VINEYARD
ORDINANCE 2023-25

AN ORDINANCE AMENDING THE VINEYARD MUNICIPAL CODE TITLES 5 BUSINESS LICENSES AND REGULATIONS; TITLE 8 PUBLIC HEALTH AND SAFETY, AND TITLE 10 TRANSPORTATION CODE

WHEREAS, the Vineyard City Council has the authority under Utah Code 10-3 to amend the municipal code; and

WHEREAS, due to recent staffing changes approved with the Fiscal Year 2023-2024 Budget it is necessary to change the recorders' responsibilities.

WHEREAS, staff also found it necessary to amend code section 8.04.020 (19) Handbills and Posters, to comply with state and federal laws.

WHEREAS, Vineyard staff has determined that it is in the city's and its resident's best interest to amended Title 5 Business Licensing, Title 8 Public Health and Safety, and Title 10 Transportation.

NOW THEREFORE, be it ordained by the Council of the Vineyard, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "5.02.030 License Assessor And Collector" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.030 ~~License Assessor And Collector~~Assessment and Collection

The ~~city recorder~~business license administrator is designated and appointed as ex officio assessor of license fees for this municipality. ~~On receipt of any application for a license, the recorder~~ The city shall from time to time establish the fees by resolution. The fees will be listed in the current fee schedule. The ~~recorder~~ business license administrator shall enforce all provisions of this title, and shall cause to be filed complaints against all persons violating any of the provisions of this title.

SECTION 2: **AMENDMENT** "5.02.070 Certificate" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.070 Certificate

All certificates of license shall be signed by the ~~city recorder~~business license administrator, and shall contain the following information:

A. The name of the person to whom such certificate has been issued.
B. The amount paid.
C. The type of license and the class of such license if licenses are divided into classes.
D. License period will be one year.
E. The place where such business, calling, trade or profession is to be conducted.

SECTION 3: **AMENDMENT** "5.02.130 Reciprocal Recognition Of Licenses" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.130 Reciprocal Recognition Of Licenses

A. No license shall be required for operation of any vehicle or equipment in this municipality when:
    1. Such vehicle is merely passing through the municipality.
    2. Such vehicle is used exclusively in inter-city or inter-state commerce.
B. No license shall be required by VMC 5.06, VMC 5.10 or VMC 5.14 of any person whose only business activity in this municipality is the mere delivery in the municipality of property sold by him at a regular place of business maintained by him outside the municipality where:
    1. Such person's business is at the time of such delivery licensed by the Utah municipality or county in which such place of business is situated, and,
    2. The authority licensing such business grants to licensees of this municipality making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this section, and,
    3. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of this municipality for compliance with health or sanitary standards prescribed by this municipality, and,
    4. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol issued by the said licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.
C. ~~The recorder shall at the request of any person certify a copy of this section to any municipality or county of the state of Utah to which a copy has not previously been certified.~~

SECTION 4: **AMENDMENT** "5.02.140 Exemptions To License Fee" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.140 Exemptions To License Fee

A. No license fee shall be imposed under VMC 5.06 or VMC 5.10 on any person engaged in business for solely religious, charitable, eleemosynary or other types of strictly non-profit purpose which is tax exempt in such activities under the laws of the United States and the state of Utah, nor shall any license fee 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 of Utah; nor shall any license fee be imposed upon any person not maintaining a place of business within this municipality who has paid a like or similar license tax or fee to some other taxing unit within the state of Utah and which taxing unity exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in this municipality and doing business in such taxing unit.
B. The business license administrator~~assessor and collector~~ may, with approval of the governing body, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in Part A of this section.

SECTION 5: **AMENDMENT** "5.02.150 Fee Not To Constitute Undue Burden On Interstate Commerce" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.150 Fee Not To Constitute Undue Burden On Interstate Commerce

None of the license taxes provided for by VMC 5.10 shall be applied as to occasion an undue burden on interstate commerce. In any case, where a license tax is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the business license administrator ~~assessor and collector~~ for an adjustment of the tax so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license tax. The applicant shall, by affidavit and supporting testimony show his method of business and the gross volume or estimated gross volume of business and such other information as the business license administrator ~~assessor and collector~~ may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The business license administrator ~~assessor and collector~~ shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of facts from which he shall determine whether the tax fixed by VMC 5.10 is discriminatory, unreasonable or unfair as to applicant's business and shall recommend to the governing body a license tax for the applicant in an amount that is nondiscriminatory, reasonable and fair, and if the governing body is satisfied that such license tax is the amount that the applicant should pay, it shall fix the license tax in such amount. If the regular license tax has already been paid, the governing body shall order a refund of the amount over and above the tax fixed by the governing body. In fixing the fee to be charged, the businesslicense administrator~~assessor and collector~~ shall have the power to base the fee upon a percentage of gross sales, or employees, or may use any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature.

