **Investigation- Refusal Prohibited.** It is unlawful for any person licensed under the provisions of this Title to refuse permission to any inspector sent by the licensing official to enter his premises and inspect the same.

5.6 Certificate

Huntsville Town will issue a certificate to every approved business.

- A. **Contents:**
1. The name of the person to whom such certificate has been issued.
 2. The amount paid for such license.
 3. The kind of license and the class of such license if such licenses are divided into classes.
 4. The term of such license including the commencing date and the date of expiration.
 5. The place or places where such business is to be conducted.
 6. The signature of the Huntsville Town Business Licensing Official or Huntsville Town Clerk.
- B. **Certificate- Posting.** The licensee in a conspicuous place in which such licensed business is to be carried on so that the same may easily be seen shall post every certificate of license issued. No expired certificate shall be displayed at any place or in any manner after the expiration thereof and any willful violation of this prohibition shall be grounds for refusing to issue a new license for the same business.
- C. **Certificate- Official Inspection.** It shall be the duty of each and every person to whom a certificate of license has been issued pursuant to this title to show the same at all reasonable times to any person authorized by the Huntsville Town Council or the provisions of this Title to inspect such certificates.
- D. **Certificate- Misuse Prohibited.** It is unlawful to counterfeit a business license or to deface or mutilate the same during the period in which the license certificate is required by this Title to be displayed. It is also unlawful to remove or attempt to remove the certificate from a place of proper display except for purposes of destroying the same upon expiration thereof, or to use or permit the same to be used at any place other than that designated therein, or to use or permit the same to be used in conjunction with any business or device prohibited or declared to be unlawful by the laws of Huntsville Town, Weber County or the State of Utah.

5.7 Failure to Pay Assessment

If any person neglects, fails or refuses to pay the amount assessed the person's business according with the assessment due, a penalty of twenty-five percent (25%) of such assessment shall be added to the assessment by the town recorder and payment thereof shall be enforced by the recorder as provided for herein. If the license is not paid

within sixty (60) days from due date, a fifty percent (50%) penalty shall be imposed; and if not paid within ninety (90) days from due date a one hundred percent (100%) penalty shall be imposed.

- A. Fee Recovery- Civil Action. In all cases where the assessment required by this Title is to be paid for the operation of a business for which a license is required is not paid according to the requirements of this chapter, a civil action may be brought in the name of Huntsville Town against the person failing to pay such license fee, in any court of this State having jurisdiction of such action, to recover the amount of the assessment and any penalties which may attach as well as court costs and reasonable attorney's fees. Where more than one such assessment shall be unpaid in violation of the provisions of this title such claims may be joined as separate causes of action in the complaint.
- B. Prosecution of Civil Action. It shall be the duty of the Huntsville Town Attorney to prepare, bring and prosecute the civil actions brought by this title upon request of the Huntsville Town Council.
- C. Enforcement not to Conflict with Penalties. Nothing in this Title shall be construed to prevent or interfere with the enforcement of any penalty provisions contained in any other Title of Huntsville Town.

5.8 License Revocation

- A. Notice. Any license issued under this title may be revoked after notice and hearing unless otherwise specifically provided for herein or in any other Title of Huntsville Town. After notice and hearing concerning the revocation of any license the town council may revoke the license of the licensee for any violation of any of the provisions of this title or for any other cause, which the Huntsville Town Council deems good and sufficient.
- B. License Revocation- Effect. If at any time, a license under the provisions of this Title is denied or revoked, it is unlawful for any person to operate such business or to permit or otherwise allow any other person to so operate the business with respect to which such license has been revoked or denied until the town council shall deem it proper to reissue such license. Each revocation shall work a forfeiture of any license fees paid, and in the event the license is renewed it shall be renewed according to the provisions of this title dealing with the issuance of licenses as though the same were a new license.
- C. License Revocation- New License Waiting Period. No person who has been denied a license or whose license has been revoked under the provisions of this title, and no person associated or connected with such person in the conduct of such business shall be granted a license for such business for a period of six months after such revocation or denial. The Huntsville Town Council may, in its sole discretion, waive the prohibition against the associates or persons connected with such business of its licensee, and may grant permission for the issuance of a license to the associated persons.
- D. Reciprocal Recognition of Licenses.
 - 1. No license shall be required under this title of any person whose only business in Huntsville Town is the delivery of goods to a person in Huntsville Town where such goods have been sold by him at a regular place of business maintained by him outside Huntsville Town, where:
 - a. Such person's business is at the time of such delivery a licensed business by the municipality or county in which the business is located; and
 - b. The licensing authority grants to the licensees of the city making deliveries within its jurisdiction the same privileges and upon substantially the same terms as are granted by this section; and
 - c. Neither the property delivered nor any of the facilities by which it is manufactured, produced or processed are subject to inspection to authority of Huntsville Town for compliance for health or sanitary standards prescribed by this town; and
 - d. The truck or other conveyance by which such delivery is made, prominently displays at all times a license plate or symbol issued by the licensing authority to evidence such business license.

