



ORDINANCE 2025-15

CHANGES TO TITLE 3 CHAPTER 1 OF THE SPRINGDALE TOWN CODE, RELATED TO BUSINESS LICENSE REGULATIONS AND DELIVERIES IN THE PUBLIC RIGHT OF WAY

WHEREAS, the Town Council finds it necessary to update and clarify definitions used within the General License Provisions to reflect current business practices and operational realities, including the introduction of the terms “Delivery” and “Pickup”; and

WHEREAS, the Town seeks to ensure that its licensing requirements distinguish between routine delivery activities and regular business operations, and to clarify when a business license is and is not required; and

WHEREAS, the Town Council desires to create clear criteria to determine when licensed businesses operating outside of Springdale are exempt from Springdale license requirements when merely delivering goods within the Town limits; and

WHEREAS, these updates will help improve compliance and safety, reduce ambiguity, and allow for more effective administration of the Town’s business licensing regulations; and

WHEREAS, the Town Council has reviewed and discussed the proposed amendments at duly noticed public meetings in accordance with applicable law;

NOW, THEREFORE, BE IT ORDAINED by the Springdale Town Council that Title 3 of the Springdale Town Code is hereby amended as follows:

Adopted by the Springdale Town Council this 13th day of August, 2025.



Barbara Bruno
Barbara Bruno, Mayor

Attest:

Aren Emerson
Aren Emerson, Town Clerk

ROLL CALL VOTE

R. Aton	<u>Yes</u>	No
B. Bruno	<u>Yes</u>	No
J. Burns	<u>Yes</u>	No
P. Campbell	<u>Yes</u>	No
K. Topham	<u>Yes</u>	No

CHAPTER 1 GENERAL LICENSE PROVISIONS

3-1-1: DEFINITIONS:

As used in this chapter:

Application: Includes an original application and an application for a renewal of a license or permit.

Business: Means and includes all activities engaged in within this Town carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically provided.

Delivery: Delivery means the temporary transportation and transfer of goods, products, equipment, or materials from a business, vendor, or third-party provider to a recipient within the Town of Springdale.

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 home or other place of residence, if the same is held out by advertisements, listings or otherwise as part of the business 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: Operator, owner, or manager of a place of business and any persons employed by such person in the operation of that place of business, in any capacity, and also any salesman, agent engaged in the operation of that place of business, in any capacity.

Engage in business: Includes, but is not limited to, transacting, engaging in, or carrying on any business, trade, profession, or calling, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, soliciting patronage for the business (actively or passively), performing or attempting to perform any part of such business in the Town, and the rendering of personal services for others for a consideration by a person, firm or corporation 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.

License or permit: Includes a renewal of a license or permit. Also, "license" includes a permit unless the context clearly requires otherwise.

Local social and welfare activities: Local based charitable and social welfare events whose activity is open to the public for the primary purpose of serving the local community. Examples include, but are not limited to: Zion Canyon Visitor's Bureau, local churches, Z-Arts!, Boy Scouts, Girl Scouts, YAZ, and community health and education courses.

Peddler: One who sells food, goods, wares, services or commodities from place to place, without an appointment or invitation to the place of solicitation, and makes delivery of the product at the time to conduct or promises delivery at a future date. The time of collection of payment is immaterial. The term "peddler" includes all activities described as solicitation of sales or services door to door. This type of business is prohibited in Springdale Town unless the sales are done by an approved civic organization.

Person: Any individual, corporation, limited liability company, general or limited partnership, joint venture, business trust, receiver, assignee for the benefit of creditors, trustee in bankruptcy, trust, estate, foundation, association, or any other form of organization, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

Pickup: Pickup means the temporary collection and removal of goods, products, equipment, or materials by a business, vendor, or third-party provider from a location within the Town of Springdale.

Responsible party: The individual designated on the license application as the authorized contact person to receive all communication from the Town related to the business license, including but not limited to the application, renewal, denial, or revocation.

