



Legislation Details (With Text)

File #: 24-0133 **Version:** 1 **Name:** Ordinance Amendment - Business License/Zoning
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File created: 3/14/2024 **In control:** City Council Legislative Session
On agenda: 3/27/2024 **Final action:** 3/27/2024
Title: Ordinance to Amend the City Code of the City of Hampton, Virginia by Amending and Reenacting Chapter 18.1, "Licenses;" Article I, "In General;" Section 18.1-12, Prerequisites to Validity
Sponsors:
Indexes: , , Commissioner of the Revenue
Code sections:
Attachments: 1. Sec 18.1-12 Redlined

Date	Ver.	Action By	Action	Result
3/27/2024	1	City Council Legislative Session	approved	Pass

Ordinance to Amend the City Code of the City of Hampton, Virginia by Amending and Reenacting Chapter 18.1, "Licenses;" Article I, "In General;" Section 18.1-12, Prerequisites to Validity

PURPOSE/BACKGROUND:

The purpose of this ordinance is to clarify that a prerequisite to obtaining a business license is confirmation that the business to be conducted at a location is permissible under the City's Zoning Ordinance, but not the issuance of a certificate of use and occupancy for that location.

Discussion:

Some recent cases encountered by both the Commissioner of Revenue and the Community Development Department made it apparent that as currently written, Hampton City Code Section 18.1-12 could be construed in more than one way, particularly with respect to the relationship between the issuance of a business license and zoning compliance. The proposed amendment and restatement is intended to clarify that relationship, and to provide in general a more sufficient and clear statement of those prerequisites that must be satisfied before a business license can be issued.

Impact:

The amendment and restatement of this Section 18.1-12 clarifies its intent for business owners, as well as those administering this law.

Recommendation:

Approve Ordinance amendment and restatement.

BE IT ORDAINED by the City Council of the City of Hampton, Virginia, that Section Chapter 18.1, Article I, Section 18.1-12 of the City Code of the City of Hampton, Virginia be amended and restated to read as follows:

Chapter 18.1 - LICENSES

ARTICLE I. - IN GENERAL

...

Sec. 18.1-12. Prerequisites to validity.

(a) Location. The commissioner of the revenue shall not license any business at a particular location where the conduct or practice of the same at that location is prohibited by the city zoning ordinance. It shall be the sole responsibility of each applicant to comply with the city's building and development code and regulations, including, but not limited to, obtaining a certificate of occupancy for a particular location before conducting business at that particular location.

(b) Activity.

(1) No business license shall be valid or effective if the business activity in question (i) is one for which a license can be granted only on the certificate of a court or other officer (including, but not limited to, bondman, dealers in precious metals, private security businesses and their employees, and pawnbrokers); or (ii) is one for which a separate license, permit or certificate is required by any local, state, or federal government, agency, or entity may be conducted (i.e. health permit or license to sell alcoholic beverages), until all such necessary certificates, licenses, and permits have been obtained.

(2) If a business activity is prohibited by federal, state, or local law, ordinance, or regulation, the commissioner of the revenue may refuse to issue a license for that activity.

(c) Obligation to pay tax. Nothing contained in this section 18.1-12 shall be construed to relieve the obligation of a business or individual to pay license taxes based on gross receipts of any activity conducted in violation of any law, including, but, not limited to, this section 18.1-12.