

ORDINANCE NO. 09-09

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
RODNEY DART <i>Councilmember</i>	X	
RICHARD M. DAVIS <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
JENS P. NIELSON <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilman Davis
I SECOND the foregoing motion: Councilman Nielson

ORDINANCE 09-09

WHEREAS, Spanish Fork City has enacted business regulations which require businesses to obtain business licenses; and

WHEREAS, itinerant merchants are required to obtain business licenses and meet certain requirements; and

WHEREAS, the City regulations address itinerant merchants who sell their own grown produce differently from other itinerant merchants; and

WHEREAS, the distinction between the two is based on sales tax requirements imposed by the State of Utah; and

WHEREAS, many of the itinerant merchants selling produce obtain the produce from others, making the distinction difficult to enforce; and

WHEREAS, the Utah State Tax Commission is capable of handling the different tax treatment without the necessity of a business regulation distinction;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code §5.04.110(E) is hereby repealed.

Spanish Fork City Municipal Code §5.04.110(D) is hereby amended as follows:

5.04.110. Fee Schedule:

(D) Where the business is that of an itinerant merchant, the license fee shall be fifty dollars per day unless proceeds from the sale of any merchandise shall be returned to or used for the purpose of a charitable or otherwise non-taxed institution with permanent and substantial ties to the community. Such institutions shall include, but not be limited to, churches, scouting organizations, schools, local associations and service clubs. In the latter event, the license fee shall be five dollars (\$5.00) per day. The maximum license fee in any calendar year is three hundred dollars (\$300.00). Temporary sales or display of goods are allowed for a period not to exceed 120 calendar days. The license shall designate the dates the license is valid. An itinerant merchant license is subject to the following criteria:

1. The nature, location, and manner of operation of the activity or event may not be on public property and does not constitute a health or safety hazard to the public.
2. The merchant has permission from the property owner where the goods are to be sold and/or displayed. A copy of the lease or letter from the property owner granting permission shall be submitted with the application for a business license.
3. The goods or services sold and/or displayed are customarily and traditionally related to a seasonal activity, event, or holiday.
4. The sales/display activity must be located in a commercial zoning district and the specific use must be consistent with other uses permitted in the zoning district.
5. The use does not interfere with pedestrian access-ways, fire lanes, driveways, or traffic visibility.
6. Parking on the property is adequate to serve any existing permanent uses and the proposed itinerant merchant use.
7. No itinerant merchant license shall be issued or valid during the period of the Fiesta Days celebration.

II.

This ordinance shall be effective twenty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,
UTAH, this 16th day of June, 2009.



JOE L. THOMAS, Mayor

ATTEST:



KIM ROBINSON, City Recorder



Proof of Publication

THE SPANISH FORK PRESS, a weekly newspaper printed and published at Provo, Utah County and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

for 1 consecutive weeks,

the first publication on the 9th day

of July 2009

And the last on the 9th day

of July 2009

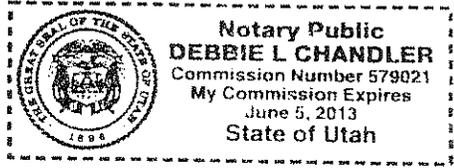
Rana C Harris

STATE OF UTAH, UTAH COUNTY>SS.....

PUBLIC NOTICE to Title 5, Business South Main, Span-
ORDINANCE Licensing itinerant ish Fork.
09-09, The Spanish merchants. A com-
Fork City Coun- plete copy of this
cil has adopted an ordinance is avail-
ordinance mak- able at the Span-
ing amendments ish Fork City, 40
UPAXLP

Published in the
Spanish Fork Press
July 9, 2009.

RESIDENCE: SPANISH FORK, UT
MY COMMISSION EXPIRES 06/05/2013



Subscribed and sworn to before me this 9th day of JULY 2009

Debbie L Chandler
Notary Public