(Ord. 2018-07, 4-11-2018)

3-1-2: NOTICES:

The Town may send communications related to a license or application by mail, or fax or email. A notice is deemed received by the applicant or licensee if it is sent to the responsible party at the address, fax, or email indicated in the most recent application on file. A mailed communication is deemed received by the responsible party three days after mailing, and an emailed or faxed communication is deemed received by the responsible party upon transmission.

(Ord. 2018-07, 4-11-2018)

3-1-3: LICENSE ASSESSOR AND COLLECTOR:

The Town Clerk or Deputy Clerk is designated and appointed as ex officio assessor of license fees for this Town. On receipt of any application of a license, the Town Clerk shall collect all license fees based upon the rate established by resolution. The Town Clerk or Deputy Clerk shall enforce all provisions of this title, and all other applicable ordinances and regulations, shall cause to be filed complaints against all persons violating any of the provisions of this title, and shall maintain a suitable index containing the names and addresses of all licensees of each class.

(Ord. 2018-07, 4-11-2018)

3-1-4: LICENSE REQUIRED:

Except as specifically provided otherwise in this chapter, it is a Class B misdemeanor for any person to engage in business in the Town without first receiving the proper classification of business license required by the Town.

(Ord. 2018-07, 4-11-2018)

3-1-5: APPLICATION FOR NEW LICENSE:

- A. *Information required:* To apply for a business license, a person must submit a complete application to the Town Clerk or Deputy Clerk. An application is complete only if it includes all required documentation and information, all signatures of persons appearing on the application as principals of the business entity, proof of fire inspection with a passing score, and required fees. An incomplete application will not be accepted or processed and will be returned to the applicant. The Town will process a complete application when it is received.
- B. *Additional information:*
 - 1. *Food:* If the business application indicates an intent to serve food, the application must include a copy of the applicant's current food permit certificate issued by the Southwest Utah District Board of Health, Division of Environmental Health. The application must also state whether there is a grease trap at the

business, the location of the grease trap, and date of its last service/cleaning. The application must also state the square footage of the dining area in the restaurant.

2. *Other documentation:* An applicant must also submit the following documentation upon request:

- a. Proof of liability insurance.
- b. Proof of professional State licensure.
- c. Copy of commercial driver's license.
- d. Proof of automobile insurance.

C. *False information; violation:* It is a violation of this chapter for any person to knowingly file a business license application or related documents containing false information or for any person to knowingly provide any false statement of information to any authorized official investigating any matter.

D. *Different classifications of businesses:*

1. There are three classifications of businesses, which are commercial, mobile, and home based. Applicants with two or more businesses of the same classification and business name under the same roof, but which are of distinctly different types, i.e., food service, retail, lodging, etc., will be licensed together and pay an enhanced fee as set by the Council by resolution from time to time. Businesses operated by the same owner or different owners under the same roof but under different business names, or in different locations must obtain a separate license and pay a separate fee for each such business name or location.

(Ord. 2018-07, 4-11-2018; Ord. No. 2024-06, 3-13-2024)

3-1-6: ANNUAL BUSINESS LICENSE RENEWAL PROCESS:

A. *Renewal:* To renew a business license, a person must file with the Town Clerk or Deputy Clerk a complete renewal form with all required documentation and fees. A renewal application is considered complete if it contains all of the requested documentation and information, all signatures of persons appearing on the application as principals of the business entity, proof of annual fire inspection with a passing score, and required fees. An incomplete renewal application will not be accepted and will be returned to the applicant. Processing will begin only when the renewal form has been fully completed and the required documentation and fees have been submitted.

B. *Due date:* A complete renewal application is due on or before the license expiration date of June 30 each year. A penalty may be imposed under section 3-1-8 of this chapter for any late payment of a renewal fee. If after July 15 the Town has not received a complete application with any accrued late payment fees, the Town will issue a notice of violation due to expired license.