Such plate or license shall identify the licensing authority by which it is issued, and that it is in fact a license issued, thereby, and shall specify the year or term for which it is effective.

2. The Huntsville Town Business License Official shall certify a copy of this section to any licensing authority in the state that shall request the same.

5.9 License Types

A. Solicitation and Peddling.

For the purpose of this Title a “solicitor” or “peddler” is defined as any individual, agent, or employee who goes from house to house, or place to place, to solicit for the sale of any goods, tickets, services, subscriptions, wares or merchandise whatsoever.

1. Before commencing the business of soliciting/peddling, every solicitor/peddler must provide photo identification, social security number and a state approved background check, pay a fee and procure a business permit from the Huntsville Town’s Business License Official at least 48 hours prior to commencing business. The background check must come from the Utah Department of Public Safety. The permit will have a time limit not to exceed two weeks. Every peddler must keep the permit with them when soliciting/peddling and show it to customers on demand. Soliciting/peddling is only allowed between the hours of 9AM and 5PM Monday thru Saturday. Exceptions are for newspaper carriers who get subscriptions, persons soliciting subscriptions for church periodicals, as well as non-profit character building organizations, and children under 16 years of age.
2. Any person keeping produce, goods, wares or merchandise of any description at a private residence and soliciting trade therefore, in person or by agents or by telephone and delivering the same, shall be deemed a solicitor/peddler under the provisions of this section and shall be required to procure a permit therefore.
3. Nothing in this section contained shall be construed to permit the soliciting/peddling of fresh meat and the peddling of the same is prohibited.
4. Newspaper carriers who get subscriptions and persons soliciting subscriptions for church periodicals as well as youth character building organizations and children under sixteen years of age acting as independent sales agents are herein specifically excluded from this section.

The provisions of this section shall not apply to persons soliciting/peddling or offering for sale, at their residence or farm, butter, eggs, fruit, or vegetables raised or produced by themselves. The sale soliciting/peddling of fresh meat, fish or fowl is prohibited.

B. Alcoholic Beverages

1. Beer- Definitions. The following words and phrases used in this section shall have the following meanings unless a different meaning clearly appears from the context:
 - a. “Alcohol beverage” means and includes “beer” and “liquor” as they are defined in this section.
 - b. “Beer” means any beverage containing not less than one- half of one percent of alcohol by weight and obtained by the alcoholic fermentation of an infusion, decoction, or any malted grain, or similar products, and which contains not more than 3.2 percent of alcohol by weight and may or may not contain hops or other vegetable products and includes ale, stout or porter.
 - c. “License premises” means any room, house, building, structure or place occupied by any person licensed to sell beer on such premises under this title; provided, that in any hotel, or the other business establishment an applicant for Class B or C license may designate a room or portion of a building of such business for the sale of beer which portion so specifically designated in the application for license and the license issued shall be the licensed premises.
 - d. “Liquor” means and includes alcohol or any alcoholic, spirituous, vinous, fermented, malt or other liquid or combination of liquids, a part of which is spirituous, vinous or fermented, and all other drinks or drinkable liquids containing more than one-half of one percent of alcohol by weight; and all mixtures, compounds or preparations, whether liquid or not, which contain more

