



**ORDINANCE NO. 18-004**

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 11 OF THE BRIAN HEAD TOWN CODE AND RENAMING THE "BRIAN HEAD RETAIL BUSINESS LICENSE FEE" TO "ENHANCED SERVICES BUSINESS LICENSE FEE" AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Brian Head Town is a municipal corporation which has an interest in protecting the health, safety and welfare of its citizens; and

**WHEREAS**, in 1996, the Town Council adopted a Retail Business License Fee ordinance imposing a 1.25% fee on taxable sales within the town as allowed by Utah State Code §10-1-203(5), and;

**WHEREAS**, in 1997, the Town Council amended the ordinance to increase the Brian Head Retail Business License Fee from 1.25% to 1.5% to provide enhanced snow removal services allowed by Utah Code §10-1-203(5); and

**WHEREAS**, the name "Brian Head Retail Business License Fee" has created confusion, the Town Council finds it is in the best interest of the town to rename the "Brian Head Retail Business License Fee" to "Enhanced Services Business License Fee" in order to avoid confusion and to bring the name in line with the enhanced services it provides for, and;

**WHEREAS**, it was determined the enhanced snow removal services should be in line with the town's snow removal policy currently in effect.

**NOW THEREFORE, BE IT ORDAINED** by the Town Council of Brian Head, Utah that the Brian Head Town Code, Title 2, Chapter 11 (Attachment A) be amended and renamed as the Enhanced Services Business License Fee.

**Section 1:** It is hereby declared that all parts of this ordinance are severable, and if any section, clause or provision of this ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this ordinance.

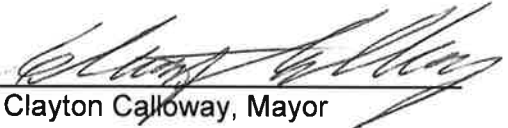
**Section 2:** All ordinances, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any ordinance, order, regulation or part thereof heretofore repealed.

**Section 3:** Immediately after its adoption, this ordinance shall be signed by the Mayor and Town Clerk and shall be recorded in the ordinance book kept for that purpose.

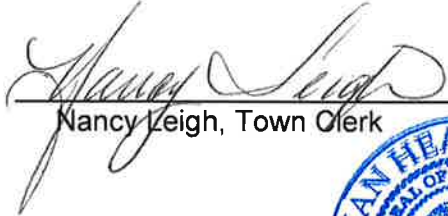
**Section 4:** This ordinance shall become effective upon a majority vote of the Brian Head Town Council

**PASSED, APPROVED, and ADOPTED** by majority vote at a duly called meeting of the Town Council of Brian Head, Utah this 29<sup>th</sup> day of May 29, 2018

**Brian Head Town**

By:   
Clayton Calloway, Mayor

**ATTEST:**

  
Nancy Leigh, Town Clerk



**CERTIFICATE OF PASSAGE AND POSTING**

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 29<sup>th</sup> day of May 2018 and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mail.

  
Nancy Leigh, Town Clerk

**ATTACHMENT "A"  
ENHANCED SERVICES BUSINESS LICENSE FEE**

**Title 2**

**Chapter 11**

**~~RETAIL BUSINESS ENHANCED SERVICES BUSINESS LICENSE FEES~~**

**2-11-1: FINDINGS:**

**2-11-2: ENHANCED LEVEL OF SNOW REMOVAL SERVICES DEFINED:**

**2-11-3: FEE IMPOSED:**

**2-11-4: EFFECTIVE DATE:**

**2-11-1: FINDINGS:**

- A. Pursuant to Utah Code Annotated section 10-1-203(5), the Town Council finds that the basic level of municipal services in the town does not include public transportation of any sort. This would include buses, shuttles or trams of any type.
- B. The Town Council further finds that the cost of providing such a shuttle service constitutes disproportionate costs which are caused by the increasing demand of **retail commercial** business customers for these municipal services; and further finds that the disproportionate cost of the enhanced service is approximately eighty-two thousand dollars (\$82,000.00) per year for public transportation services. (Ord. 97-007, 12-9-1997)
- C. The basic level of municipal snow removal services in the town are those snow removal services provided up until the 1995-1996 winter season, and entailed two (2) part time personnel, and one piece of snow removal equipment at a cost of thirty-nine thousand dollars (\$39,000) as of fiscal year ending 1996. The Town Council further finds that the costs of providing the enhanced snow removal services contemplated herein constitute disproportionate costs caused by the increasing demand of **retail commercial** business customers for these municipal services. (Ord. 97-007, 12-9-1997)

**2-11-2: ENHANCED LEVEL OF SNOW REMOVAL SERVICES DEFINED:**

For purposes of this chapter, the "enhanced level of snow removal services" provided under this chapter is hereby defined **as follows**: as to be provided by three (3) full time personnel, and four (4) part time personnel, utilizing five (5) pieces of assorted snow removal equipment at an annual cost of forty-three thousand dollars (\$43,000.00) over and above the basic cost of thirty-nine thousand dollars (\$39,000.00). (Ord. 97-007, 12-9-1997)

**Snow removal operations will be sufficient to allow for continuous public transportation operations throughout the public transportation operating season. It is anticipated that the following guidelines will provide sufficient service in general, however, the Town may be required to go above and beyond these guidelines in specific instances in order to achieve the above-state goal:**

- Plowing to begin when snow depth reaches 4" or at the direction of the Public Works Director and in cooperation with the Marshal's Department.
- Sanding/cindering to begin when snowfall ceases or at the direction of the Public Works Director and in cooperation with the Marshal's Department.
- Streets to be plowed (one pass minimum) within four hours of the commencement of snow removal operations.
- Snow removal to be done on a round-the-clock basis.
- Street widening and clean-up to be completed as soon as possible after street plowing.
- Brian Head Town will not be responsible for the clearing of private parking, driveways, stairs, or berms that accumulate as a result of snow removal on Town streets.
- Public parking at the Village Core will be plowed by within four hours of the commencement of snow removal operations. (existing parking only)
- Brian Head Town is not responsible for the clearing of snow on Hwy 143. Public Works will do everything possible to assist UDOT in clearing snow, only after a request from UDOT and at the direction of the Public Works Director.

**2-11-3: FEE IMPOSED:**

A fee shall be paid on or before the thirtieth day of each month immediately following the end of each quarter in an amount of one and one-half percent (1.50%) of every retail sale of tangible personal property ~~all taxable sales as defined in (2018 UCA §59-12-103[1])~~ made within the town. (Ord. 97-007, 12-9-1997)

**2-11-4: EFFECTIVE DATE:**

This chapter shall become effective January 01, 1998, and the increased retail ~~enhanced service~~ business license fees shall be levied beginning at one minute after twelve o'clock (12:01) A.M., January 1, 1998 (Ord. 97-007, 12-9-1997)