

192 - ORDINANCE NO. 2009-48
BUSINESS LICENSE CODES

AN ORDINANCE REPEALING AND REPLACING 113-ORDINANCE NO 2005-03, 188-ORDINANCE NO 2009-44 PROVIDING FOR BUSINESS LICENSES AND FEES FOR THE TOWN OF ALPINE.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ALPINE, WYOMING IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I-Ordinance Repealed

188 ORDINANCE NO. 2009-44, of the Municipal Code of the Town of Alpine and all amendments thereto are hereby repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION II-Effective Date

This ordinance will establish an effective date at its passing on the third and final reading.

SECTION III-Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV

GENERAL BUSINESS LICENSES

192-01	Purpose- Authority – General Provision
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192-01 PURPOSE – AUTHORITY – GENERAL PROVISION

a. Purpose

- i. The purpose of this chapter of licensing and regulating of businesses conducted, carried on or trafficked in within the Town of Alpine, to protect the health, safety and general welfare of those receiving goods and services, and to provide uniform regulations for the providers of goods and services.
- ii. The provisions of this chapter are pursuant to authority granted cities and towns under Wyo. Stat. Section 15-1-103 (a) (xiii).

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- b. Evidence of Doing Business
 - i. Whenever any person or entity by the use of signs, circulars, cards, telephone books, newspapers, or the internet advertises, holds out, or represents that he is in business in the Town, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the town, and such person fails to deny by a sworn statement given to the town clerk that he is not conducting a business in the town, after being requested to do so by the town clerk, then these facts shall be considered prima facie evidence that he is conducting a business in the town.
- c. Nuisances
 - i. No business, licensed or not, shall be so conducted or operated as to amount to a breach of the peace or a violation of the Town ordinance regarding noise.

192-02 EXEMPTIONS

- a. The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage or carry on any business, occupations, event or activity, from any institution or organization which is conducted, managed or carried out for the benefit of religious, charitable, philanthropic or education purposes; provided that convincing evidence is furnished to the town clerk which establishes that the organization has been granted or qualifies for such status under regulations promulgated by the United States Department of Treasury, Internal Revenue Service.
- b. The provisions of this chapter shall not be deemed or construed to require the payment of a license tax or the completion of a business license application to conduct, manage or carry on a business for any youth 18 years old or younger so long as the business does not involve employees working for the youth.

192-03 LICENSE REQUIRED

- a. Persons/entities subject to license
 - i. All persons or entities engaged in business in the Town of Alpine or which business operates out of, or is based in, the Town of Alpine shall be required to obtain a business license from the Town of Alpine.
 - ii. Persons or entities engaged in the Town of Alpine in wholesale sales shall not be required to obtain a business license from the Town of Alpine, unless the business operates out of or is based in the Town of Alpine in which case that person or entity will be required to obtain a business license from the Town of Alpine.
 - iii. Persons or entities engaged in providing delivering goods only shall not be required to obtain a business license from the Town of Alpine, unless the business operates out of or is based in the Town of Alpine in which case that person or entity will be required to obtain a business license from the Town of Alpine.

- b. Home Occupations

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- i. Are permitted by the Town of Alpine as indicated within each zone district's regulations – see Alpine Land Use and Development Code, Article 3. subject to the following: the business is conducted entirely within the dwelling and shall not change the character; delivery services are permitted that are customary to a residence; the area of the home occupation shall be no more than 25% of the gross floor area of the dwelling; the number of employees is within each zoning district allowance; and signs shall be subject to the zoning district allowances. See Alpine Land Use and Development Code, Article 3.
- c. Separate License
 - i. A separate license must be obtained for each branch, establishment, or separate place of business in which the business is conducted. A business shall be deemed to be one business if it operates under one sales tax number and one federal EIN number, unless it operates its business at more than one location within the Town of Alpine.
- d. Application
 - i. Each person required to obtain a license or permit under provisions of this chapter shall submit an application to the town clerk. Application forms will be provided by the town clerk. The applicant must provide all information requested on the form for each particular type of license or permit sought, including the applicant's name, business and / or event name, location or street address where the business or event will be conducted. All applications must be signed by the applicant as being true and correct.
 - ii. Supporting or additional documentation will be required prior to issuance of any license or permit. The following is required:
 1. A current Wyoming sales tax license number, when applicable.
 2. A Federal Identification number for workers compensation / unemployment.
 3. If food (other than soda-pop or bottled drinks) is to be sold, a health inspection must be completed and a copy of the State Health Permit attached to the application.
 - iii. Each new business license request will be reviewed for compliance with this ordinance by the submittal of a written application to the Town. Businesses renewing their licenses do not have to appear before the council, but must come into the office to renew their license and show proof of liability insurance.
- e. Forms
 - i. Forms for all licenses and permits, and applications therefore, shall be prepared and kept on file by the town clerk.
- f. Signatures
 - i. Each license or permit issued shall bear signatures of the mayor and town clerk or administrator in the absence of any provision to the contrary.
- g. Investigations
 - i. Upon the receipt of an application for a license or permit where ordinances of the town necessitate an inspection or investigation before

the issuance of such permit or license, the town clerk shall refer such application to the proper Town Department for making such investigation within fourteen days of the date of such receipt. The Town Department charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof. The building inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise provided, shall be made by the appropriate Town Department designated by the mayor.

