

# Title 3 BUSINESS AND LICENSE REGULATIONS

## Chapter 1

### DEFINITIONS

#### 3-1-1: DEFINITIONS:

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All words and phrases used in this title shall have the following meanings, unless a different meaning clearly appears from the context:

**AGENT:** Means any legally authorized entity acting on behalf of a property owner, including but not limited to a rental management company, property manager, an executor of the owner's estate, or other legal fiduciary.

**BUSINESS:** A distinct and separate "person" or entity "engaging in business", as those terms are defined in this section. A "business" may be distinguished from another business by separate state sales tax numbers, federal tax identification numbers (employer identification number), and/or separate ownership.

**BUSINESS AND SPECIAL EVENTS NUISANCE:** Any licensed premises where persons are permitted to use profanity, indecent, immoral, loud or boisterous language, or immoral, unruly, disorderly, lewd, obscene conduct is permitted, or carried on; or persons under the age of twenty one (21) are permitted to purchase or drink beer, alcoholic beverages or liquor; or city, county, state or federal laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge, actual or constructive, of the licensee which tend to affect the public health, safety, peace or morals; or patrons are throwing litter or other objects within the licensed premises or from the licensed premises in a manner which tends to affect the public safety or health.

**CHARITABLE ORGANIZATION:** Any organization recognized by the internal revenue service (IRS) as a 501(c)(3) charitable organization, such as, but not limited, to a religious organization, or any social or welfare organization recognized and dedicated to the relief of the poor, care of the sick or elderly, or aid to victims of disaster, catastrophe or personal tragedy.

**COMMERCIAL VEHICLES AND TRAILERS:** Motor vehicles that are utilized in the normal course of business, including, but not limited to, delivery trucking, commercial hauling, snow removal services, transportation of goods or other cargo rental vehicles, concrete trucks and dump trucks. "Commercial vehicles and trailers" do not include those that transport people to, from and within Brian Head Town for a fee.

**CONDUCTING BUSINESS:** Includes the sale or offering for sale of any goods or merchandise,

or the offering or performing of any service for valuable consideration of any kind.

**CORPORATE SPONSOR:** Any business or combination of businesses which provide funding for any special event for a substantial amount of the funds necessary to promote the event or account for substantial amount of the event's operating expenditure budget.

**DESIGNEE:** A Brian Head Town staff member authorized by the town Licensing Officer to process liquor related and business license applications and renewals.

**ENGAGING IN BUSINESS:** Includes all activities engaged in within the corporate limits of Brian Head 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 prescribed. "Engaging in business" includes, but is not limited to, the sale or rental of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of services for others for a consideration, except the rendering of services by an employee to his employer under any contract of employment.

**FIREWORKS PERMIT:** A permit issued by the town fire marshal for aerial or concession fireworks, pursuant to current fire codes.

**HEARING OFFICER:** The Town Manager of Brian Head Town is designated as the hearing officer for Brian Head Town.

**LICENSE FEE:** Includes the administrative fee as defined by the consolidated fee schedule.

**LICENSED PREMISES:** Any room, building, structure or place, whether permanent or temporary, occupied by any person licensed to conduct business within the town boundaries.

**LICENSEE:** ~~Any Person to whom a license has been issues pursuant to the provisions of this Title, including individual persons, partnerships, joint ventures, associations, clubs, trusts, corporations or any other entities qualified by law to carry on any business referred to herein. The term Licensee as used herein shall include all of the above, and shall be either the applicant or licensee., holding a valid business license in connection with the operation of a place of business. The licensee is responsible for the acts and omissions of its employees.~~

**LICENSING OFFICER:** The Town Clerk, or his or her designee, responsible for receiving from an applicant the completed application and either granting, suspending or denying the application.

**MOBILE VENDOR:** Any means of conveyance of goods or merchandise from tents/canopies, push carts, mobile wagons, trailers, or motor vehicles.

**NIGHTLY LODGING RENTAL FACILITY:** ~~Also called "short-term rental"~~ Any place providing temporary sleeping accommodations to the public for a period less than thirty (30) days, including, without limitation, a hotel, motel, lodge, condominium project, single-family residence, bed and breakfast, boarding house, inn, resort, rooming house, recreational lodging unit, private campground, or timeshare project.

