

ORDINANCE # 23-04

AN ORDINANCE AMENDING THE SANDY CITY MUNICIPAL CODE TITLE 6, “REVENUE AND FINANCE”, SECTION 6-6-3, “PAYMENT OF FEES” AND TITLE 15, “BUSINESS LICENSING”, SECTION 15-1-8, “LICENSE FEES; WHEN DUE; PENALTIES FOR LATE PAYMENT OR NONPAYMENT” AND SECTION 15-2-10, “EXPIRATION AND RENEWAL” RELATING TO THE FEE SCHEDULE; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, in September 2021, City staff hired a consultant to conduct a review of Community Development fees to consider alternative fee structures and adjust fees to enhance equity, transparency, accuracy, simplicity, and administrative efficiency of the fees.

WHEREAS, it is necessary to adjust Sandy City’s current Business License, Planning, and Building Permit fees to determine compliance with state statute and assess the level of subsidization, if any, relative to the associated costs in these areas.

WHEREAS, to align Sandy City ordinances with the updated fee schedule and billing practices it is necessary to amend the Sandy City Municipal Code Title 6, “Revenue and Finance” and Title 15, “Business License”; and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. The Sandy City Title 6 and Title 15 are hereby updated as set forth in **Exhibit “A”** which is attached hereto and by this reference made a part hereof. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted of such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this _____ day of _____, 2023.

Alison Stroud, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for her approval this _____ day of _____, 2023.

APPROVED this _____ day of _____, 2023.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2023.

Exhibit “A”

CODE AMENDMENTS

TITLE 6 - REVENUE AND FINANCE

Sec. 6-6-3. - Payment of Fees.

Payment of fees as required by this chapter shall be done in the following manner:

(3) Commercial and Industrial.

a. Conceptual phase: no fees.

b. Preliminary/site plan submittal: ~~25 percent of estimated development fee~~established by the fee schedule.

c. Final phase: balance of development fees.

TITLE 15- BUSINESS LICENSE

Sec. 15-1-8. - License Fees; When Due; Penalties for Late Payment or Nonpayment.

(b) A license fee not paid when due shall be considered delinquent and ~~the following~~ penalties shall be charged according to the fee schedule.

~~(1) Failure to pay within 30 days of the due date: 25 percent of the normal fee in addition to the normal fee.~~

~~(2) Failure to pay after 45 days of the due date: 75 percent of the normal fee in addition to the normal fee.~~

(c) Any person engaged in business before having received a license may be charged a penalty; ~~which shall be 100 percent of the normal license fee in addition to the normal license fee~~according to the fee schedule.

Sec. 15-2-10. - Expiration and Renewal.

(b) In the event that the renewal fees and all renewal documentation are not received at the office of the License Official or the Sandy City Treasurer's Office by 5:00 p.m. on December 31 (or the last business day of the year, whichever occurs first), the licensee must cease and desist all operations related to alcohol sales, and may not permit the consumption of alcohol on the premises until all outstanding fees, any applicable penalties and appropriate documentation is filed at the office of the License Official or the Sandy City Treasurer's Office and a new license is issued. Penalties shall be charged according to the fee schedule.

~~(c) Renewal fees and all renewal documentation must be delivered to and received at the office of the License Official or the Sandy City Treasurer's Office within 30 days after the expiration date (or as described in the Operations Policy Manual for Business License Receivables~~

~~Manual). If the renewal fees and documentation are not received within 30 days of the due date, the licensee shall pay a penalty of 25 percent of the original fees due in addition to the original fee and renewal documentation.~~

~~(d) If the renewal fees and all renewal documentation are not received at the office of the License Official or the Sandy City Treasurer's Office, within 45 days of the date that the fees are due (or as described in the Operations Policy Manual for Business License Receivables Manual), the licensee shall pay a penalty of 75 percent of the original fee due in addition to the original fee and renewal documentation.~~

TITLE 6 - REVENUE AND FINANCE

Sec. 6-6-3. - Payment of Fees.

Payment of fees as required by this chapter shall be done in the following manner:

(3) Commercial and Industrial.

a. Conceptual phase: no fees.

b. Preliminary/site plan submittal: established by the fee schedule.

c. Final phase: balance of development fees.

TITLE 15- BUSINESS LICENSE

Sec. 15-1-8. - License Fees; When Due; Penalties for Late Payment or Nonpayment.

(b) A license fee not paid when due shall be considered delinquent and penalties shall be charged according to the fee schedule.

(c) Any person engaged in business before having received a license may be charged a penalty according to the fee schedule.

Sec. 15-2-10. - Expiration and Renewal.

(b) In the event that the renewal fees and all renewal documentation are not received at the office of the License Official or the Sandy City Treasurer's Office by 5:00 p.m. on December 31 (or the last business day of the year, whichever occurs first), the licensee must cease and desist all operations related to alcohol sales, and may not permit the consumption of alcohol on the premises until all outstanding fees, any applicable penalties and appropriate documentation is filed at the office of the License Official or the Sandy City Treasurer's Office and a new license is issued. Penalties shall be charged according to the fee schedule.