- than one-half of one percent of alcohol by weight, and which are capable of human consumption.
- e. "Nuisance" means any room, house, building, structure, place or licensed premises where:
 - i. Alcoholic beverages are manufactured, sold, kept, bartered, stored, given away or used, or where persons resort for drinking alcoholic beverages contrary to the Liquor Control Act of Utah or this title; or where
 - ii. Minors are permitted to purchase or drink beer or enter upon or loiter about premises with class B or C licenses, or are employed thereon; or where
 - iii. Laws or ordinances are violated by licensee or his agents or patrons with the consent or knowledge of licensee upon such premises which tend to affect the public health, peace or morals.
 - f. "Retailer" means any person engaged in the sale or distribution of beer to the consumer.
 - g. "Sell" or "to sell," when used in this section in any prohibition shall be construed to include to solicit or to receive an order for, to keep or expose for sale to deliver for value or gratuitously, to peddle, to possess with intent to sell, to traffic in. For any consideration promised or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or allow, to be procured for any other person and "sale" when so used shall include every act of selling as above defined.
 - h. "Wholesaler" means any person other than a brewer or retailer engaged in the importation for sale or in the sale of beer in wholesale or jobbing quantities.
2. Beer- Sale License Required. It is unlawful for any person to engage in the business of the sale of beer at retail in bottles, other original containers, or draft, within the corporate limits of the town, without first having procured a license therefore from the town as hereinafter provided. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or to which it shall be issued. All licenses shall comply with the provisions of the Liquor Control Act of Utah and the regulations of the Liquor Control Commission, and every license shall recite that it is granted subject to revocation as provided in this section.
3. Alcohol License -Classification
- a. Retail alcohol licenses issued under this section shall be of the following kinds and shall carry the following privileges and be numbered numerically commencing from the number "one":
 - i. Class A retail license shall entitle the licensee to sell beer on the premises licensed in original containers for consumption off the premises in accordance with the Liquor Control Act of Utah and the Huntsville Town ordinances.
 - ii. Class B retail license shall entitle the licensee to sell beer on the premises in the original containers for consumption on the premises and to all of the privileges granted to holder of class A retail license and in accordance with the Liquor Control Act of Utah, and shall be issued solely to restaurants only when the food and services sold or rendered is sufficient in nature to amount to evidence and afford assurance to the Huntsville Town Council of a bona fide restaurant business instead of a mere pretext for obtaining a license.
 - iii. Class C retail license shall entitle the licensee to sell beer on draft for consumption on or off the premises and to all the privileges granted the holder of Class A and B retail licenses in accordance with the Liquor Control Act of Utah.
 - b. It is unlawful for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution of any beer except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Liquor Control Act of Utah.
4. License -Application.

- a. All applications for licenses and transfer of licenses authorized by this Title shall be verified and filed with the Huntsville Town Business License Official, addressed to the Huntsville Town Council and shall state the applicant's name in full that he has complied with the requirements and possesses the qualifications specified in the Liquor Control Act of Utah, and if the applicant is a co-partnership, the names and addresses of all officers and directors, and must be subscribed by the applicant who must state under oath that the facts that are stated therein are true.
 - b. The application for such license or transfer thereof, together with such information as is required by Huntsville Town to be attached thereto, shall be referred to the proper law enforcement authority for inspection and report. The proper law enforcement authority shall, within ten days after receiving such application make report to the Huntsville Town Council of the general reputation and character of the persons who habitually frequent such place; the nature and kind of business conducted at such place, or by the applicant at any other place, whether the place is or has been conducted in lawful, quiet and orderly manner; the nature and kind of entertainment, if any, at the places: whether gambling or dancing is or has been permitted upon the premises, or by the applicant at any other place, the proximity of such premises to any school or church; and he shall add thereto his recommendation as to granting or denying such application. Upon receipt of the report, the Huntsville Town Business Licensing Official shall act upon the application, as it shall deem fair, just and proper in regard or granting to denying the same.
5. License -Qualification. No person shall be granted a retail license unless he shall be qualified as provided in the Liquor Control Act of Utah.
6. License- Sanitary Premises -Permit. The Huntsville Town Council may require any applicant to procure from the Weber-Morgan County Health Department a permit for the license applied for, which permit shall show that the premises to be licensed are in a sanitary condition and the equipment used in the storage or distribution or sale of such beer complied with all health regulations of Weber County or of the state, and on recommendation of the county health physician or the board of health, any license issued may be revoked or suspended by the town council when any reasonable order, rule or regulation of the Weber-Morgan County Health Department has not been complied with.
7. License -Transfer and Refund. On application any license, which has not been revoked as provided in this section, may be transferred as follows:
- Application shall be made therefore to the Huntsville Town Council as provided in this chapter and filed with the Huntsville Town Council with a fee as determined by the Huntsville Town Council. If the application is granted, the fee shall be deposited in the Huntsville Town treasury, otherwise it shall be returned to the applicant. No license fee shall be refunded after a license has been issued and upon revocation of a license as provided in this section the license fee paid for such license shall be forfeited to Huntsville Town.
8. License -Fees. The appropriate fees according to Huntsville Town resolution shall accompany an application provided for in this section.
9. Regulations.
- a. No person shall sell beer to any person intoxicated, or under the influence of an intoxicating beverage. No new license shall be granted to sell beer in the proximity (as defined by the Liquor Control Commission of Utah) of any church or school.
 - b. It is unlawful to sell beer to any person under the age of twenty-one (21) years, or to sell beer for consumption on the licensed premises, except Class C licensees, and it shall be unlawful to sell or otherwise dispose of beer and/or allow it to be drunk on the premises between the hours of one a.m. and six a.m. Licensed premises upon which beer is drunk or consumed shall be closed to the public between the hours of one a.m. and six a.m. of any day and it shall be unlawful for a licensee between the hours of one a.m. and six a.m. of any day to keep such premises open to the public.