**NONPROFIT CORPORATION:** A corporation or company which is not conducted or maintained for the purpose of making a profit and/or no part of the income of which is distributable to its members, trustees or officers, or a nonprofit cooperative association.

**PERMIT:** Permits may be issued by the Licensing Officer, or his or her designee, to any business, individual or special events that are identified in subsection [3-2A-5B](#) of this title, as a permit holder in lieu of a license. Permits are considered temporary in nature unless otherwise identified.

**PERSON:** Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, organization, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, for profit, nonprofit, or otherwise.

**PLACE OF BUSINESS:** Each separate location maintained or operated by the licensee within Brian Head Town from which business activity is conducted or transacted. A location shall be identified by street address or by building name if a street address has not been assigned. "Place of business" means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, and any other place where the general public is invited or admitted for business purposes, including any patios, balconies, decks or similar areas, and also means private clubs, corporations and associations operating under charter or otherwise wherein only the members, guest members and their visitors are invited. Occupied hotel, motel rooms, condominiums and cabins that are not open to the public shall not be "places of business" as herein defined.

**RESTAURANT:** A place of business where a variety of food is prepared and/or cooked and complete meals are served to the general public and is engaged primarily in serving meals to the general public.

**ROUTE DELIVERY:** Any delivery made to customers of a business which makes repeated door to door deliveries to the same households along designated routes with an established time interval in between delivery visits. The majority of such deliveries must be to fulfill orders previously made by the customer. Such businesses will include, but not be limited to, dairies and sellers of bulk meats or produce.

**SALE/SELL OR TO SELL:** Any transaction, exchange or barter whereby, for any consideration, or by any means or any pretext promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant or employee, unless otherwise defined in this title.

**SEASONAL BUSINESS:** A business engaging in business for more than thirty (30) days in a given year, but not exceeding more than six (6) months in the same year.

**SEXUALLY ORIENTED BUSINESS:** A "business" as defined in [chapter 5](#) of this title, "Sexually Oriented Businesses".

**SOLICITED DELIVERY:** A delivery of previously ordered goods or services or the United States mail. "Solicited delivery" includes, but is not limited to, the delivery of newspapers or publications pursuant to a subscription, the United States mail, parcel delivery services, businesses engaging in route delivery or persons delivering previously ordered goods or services on behalf of an established retailer of those goods or services.

**SPECIAL EVENT:** Any event, public or private, with either public or private venues, requiring town licensing beyond the scope of normal business and/or liquor regulations, as defined by this code; or any event held on public or private property in which the general public is invited, with or without charge, and which creates significant public impacts through any of the following:

- A. The attraction of large crowds;
- B. Necessity for street closures on any arterial street necessary for the safe and efficient flow of traffic in Brian Head Town;
- C. Use of public property;
- D. Use of town transportation services;
- E. Use of off-site parking facility;
- F. Use of amplified music in or adjacent to a residential neighborhood;
- G. Use of town personnel;
- H. Impacts via disturbance to adjacent residents;
- I. Disruption of the normal routine of the community or affected neighborhood; or
- J. Necessitates special event temporary beer or liquor licensing in conjunction with the public impacts.

**SPONSOR:** A person, group or business which has contracted to provide financial or logistical support to any special event or festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products or logos.

**STREET CLOSURE:** The deliberate blockage of any public street or town owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction street closure shall require a special event license.

**UNIT:** Any separately rented portion of a hotel, motel, condominium, single-family residence, duplex, triplex or other residential dwelling without limitation.

**UNSOLICITED DELIVERY:** Delivery that is not a solicited delivery, including the delivery of any unsolicited newspaper or publication, sample product or advertising material. Unsolicited newspapers or publications, sample products or advertising material shall include, but not be limited to, handbills describing or offering goods or services for sale, any goods or products that were not previously ordered by the homeowner or occupant, any newspaper or publication delivered without a subscription by the owner or occupant, and any coupons or rebate offers for goods and services.

**VENDOR:** Any person, group or business that transacts business within the town limits on a temporary basis for no more than twenty-nine (29) days, such as special events.

**VENUE:** The location or locations upon which a special event or festival is held, as well as the ingress and egress route when included in the special event license. (Ord. 08-017, 8-26-2008)