

TOWN OF LEEDS

ORDINANCE 2009-02

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE LEEDS TOWN CODE RELATING TO THE LICENSING CONTROL AND REGULATION OF BUSINESSES.

WHEREAS, the Town Council has considered and evaluated the business license application and approval process, and finds it advisable to streamline the business license approval process for the Town of Leeds; and

WHEREAS, the Town Council wishes to designate the Town Planner, or other staff as they may designate from time to time (collectively “Town Planner”), as the approving official on all business licenses, except as expressly provided in this Ordinance; and

WHEREAS, the Town Council removed the Home Occupation section from Chapter 7 of the 2008-04 Land-Use Ordinance, and relocated it to create Chapter 24 of the 2008-04 Land-Use Ordinance, to better define the Home Occupation approval process; and

WHEREAS, the Town Council finds it permissible that the allowed uses for Home Occupation Businesses in Chapter 24 of the Land Use Ordinance 2008-04 shall not require a Conditional Use Permit; and

WHEREAS, it is no longer necessary to require some Home Occupation Applications to be approved by the Leeds Planning Commission and/or Town Council; and

WHEREAS, the Town Council finds it beneficial to clarify the intended process; and

WHEREAS, the Town Council finds it appropriate to amend Ordinance 2008-08 regarding procedures for approving business licenses;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LEEDS TOWN, UTAH, as follows:

Chapter 9-100 of the code of Revised Ordinances of the Town of Leeds (the “Leeds Town Code”) is hereby amended as follows:

Part 9-113 of the Leeds Town Code is hereby amended with the following revisions:

1. **9-113. LICENSE ASSESSOR AND COLLECTOR.** The Town Planner is designated and appointed as ex officio assessor of license fees for the Town. On receipt of any application for a license, the Town Planner shall, or shall direct the appropriate Town Staff to, assess the amount due thereon and shall collect all license fees based upon the rate established by ordinance. The Town Planner shall enforce all provisions of this title, and shall cause to be filed complaints against all persons violating any of the provisions of this title. (Amended by Ordinance 2009-02).

To read as follows:

9-113. LICENSE ASSESSOR AND COLLECTOR. The Town Planner is designated and appointed as ex officio assessor of license fees for the Town. On receipt of any application for a license, the Town Planner shall, or shall direct the appropriate Town Staff to, assess the amount due thereon and shall collect all license fees based upon the rate established by ordinance. The Town Planner shall enforce all provisions of this title, and shall cause to be filed complaints against all persons violating any of the provisions of this title. (Amended by Ordinance 2009-02)

2. Paragraph C of part 9-116 of the Leeds Town Code is hereby amended to delete the sentence “*i) a new home occupation businesses*”, and amending the numbering of subsequent sentences.
3. Paragraph C of part 9-116 of the Leeds Town Code is hereby amended with the following revisions: Town Planner shall forward a copy of such application to the Leeds Planning Commission and the Town Planner’s review of such application shall be suspended until a final decision is issued by the Planning Commission regarding whether the proposed use constitutes a “conditional use” based upon the current zoning designation for the property where the use will occur. If it is determined that the proposed use requires a conditional use permit, the Town shall notify the applicant of the decision and suspend the issuance of the requested license until the applicant has obtained a conditional use permit for the business in the specified location

To read as follows:

9-116. APPLICATIONS FOR LICENSE.

- C. All applications for business licenses pursuant to this Chapter shall be submitted to the Town Planner for review and approval or denial. Notwithstanding the foregoing or anything to the contrary in this Chapter, the Town Planner may not approve an application for a business license for any business that does or may involve uses of property or business practices which require approval of the Leeds Planning Commission and/or the Town Council under other provisions of the Revised Ordinances of the Town of Leeds. If the Town Planner determines the business for which an application is submitted may involve: i) the sale of liquor or the requirement that the business obtain a liquor license; or ii) a use of real property that may or does require a conditional use permit based upon the zoning district in which the business is to be located, the Town Planner shall forward a

copy of such application to the Leeds Planning Commission and the Town Planner's review of such application shall be suspended until a final decision is issued by the Planning Commission regarding whether the proposed use constitutes a "conditional use" based upon the current zoning designation for the property where the use will occur. If it is determined that the proposed use requires a conditional use permit, the Town Planner shall notify the applicant of the decision and the suspend the issuance of the requested license until the applicant has obtained a conditional use permit for the business in the specified location.

4. Repealer: All provisions of the Leeds Town Ordinance which are in conflict with the terms of this Ordinance are hereby repealed. Ordinance 2008-08 is hereby amended.
5. Effective Date: This Ordinance shall become effective February 2, 2009.

PASSED AND ADOPTED by the Town Council, of Leeds, Utah, this 28TH day of January, 2009.

TRUDY LAW, MAYOR

ATTEST:

Debbie Shakespeare, Clerk/Recorder