- c. It is unlawful to advertise the sale of beer except under such regulations as are made by the Liquor Control Commission of Utah and provided, that one simple designation of the fact that beer, if sold under town license may be placed in or upon the window or front of the licensed premises and no brewer, wholesaler, distributor, warehouseman or other person shall furnish to any retailer nor shall any retailer display any sign which shall exceed seven hundred twenty square inches in area.
 - d. No licensee shall violate the terms of the license issued, not unless he shall be so licensed shall he sell bottled or draft beer for consumption on the premises, or permit any beer to be consumed on the premises, and it is unlawful to keep or maintain a nuisance as is defined by this chapter.
 - e. No brewer, dealer or wholesaler shall either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, nor shall such brewer, dealer or wholesaler advance, furnish money or pay for any license of a retailer, or be financially interested either directly or indirectly in the conduct or operation of the business of any retailer.
 - f. Licensed premises shall be kept illuminated at all times while it is occupied or open for business and no booth, blind, or stall shall be maintained unless all tables, chairs and occupants, if any therein, are kept open to full view from the main floor at the entrance of such licensed premises.
10. License- Revocation.
- a. The Huntsville Town Council may after a hearing, when in its opinion, public interest may require, refuse to grant any license applied for or revoke any license issued, and may when the public welfare of the town necessitates such action suspend any license for a period not to exceed a year. In any case where the license is revoked, no license shall again be issued for such premises or the person described in the revoked license for a period of six months after such revocation.
 - b. Any person who shall sell beer after the revocation of his license or during the period of suspension shall be punished as provided in this chapter.
11. Inspection. All licensed premises shall be subject to inspection by any officer, agent or peace officer of Huntsville Town, the Liquor Control Commission of Utah or the Utah State Board of Health, and any and every licensee shall at the request of the Weber-Morgan County Board of Health furnish to it samples of beer which he shall have for sale.

C. All Other Business

The license application for all businesses and occupations not otherwise provided for in this section (including but not limited to Home Businesses) shall be submitted by the Huntsville Town Business License Official to the Huntsville Town Council for review to determine if the business is compatible in the zone and location and conforms to all other Titles.

5.10 Penalty

Any person, firm or corporation who shall violate any of the provisions of this Title shall be guilty of a Class C misdemeanor and shall be subject to a fine as stated in the fee resolution.

This Building Licenses Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 6th day of June 2008.

Mayor, James C. McKay

ATTEST:

Dated this 6th day of June 2008.

Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Fere	___	___
Council Member Johnson	___	___
Council Member Sorenson	___	___
Council Member Truett	___	___
Mayor McKay	___	___