Exhibit A

TITLE 5

BUSINESS LICENSES AND REGULATIONS

CHAPTER 1

PURPOSE AND DEFINITIONS

5.01.101: PURPOSE

The purpose of this Title is to protect the public health, safety, and welfare by establishing reasonable regulations for businesses operating within Ivins City, ensuring compliance with applicable federal, state, and local laws, and providing for the recovery of the City's reasonable costs of administering business licensing and inspections. This Title is also intended to avoid unnecessary regulation of home occupation businesses that present little or no off-site impact while preserving the quiet enjoyment, safety, and character of residential neighborhoods.

5.01.1021: DEFINITIONS:

As used in this title:

BUSINESS: Means and includes all activities engaged in within this municipality 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 provided.

EACH SEPARATE PLACE OF BUSINESS: Each separate establishment or place of operation, whether or not operating under the same name, within the municipality, including a home or other place of lodging if the same is held out by advertisements, listings or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible, personal property at either retail or wholesale, or both, in the municipality.

EMPLOYEE: The operator, owner or manager of a place of business and any persons employed by such person in the operation of such place of business in any capacity and also any salesperson, agent or independent contractor engaged in the operation of the place of business in any capacity.

ENGAGING IN BUSINESS: Includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession,

trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

HOME OCCUPATION BUSINESS: A business conducted from a dwelling or residential property that is accessory and subordinate to the primary residential use of the property and complies with the City's land use regulations governing home occupations.

COMMERCIAL ESTABLISHMENT BUSINESS: A business, profession, occupation, trade, or other lawful commercial activity that is not a home occupation business and is conducted from a location other than a dwelling or an accessory building located on the same property as the primary residence of the business operator.

PLACE OF BUSINESS: Each separate location maintained or operated by the licensee within this municipality from which business activity is conducted or transacted.

WHOLESALE: A sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.

WHOLESALER: A person doing a regularly organized wholesale or jobbing business and selling to retail merchants, jobbers, dealers or other wholesalers, for the purpose of resale. (Prior Code § 9-111)

CHAPTER 2 BUSINESS LICENSES GENERALLY

5.02.101: BUSINESS LICENSE REQUIRED:

It shall be a Class B misdemeanor for any person to transact, engage in or carry on any business, trade, profession, calling, ~~or to~~ operate a vending~~, pinball or coin operated~~ machine, or ~~to~~ engage in mobile catering without first receiving the type of business license as required by this title.

The issuance of a license does not authorize any activity prohibited by federal, state or local law and does not constitute approval of any violation of applicable zoning building, fire, health, or other regulatory requirements.

5.02.102: EXEMPTIONS TO LICENSE:

(1) No license requirement shall be imposed under section 5.02.101 of this chapter on any person engaged in business for a nonprofit purpose which is tax exempt under the laws of the United States and the State, nor shall any license requirement be imposed on any person engaged in a business specifically exempted from Municipal taxation and fees by

the laws of the United States or the State; nor shall any license requirement be imposed upon any person not maintaining a place of business within this Municipality. (Ord. 2010-09, 2010)

(2) ~~No license shall be required for home based businesses that do not involve children in any way. (Ord. 2017-13, 2017)~~

No license is required for a ~~home-based~~home occupation business unless they engage in the following types of work and is compatible with the table of uses in the Ivins City code: manufacturing or fabrication using hazardous or flammable materials, welding, day care, pre-school, or a business that operates in a manner that regularly involves simultaneous customers and/or staff traffic, or other businesses determined by the fire department.

(3) No license shall be required for operation of any vehicle or equipment in this Municipality when:

(a) Such vehicle is merely passing through the Municipality;

(b) Such vehicle is used exclusively in intercity or interstate commerce. (Ord. 2010-09, 2010)

5.02.105: FEES:

Fees for business licenses will be charged in accordance with the City consolidated fee schedule. No business license fee will be charged for a ~~home based~~home occupation business, unless the combined offsite impact of the ~~home based~~home occupation business and the primary residential use materially exceeds the offsite impact of the primary residential use alone. The purpose of licensing fees is to cover the cost of inspections and to administer the business license program.

5.02.106: INSPECTIONS OF ~~NEW~~ BUSINESSES:

~~Prior to the issuance of a new business license required by this chapter, the applicant shall permit inspections to be made of the prospective place of business by the appropriate City department and/or other governmental agency to ensure compliance with Building, Fire and Health Codes. (Ord. 2009-13, 2009)~~

(1) Commercial Establishment Businesses: A fire-safety inspection shall be required as a condition of obtaining or renewing a business license. The fire department may exempt a commercial establishment business upon review of the application and determining the business presents a low fire and safety risk.

(2) Home Occupation Businesses: A fire-safety inspection shall not be required as a condition of obtaining or renewing a business license unless the fire department reviews the application and determines an inspection is warranted based on the nature of the business poses a fire and safety risk. Businesses that may require inspection include, but are not limited to, those involving welding, manufacturing or fabricating, daycare, pre-school, or regularly involves simultaneous customers and/or entering the business or being on the property of the business.