

57 (2) (a) Except as provided in Subsections (3) through (5), the legislative body of a
 58 municipality may license for the purpose of regulation [~~and revenue~~] any business within the
 59 limits of the municipality and may regulate that business by ordinance.

60 (b) Notwithstanding Subsection (2)(a), a municipality may not require a license for a
 61 business if the business:

62 (i) is primarily conducted at the residence of the owner of the business;

63 (ii) receives customers at the business owner's residence only to the extent that:

64 (A) the number of customer motor vehicles present at any one time does not

65 significantly disrupt the flow of traffic; and

66 (B) the number of customers present at any one time in the residence or on the
 67 residence property does not significantly interrupt another owner's enjoyment and use of the
 68 other owner's property that is in the vicinity of the residence where the business is conducted;

69 (iii) does not employ employees or contract with independent contractors ~~H~~→ , other than
 69a a person who is also a resident of the residence, ←~~H~~ who work in
 70 the business owner's residence;

71 (iv) does not involve a hazardous occupation as defined in Section 34-23-103; and

72 (v) is not:

73 (A) a kennel;

74 (B) a mechanic business;

75 (C) a business for which the owner or an employee is required to have a license in
 76 accordance with Title 58, Occupations and Professions; or

77 (D) a child care facility or preschool.

78 (3) (a) The legislative body of a municipality may raise revenue by levying and
 79 collecting a municipal energy sales or use tax as provided in Part 3, Municipal Energy Sales
 80 and Use Tax Act, except a municipality may not levy or collect a franchise tax or fee on an
 81 energy supplier other than the municipal energy sales and use tax provided in Part 3, Municipal
 82 Energy Sales and Use Tax Act.

83 (b) (i) Subsection (3)(a) does not affect the validity of a franchise agreement as defined
 84 in Subsection 10-1-303(6), that is in effect on July 1, 1997, or a future franchise.

85 (ii) A franchise agreement as defined in Subsection 10-1-303(6) in effect on January 1,
 86 1997, or a future franchise shall remain in full force and effect.

87 (c) A municipality that collects a contractual franchise fee pursuant to a franchise