- h. Fees-Payment
 - i. All fees and charges for licenses or permits shall be paid in advance at the time application is made to the town clerk and shall be non-refundable, unless an application is denied. If the town denies a business license application, the entire fee, minus a \$10 application fee, will be refunded.
 - ii. Receipt of payment does not constitute approval of a business license application.
- i. Termination of Licenses
 - i. All licenses except liquor licenses shall expire on the last day of the month of June every given year.
 - ii. Renewal notices shall be sent to all licensees by the town clerk no later than the first day of the month of June every given year.
 - iii. Failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license.
- j. Renewal
 - i. If a renewal has not been received by the last day of the month of June a new license will need to be applied for. If license fee is not received in town clerk's office by **June 30th** of any given year, license shall be revoked by the town clerk and operation of business shall cease until proper license and or permit is paid in full.
- k. Building and Premises
 - i. No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the town ordinances. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Alpine Land Use and Development Code.
- l. Posting License
 - i. Every business which operates under a license issued under this chapter shall exhibit the current, valid license in a conspicuous place in an area open to the public.
- m. Change of Location
 - i. The location of any licensed business or occupation, or of any permitted act, may be changed provided, fourteen (14) days' notice thereof

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is given to the Town Clerk, in the absence of any provision to the contrary; provided that the building and zoning requirements of all Town ordinances are complied with. Notice must be given in the form of a new business license application and an administrative fee of ten (\$10) dollars will be charged for each change of address.

- n. Transfer of License Prohibited
 - i. No license granted under this title shall be assignable or transferable from the person or entity to whom such was issued. Any attempt to assign or transfer a license shall void such license.
- o. Appeal
 - i. In the event that a license is refused or denied by the town clerk, mayor/council the applicant may appeal within five days of receiving notice of the decision by giving written notice of such intent to appeal to the Town Council.. The town mayor shall hold a hearing wherein the applicant shall be allowed to present evidence and argue his or her case, opposed by the town clerk or administrator who may be assisted by the town attorney. A majority decision of the town council shall determine the appeal. Further appeal may be had to municipal court and district court utilizing the same time periods. Appellant may approach the council at any time in the appeal process to amend the ordinance.

192-04 FINES & PENALTIES

- a. Violations
 - i. Each violation is subject to a fine of up to **\$750.00** upon conviction and shall be subject to abatement proceedings. Each day, during which such violation shall continue, shall be deemed to be a separate offense.
 - ii. No additional business licenses shall be granted to an individual or entity until all fees and fines shall have been paid in full.
- b. Effect on civil obligation
 - i. The conviction and punishment of any person for transaction any business without a license, shall not excuse or exempt such person from the payment of such business license fee due or unpaid at the time of such conviction.

192-05 REVOCATION/ SUSPENSION

- a. Grounds
 - i. Any license or permit may be revoked or suspended by the licensing body at any time during the life of such license or permit for any of the following grounds:
 - 1. violation by the licensee or permittee of the ordinance provisions relating to the license or permit,
 - 2. violation of any ordinance relating to health and safety
 - 3. Securing any license or permit by fraud or misrepresentation, to specifically include false or incorrect information on the license or permit application form;
- b. Emergency Suspension

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- i. If the licensing body finds that reason exists for an immediate suspension or revocation of a license or permit, it may enter an order for immediate suspension of same. The licensee or permittee, upon notice of suspension or revocation, may request an immediate hearing before the governing body and the hearing will be conducted in the manner prescribed in Section 192-03(p) above.
- c. Additional Sanctions
 - i. Any such revocation or revocation may be in addition to any fine imposed.

192-06 PROPOSAL OF FUNDS

- a. Three quarters (3/4) of all business licensing fees will be directed to the town's Business and Community Development Account. The funds will be distributed from this fund following the end of each fiscal year.

192-07 INSTALLATION PERMIT / EXPOSITIONS

- a. Notwithstanding the other provisions of this chapter, any person engaged in the business of conducting an exposition, exhibit, or sale, of any merchandise or product, including artifacts and art objects, on or along any sidewalk or on any public property, shall pay a business license fee as determined by this ordinance.

192-08 LICENSE FEES

- a. The yearly business license fee for each business required to obtain a license under this ordinance shall be \$60.00, except for those businesses set out below.
- b. The following businesses shall be required to pay in accordance with the fee schedule as set forth in Table 188-1:

Table 188-1	
TYPE	CURRENT YEARLY FEE
RENEWAL (had a business license from the Town the previous year)	\$50.00
DOOR TO DOOR	\$35.00 one day
FOOD WAGON/STAND	\$35.00 (1-4 Consecutive Days)
SPECIAL EVENTS	\$35.00 (1-4 Consecutive Days)
TEMP. TRANSIENT MERCHANT	\$35.00 (1-4 Consecutive Days)
INSTALLATION PERMIT/ EXPOSITIONS	\$35.00 (1-4 Consecutive Days)
MALT BEVERAGE PERMIT (1-DAY)	\$100.00 1-DAY PERMIT

SECTION V-This ordinance passed and approved on the following dates:

Passed on first reading this 14 day of July, 2009.

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Vote: S yes A no A abstain A absent

Passed on second reading this 4th day of August, 2009.

Vote: N yes O no I abstain A absent

Passed on third reading this 1st day of October, 2009.

Vote: S yes A no A abstain A absent



TOWN OF ALPINE

BY: Victoria DeCora
Victoria DeCora, Mayor

ATTEST:

BY: [Signature]
Brenda Bennett, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
COUNTY OF LINCOLN)
TOWN OF ALPINE)

I hereby certify that the foregoing 192-ORDINANCE NO. 2009-48 BUSINESS LICENSE CODES was duly posted for ten (10) days in the Town Clerk's office.

I further certify that the foregoing ORDINANCE was duly recorded in the BOOK OF ORDINANCES, TOWN OF ALPINE, LINCOLN COUNTY, WYOMING.



ATTEST:

BY: [Signature]
Brenda Bennett, Town Clerk

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