

**TORREY TOWN ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE BUSINESS LICENSE AND REGULATIONS ORDINANCE OF THE TORREY TOWN MUNICIPAL CODE.**

**PREAMBLE**

WHEREAS, this Ordinance is for the purpose of amending portions of the existing Torrey Town Business License and Regulations Ordinance consistent with §10-1-203, Utah Code Annotated authorizing the Town to raise revenues by levying and collecting business license fees based on, among other things, municipal services provided and further authorizing the Town to levy and collect disproportionate business license fees where the cost to the Town of providing the municipal services is disproportionately higher or where the business receives an enhanced level of municipal services; and

WHEREAS, the Town finds that the imposition of business license fees based upon the formulas or categorizations set forth hereinafter is fair, reasonable and equitable and makes the following additional findings:

That a business license fee shall be assessed to all businesses in the Town based upon the Town's costs of administering and regulating the business licenses including a portion of the Town's general overhead attributable to such administration and regulation; now, therefore,

**BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF TORREY TOWN, WAYNE COUNTY, STATE OF UTAH:**

SECTION 1. Preamble: The recitals in the Preamble are enacted to be deemed a part of this Ordinance and are hereby declared to express the intent hereof.

SECTION 2. Ordinance 007, Business Licenses and Regulations of the Torrey Town Municipal Code is hereby amended by the Mayor and Town Council to read and provide as follows:

It shall be unlawful for anyone to operate a business within the Town without applying for and paying the fee associated with such business.

Application for a business license shall be on forms approved by the Mayor and Town Council and shall sufficiently describe the intended business operations.

It shall be unlawful to operate any business activities under a business license previously issued by the Town where such activities are beyond the defined and described business activities authorized under such business license.

All businesses, whether operated in established or traditional business facilities or in-home shall pay an annual fee of \$25.00 other than businesses where a beer license has been authorized, in which case the annual business license fee shall be an additional \$75.00.

Business license fees shall be due on or before the 1st day of May of each year.

Failure to pay an annual renewal fee on or before June 1st shall result in the termination of such license without further notice and any business operations thereafter shall be in violation of this section.

General Provisions. All applications for the issuance of a business license shall be referred to and approved by the Mayor and Town Council to ensure compliance with zoning ordinances and any other applicable Town ordinances.

Transient Business Licenses. The issuance of a transient business license shall not include the right to overnight camping at the location of sales transactions, unless such location is within an approved campground or recreational vehicle park. Any overnight camping, whether inside or out of a tent, trailer or other recreational vehicle must be conducted in approved campgrounds or recreational vehicle parks.

No transient business license shall be issued without written authorization from the record owner of the property upon which business transactions shall occur. Such authorization shall specify the dates of authorized use. Such authorization shall be limited to a the current calendar year and separate authorization shall be required for periods of use thereafter.

Sales and operations pursuant to a transient business license shall be subject to applicable setback requirements and no displays, vehicles, equipment or other personal property shall be allowed within any required setback.

Business licenses shall not be required for the following:

- A. Any activity which is part of a town-approved festival, show, or public event.
- B. Any temporary sales of vegetables or fruits grown by the vendor.
- C. Any "garage sales" which means a person selling on his or her premises, property which was not acquired for resale, barter or exchange.
- D. Public Events. A public event must be sponsored by a local organization and is open to all members of the public. Any responsible organization sponsoring a public event, other than the Fourth of July celebration sponsored by Torrey Town, shall apply to the Town Council thirty (30) days prior to such event. Organizations are required to provide complete information as to the activities of the event and proof of liability insurance. Complete clean up after the event is the responsibility of the organization sponsoring the event. In the event beer is to be sold or provided, a beer license must be approved and obtained for which a \$75 fee shall be charged.

Penalties. Any violation of any of the provisions of this ordinance shall be a Class B Misdemeanor.

SECTION 3. Effective Date. This Ordinance shall take immediately following its adoption and the posting thereof in the following three (3) public and conspicuous places in Torrey Town:

(1) Torrey Town Hall; (where you hold meetings)

(2) U.S. Post Office, Torrey Utah; and

(3) \_\_\_\_\_

Town, this \_\_\_\_\_ PASSED, APPROVED AND ADOPTED by the Mayor and Town Council of Torrey  
day of \_\_\_\_\_, 2011.

TORREY TOWN

By \_\_\_\_\_  
Its: Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

(SEAL)

MEMBERS OF THE TOWN COUNCIL VOTING "AYE":

Adus Dorsey  
James Austin  
Curtis Cook  
Jennifer Howe  
Janet Hancsn

MEMBERS OF THE TOWN COUNCIL VOTING "NO":

None