C. *Expired license:* A person who receives a notice of violation due to expired license will have ten business days after the date of receipt of the notice to submit a complete renewal application. If a person receives a notice of violation and submits a complete renewal application within ten business days, and the Town issues a renewal, then the person is not guilty of any violation under section 3-1-4 of this chapter for engaging in business from the time of the expiration until the time of the renewal. If a person receives a notice of violation and does not submit a complete renewal application within ten business days of receipt of the notice, then the license expires automatically at the end of the ten business days specified in the notice.

(Ord. 2018-07, 4-11-2018; Ord. No. 2024-02, 2-14-2024)

3-1-7: FEE FOR LICENSE; EXEMPTIONS:

- A. *Set by resolution:* The business license fees for each classification of business shall be set by resolution from time to time by the Town Council, based on a periodical review of the relevant costs.
- B. *Exemptions to license and fee:* No license or fee is required for:
1. Any enterprise not maintaining a place of business within this Town unless the business substantially advertises itself as operating from or being located in Springdale.
 2. Organizations recognized under Title 26, Section 501(c)(3) of the United States Internal Revenue Code or any successor law, rule or regulation, provided persons representing the Organization Act with the knowledge of the organization, and provided that persons representing the organization have identification establishing their connection with the organization on their person. Such identification may include, but is not limited to, uniforms and preprinted nametags.
 3. Persons who represent a fixed place of business located outside of the Town who regularly make deliveries, for the purposes of completing sales or fulfilling orders over an established route, or obtaining additional customers for regular deliveries. An example would be newspaper deliveries.
 4. Any vehicle that is merely passing through the Town and is used exclusively in intercity or interstate commerce.
 5. a. Yard sales or garage sales of household goods held on residential property. Such sales shall operate not more than three consecutive days, or any more than a total of 12 days in any 12-month period.
b. A business that is operated only occasionally and by an individual who is under 18 years of age.
 6. Any person whose only business activity in this Town is the mere delivery in the Town of ~~property items~~ when the sale or rental of such items is transacted ~~by that person~~ at a regular place of business maintained by that person outside the Town (such as a furniture store outside Springdale) where:
 - a. Such person's business is at the time of such delivery licensed by the state, municipality or county in which such place of business is situated;
 - b. The authority licensing such business grants to licensees of Springdale Town making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this subsection;
 - c. Neither the ~~property item(s)~~ delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of Springdale Town for compliance with health or sanitary standards prescribed by Springdale; ~~and~~
 - d. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol used by the said licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective;
 - e. No on-site sales or rentals, advertising, or promotional activity occurs in the Town of Springdale in conjunction with the delivery;
 - f. The time the delivery vehicle remains on the delivery recipient property is limited to the time necessary to actively load or unload the delivery items;
 - g. The delivery vehicle does not block or impede access to public or private streets, driveways, fire access lanes, parking access lanes, pedestrian pathways, sidewalks, or any other similar transportation infrastructure outside the property on which the delivery is being made;

h. If the delivery also includes a pick-up of items, the pick-up must be made at the same location as the delivery, however, the delivery vehicle may not remain at the delivery location between delivery and pick-up unless the delivery and pick-up are coincident; and

i. No deliveries are made in the public right-of-way except as allowed in section 6-2-4.5.

7. Local social and welfare activities.

C. *Home-based business:* A license fee is not required for a license 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. To claim this exemption, an applicant must affirm on the business license application that the business will have no material offsite impact in addition to the impacts of the primary residential use.

D. *Fees not refunded:* No license fee or any part of it will be refunded for any reason once a license application has been processed by the Town.

(Ord. 2018-07, 4-11-2018)

3-1-8: PENALTY FOR LATE PAYMENT:

If any license fee provided for in this title is not paid within 15 calendar days of the due date, it is delinquent, and a late payment penalty in an amount established by resolution of the Town Council will be added to the original amount thereof. No license may be issued to a person until all penalties assessed to the person have been paid in full.

(Ord. 2018-07, 4-11-2018)

3-1-9: LICENSE APPLICATIONS PUBLIC RECORDS EXCEPTIONS:

License applications are public records except for specific items of data that the licensee designates as proprietary information, or that the Town Clerk or Deputy Clerk designates or classifies as private, controlled, or protected data consistent with the provisions of the Government Records Access and Management Act, U.C.A. § 63G-2-101 et seq., or other applicable laws.

