



Albemarle County

Legislation Text

File #: 18-110, **Version:** 1

AGENDA DATE: 11/14/2018

TITLE:

Ordinance to Amend County Code Chapter 8: Licenses

SUBJECT/PROPOSAL/REQUEST: Schedule a public hearing to consider the adoption of an ordinance to amend Chapter 8: Licenses

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Letteri, Kamptner, Herrick, Lamb

PRESENTER (S): Andy Herrick

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 8 of the County Code governs the County business license requirement, tax and fees. It outlines who is required to obtain a business license, what license tax or fee applies to various businesses, and how the Finance Director is to administer and enforce business license requirements.

STRATEGIC PLAN: *Quality Government Operations:* Ensure County government's capacity to provide high quality service that achieves community priorities.

DISCUSSION: The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified County Code.

State law controls the specific provisions that are allowed in local business license ordinances. Chapter 37 of Title 58.1 of the *Virginia Code* outlines specific provisions that local ordinances must or must not contain. Specifically, *Virginia Code* § 58.1-3703.1 contains a lengthy uniform ordinance, and requires that every local ordinance "include provisions substantially similar" to it. Because the County's business license ordinance (originally adopted in 1973) pre-dates the state's uniform ordinance (enacted in 1996), the County's existing ordinance is substantially similar, but not identical, to the state's uniform ordinance.

Therefore, two overriding goals of the Chapter 8 recodification are:

1. To more closely conform the County's business license ordinance with controlling State law, especially the State's uniform ordinance, which is now the centerpiece of the proposed recodification.
2. To replace local provisions that duplicated controlling State law, with cross-references.

Noteworthy proposed revisions include:

1. The clarification and consolidation in *County Code* § 8-102 of the Finance Director's powers and duties

under State law.

2. The adoption of the State's uniform ordinance (*Virginia Code* § 58.1-3703.1) in its entirety as new *County Code* § 8-201--§ 8-209, replacing corresponding provisions throughout current Chapter 8.
3. The replacement of the existing \$50 County license tax on "building or savings and loan associations" with a \$50 license tax on savings institutions and State-chartered credit unions (in new *County Code* § 8-701), to better track *Virginia Code* § 58.1-3730.
4. The replacement of the existing County license tax on vending machine and coin-operated device operators with a license tax on amusement machines only (in new *County Code* § 8-705), to better track *Virginia Code* § 58.1-3720 and § 58.1-3721.
5. The replacement of numerous definitions and lengthy lists of specific types of businesses with simple cross-references to controlling State law.
6. The reorganization of Chapter 8 into separate articles for business licenses and other licenses, to clarify that businesses serving alcoholic beverages are subject to both County business license(s) and separate alcohol license(s).
7. The addition of a local going-out-of-business sale permit (in new *County Code* § 8-890), as required by *Virginia Code* § 18.2-223 and § 18.2-224

Where possible, without changing the underlying substance, staff has suggested primarily stylistic revisions, eliminating archaic or redundant language, to make the chapter easier to read.

BUDGET IMPACT: No significant budget impact is expected.

RECOMMENDATION:

Staff recommends that the Board schedule a public hearing to consider adoption of the attached proposed ordinance (Attachment A) on February 13, 2019.

ATTACHMENTS:

Attachment A - Proposed Ordinance