

VILLAGE OF BEECH BOTTOM - ORDINANCE #35 : BUSINESS LICENSES

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35.1 SCOPE & PURPOSE

35.1.1 The provisions of this article shall apply to any corporation, partnership, and sole proprietorship (hereby after referred to as 'business') either physically located in, and/or doing business in the Village of Beech Bottom (hereafter referred to as 'Village') unless otherwise specified in this ordinance

35.1.2 The purpose of this ordinance shall be to provide a vehicle to provide confidence to residents of the Village that businesses are authorized to perform business activities within the Village and provide the Village with a method of tracking businesses that may have financial obligations to the Village as stated in this or other ordinances currently adopted.

35.2 DEFINITIONS

35.2.1 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

35.2.2 Terms not defined. Where terms are not defined specifically in this ordinance, such terms shall have ordinarily accepted meanings such as the context implies.

35.2.3 Types of Business

35.2.3.1 Permanent Business. Defined as any business that has a permanent structure or presence located within the corporate limits of the Village of Beech Bottom.

35.2.3.2 Contractor. Defined as any business that performs work on a contract basis within the Village of Beech Bottom.

35.2.3.3 Exempt. Defined as all businesses (such as education, community, and religious organizations) that are determined by the IRS to be non-profit entities. Further defined as all Village residents that as private individuals engage in occasional business activities that are not required to be reported to the IRS as generating income earned.

35.2.4 Types of License

35.2.4.1 Annual Business License. Defined as a license issued by the Village of Beech Bottom to a business permitting it to locate its physical operation and/or engage in business activity within the corporate limits Village of Beech Bottom. Annual Business Licenses are issued on July 1st (or initial request) and are good until the following June 30th. Conditions for receiving a business license may be contingent upon any language contained within currently adopted ordinances of the Village of Beech Bottom and/or included in the State Code of West Virginia.

35.2.4.2 Temporary Business License. Defined as a license issued by the Village of Beech Bottom to a business permitting it to locate its physical operation and/or engage in business activity within the corporate limits of Village of Beech Bottom. Temporary Business Licenses are valid for a period of thirty (30) days after the date of issuance. In no circumstance should a business be granted more than two (2) Temporary Business Licenses in any given fiscal year.

35.2.4.3 Single Day Business License. Defined as a license issued by the Village of Beech Bottom to a business or individual permitting it to locate its physical operation and/or engage in business activity within the corporate limits of the Village of Beech Bottom. Single Day Business Licenses are only valid for the date listed on the license. However, the date on the license need not be the date the license is acquired from the Village Offices. In no circumstance should an individual or business be granted more than two (2) Single Day Business Licenses in any given fiscal year.

35.3 PROCESS FOR OBTAINING BUSINESS LICENSE

35.3.1 Annual Business License.

35.3.1.1 Initial Application. Application can be made either by mail, or in person at the Village office during regular business hours. Allow two(2) weeks from date of receipt for processing and approval by Village Council and Zoning Board. If business activity is occurring before the approval date, a Temporary Business License may be issued. The issuance of a Temporary Business License does not guarantee the issuance of an Annual Business License.

35.3.1.2 Renewal Application. Application can be made either by mail or in person at the Village office during regular business hours. Applications should be received by June 1st immediately preceding the expiration date of the current license.

35.3.2 Temporary Business License.

35.3.2.1 Initial Application. Application can be made in person at the Village office during regular office hours. The application may be approved and issued by the Office Manager, Assistant Office Manager, Treasurer, or any elected Village official.

35.3.2.1 Renewal Application. In the event that the needs of the business extend beyond thirty (30) days, but less than sixty (60) days, a renewal application may be filed in person at the Village offices. The renewal may be approved and issued by the Office Manager, Assistant Office Manager, Treasurer, or any elected Village official.

35.3.4 Fees.

35.3.4.1 Fees for business licenses shall be set by Village Council and included as appendix A to this ordinance.

35.4 DISPLAY OF LICENSE

35.4.1 Visibility.

35.4.1.1 Annual Business License. The certificate issued shall be displayed in a glass covered picture frame in a prominent place at the business.

35.4.1.2 Temporary Business License. The certificate issued shall be housed in a plastic/vinyl protector and be displayed either at the business site, or if there is no site, should be carried by the business and be available for inspection upon request.

35.5 VIOLATIONS

35.5.1 Failure to obtain the appropriate business license. Failure to obtain the appropriate business license will result in a written warning with seven (7) business days given to obtain the license. Failure after that will result in closure of said business and a five hundred dollar (\$500.00) fine. Said business if fined and found guilty forfeits the right to apply for any business license within the Village of Beech Bottom for one year after date said fine shall be imposed.

35.5.2 Failure to pay Business and Occupation Tax. Failure to pay Business and Occupation tax in a timely manner will result in the suspension and/or loss of the business license.

APPENDIX A: Current Fees

Annual Business License: The cost shall be twenty-five dollars (\$25.00). There shall be no pro-rating for portions of a calendar year. This fee shall supersede all fees set prior to May 19, 2015.

Temporary Business License: The cost shall be ten dollars (\$10.00). There shall be no pro-rating for portions of 30 days. This fee shall supersede all fees set prior to May 19, 2015.

APPENDIX B: For convenient historical reference purposes only

Annual Business License: The cost shall be ten dollars (\$10.00). There shall be no pro-rating for portions of a calendar year. passed May 17, 2011.

Temporary Business License: The cost shall be five dollars (\$ 5.00). There shall be no pro-rating for portions of 30 days. Passed May 17, 2011.

Single Day Business License: The cost shall be zero dollars (\$ 0.00). passed May 17, 2011.

*Single Day business licenses and all related sections were removed May 19, 2015.

First Reading May 5, 2015

Second Reading May 19, 2015