(Ord. 2018-07, 4-11-2018)

3-1-10: COMPLIANCE WITH BUILDING AND ZONING REQUIREMENTS:

An application for a business license may be denied if the business is not in compliance with all Building, Zoning, and Development Codes (in titles 9 and 10 of this Code).

(Ord. 2018-07, 4-11-2018)

3-1-11: EMERGENCY SUSPENSION:

A license issued under this chapter may be suspended by the Town without prior hearing if there is probable cause to believe that violations of this chapter or State law are occurring, and the violations present a threat to the public health and safety. Written notice of a temporary suspension and of a hearing date before the Town Council on the suspension will be served on the licensee if the licensee fails to remedy the violation within one hour of notification by the Town that a suspension will occur if the conditions complained of are not remedied in a manner that eliminates the threat to public health and safety.

The hearing before the Town Council on the emergency suspension is mandatory and will be set as soon as possible, but in no event will the hearing occur more than ten business days after the suspension. If no hearing occurs within ten business days, unless the delay is at the request of the licensee, the suspension will be lifted. At the hearing, the Town Council may lift the suspension, revoke the license, or grant a conditional license. If the licensee fails to appear at the hearing, the license shall be revoked.

(Ord. 2018-07, 4-11-2018)

3-1-12: DENIAL OR REVOCATION OF A LICENSE; APPEALS:

- A. *Revocation or denial:* The Town Council may, of its own accord or upon the recommendation of the Town Clerk or Deputy Clerk, revoke an existing license or deny a license renewal application in accordance with this section if the applicant, or any partner, officer, director or employee of the applicant as applicable:
1. Has obtained or sought to obtain or to aid another in obtaining a license from the Town or another governmental entity in the previous three years by means of misrepresentation, fraud or deceit, including the filing of false information as part of the license application;
 2. Within the previous ten years has violated the law of the State, the United States government, the ordinances of the Town, or the rules and regulations of any Town or Utah State agency governing the operation of the relevant business subject to the license;
 3. Has failed to comply with conditions and requirements of this Code or any ordinance or requirement of the Town after notice of the violation and the passage of a reasonable time for compliance;
 4. Has allowed or is responsible for unlawful activities conducted or permitted on the premises where the business is conducted;
 5. Refuses to permit authorized officials to make a lawful inspection of the premises or to take a sample of a commodity or material, or has interfered with such authorized official while in the performance of his or her duty in making such inspection; or
 6. Conducts business or operations in a manner that creates a nuisance or otherwise violates any local, State or Federal law.
- B. *Notice; hearing:*
1. To revoke a license or deny an application to renew a business license, the Town will provide the licensee or applicant with a notice of pending denial or revocation that will state in substance that the Town Council intends to revoke the business license or deny the application to renew, together with the reason or reasons therefor, and that the applicant/licensee may request a hearing on the revocation/denial. A request for hearing under this section must be made within ten business days from the receipt of the notice. If a request for hearing is not made in accordance with this section, then the license or application may be revoked or denied by the Town Council without a hearing. If a licensee submits a timely request for hearing, the license continues to be valid until the Town holds a hearing and issues a written decision denying the license. If a timely request for hearing is submitted, the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against the licensee or applicant, to cross examine witnesses and to present evidence as to why the license should not be revoked or the application denied.
 2. Subsection B.1. of this section does not apply to applications for licenses for businesses which have not previously been licensed by the Town. The Town Clerk may deny such an application by providing written notice of the denial and the reasons for the denial, and notice of the right to request a hearing before the Town Council within ten business days to address the denial.

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3. Upon receipt of a timely request for hearing by an applicant/licensee, the Town Council shall set a hearing date as soon as is reasonably practical, and shall provide written notice to the person requesting the hearing of the time and place the hearing is to be held, and the manner in which the hearing will be conducted. The Town Council will set by resolution fees to cover the costs associated with the hearing process.
 4. Within ten business days of the date of any hearing on license revocation, suspension or denial, the Town Council shall issue a written decision to dismiss the notice, to deny a license application, to revoke a business license, or to grant a conditional license for a specified period of time, in which case a review hearing shall be scheduled at the end of that specified time to review whether the conditions have been complied with and whether the license should be granted or denied.
 5. If a licensee/applicant fails to make a timely request for a hearing, or fails to appear at a scheduled hearing, the Town Council may deny an application or revoke a license without a hearing.
- C. *Operation unlawful:* If at any time a license is suspended or revoked, or application for renewal is denied under the provisions of this chapter, it shall be unlawful for any person to engage in or carry on or operate any business, or to use or permit to be operated or used any property for any business with respect to which the license has been suspended or revoked, or renewal has been denied, until a new license is granted by the Town Council.

(Ord. 2018-07, 4-11-2018)

3-1-13: LICENSE PROVISIONS:

- A. *Information contained on license:* All licenses will be signed by the Mayor, attested by the Town Clerk or Deputy Clerk, and will contain the following information:
1. The name of the individual, corporation or partnership to which the license has been issued.
 2. The amount paid.
 3. The classification of the license and the type(s) of business, i.e., retail, lodging, service, etc.
 4. The term of the license with the commencing date and the date of its expiration. All licenses expire on June 30.
 5. The physical address where such business, calling, trade or profession is to be conducted.
- B. *Display of license:* Every license issued under this title shall be posted by the licensee in a conspicuous place. If a license expires or has been revoked, the licensee must remove it. If the licensee's business is such that a license cannot be displayed due to the mobile nature of the business, then the licensee shall carry a copy of the license on his person.
- C. *Transferability:* A license granted or issued under any ordinance of this Town must not be assigned or transferred to any other person. Any attempted assignment or transfer is void. A license shall not be deemed to authorize any person other than the person therein named to do business or to authorize the licensee to perform any other business, calling, trade or profession than is therein named unless by permission of the Town Council.
- D. *Branch establishments:* A separate license must be obtained for each separate place of business, branch establishment or location of any business within the Town as if such branch establishment or location were a separate business. For purposes of clarification, if one business operates under a separate roof from a business operated by the same licensee, it is deemed a separate business, except that motels may have more than one building related to lodging. Each license shall authorize the licensee to engage only in the business

licensed thereby. Warehouses and distributing places used in connection with a business licensed under this section shall not be deemed a separate location.

(Ord. 2018-07, 4-11-2018)

3-1-14: COMPLAINTS AND VIOLATIONS:

The Town Clerk or Deputy Clerk, in conjunction with the Police Department and other authorized officials, is authorized to issue notices under this chapter, or to direct police to issue citations for the violation of any of the provisions of the license ordinances.

(Ord. 2018-07, 4-11-2018)

3-1-15: PROHIBITED BUSINESSES:

Peddlers, itinerant sales, door to door sales, and sales from temporary booths, vehicles or any other type of temporary structure are expressly prohibited in the Town of Springdale, except in conjunction with a mobile business authorized under section 10-22-11 or a temporary use permit as authorized under section 10-22-4 of this Code. Section 10-22-3 of this Code identifies other uses for which a business license cannot be issued.

(Ord. 2018-07, 4-11-2018; Ord. No. 2024-06, 3-13-2024)

3-1-16: UNLAWFUL USES OF CERTIFICATES:

It is unlawful to counterfeit a license certificate, or to deface or mutilate an active license certificate or to remove it or attempt to remove it from a required location, or to use, or permit the same to be used, at any place other than that designated on the license, or for any licensee to maintain or place or to permit the license to be placed in any place of business after that business has been declared to be unlawful or the license has been revoked or its renewal denied.

(Ord. 2018-07, 4-11-2018)

3-1-17: PENALTY:

Any person violating any provision of this chapter is guilty of a Class B misdemeanor and shall be subject to fines and punishment as provided in section 1-4-1 of this Code.

(Ord. 2018-07, 4-11-2018)