SECTION 6: **AMENDMENT** "5.10.070 Application For License" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.10.070 Application For License

A. All applications for licenses authorized by this section shall be verified and shall be filed with the ~~recorder~~business license administrator. The applications must state the applicant's name in full and that he understands and has read and complied with the requirements and possesses the qualifications specified in the Alcoholic Beverage Control Act and this chapter. If the applicant is a co-partnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors, must be stated.
B. The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

SECTION 7: **AMENDMENT** "5.10.090 Renewals" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.10.090 Renewals

All applications for renewal licenses filed by the holders of existing licenses shall be filed with the ~~recorder~~business license administrator at least thirty days prior to the expiration date of the then issued license. Any person who fails to file such application within the time limit shall close his licensed premises on the expiration date of the then issued license and.shall keep the premises closed for any and all business for the sale of beer or liquor until the date of his new license is issued by the governing body.

SECTION 8: **AMENDMENT** "5.10.110 Bond Required" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.10.110 Bond Required

No license required by this section shall be granted by the governing body until the applicant shall have filed with the City business license administrator~~Recorder~~ a bond and insurance in the sum and as required by Section 32B-6 et seq. U.C.A. 1953 the bond shall be made in favor of this municipality.

SECTION 9: **AMENDMENT** "5.14 Itinerant Merchants" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.14 Itinerant Merchants

A. LICENSE REQUIRED. It shall be unlawful for:
   1. A transient merchant, itinerant merchant or itinerant vendor to engage in such business without first obtaining a license therefor in compliance with the provisions of this section.
   2. Any person to engage in the business of peddler without first obtaining a permit and license therefor as provided in this section.
   3. Any solicitor or canvasser to engage in such business without first obtaining a permit and license therefor in compliance with the provisions of this section.

B. DEFINITIONS
   1. "Transient merchant," "itinerant merchant" or "itinerant vendor" is defined as any person, firm or corporation, whether as owner, agent, co-signee or

employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise

within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

2. "Peddler" as used in this section shall include any person, whether or not a resident of the municipality, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this section shall be deemed a peddler subject to the provisions of this section. The word "peddler" shall include the words "hawker" and "huckster".
3. "Canvasser" or "solicitor" means any individual whether or not a resident of the municipality, traveling either by foot, wagon, motor vehicle, or other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales, provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, hotel or motel room, lodging house, apartment, shop or any other place within the municipality for the sole purpose of exhibiting samples and taking orders for future delivery.

C. APPLICATION FOR LICENSE.

1. Applicants for permits and licenses under this section, shall file a sworn application in writing signed by the applicant, if an individual, by all partners, if a partnership, and by the president if a corporation, or by an agent, including a state or regional agent, with the ~~recorder~~business license administrator which shall give the following information:
    a. The name of the applicant, and if the applicant is an employee or agent of a corporation, the name of the corporation.

b. The address of the applicant, and if the applicant is an agent or employee of a corporation, the address of the corporation.
c. A brief description of the nature of the business and the goods to be sold and from whom and where the applicant obtains the goods to be sold.

d. If the applicant is employed by or an agent of another person, the name and permanent address of such other person or persons.
e. The length of time for which the applicant desires to engage in business within the municipality.
f. The place or places within the municipality where the applicant propose to carry on his or her business.
g. If the applicant is employed by another person, firm or corporation, documents showing that the person, firm or corporation for which the applicant proposes to do business is authorized to do business within the state of Utah.
h. Site plan delineating where the temporary business will be located and the parking area available for patrons.
i. Written permission from the property owner where the temporary business will be located in a form acceptable to the city.
j. Acceptable evidence of a special event sales tax number issued by the state of Utah.
k. A statement that the applicant agrees to comply strictly with the laws of the State, the City, and the terms of this license as granted, and to furnish any additional information upon request.
l. All applications to sell fireworks must include insurance certificates evidencing public liability insurance coverage in the amount of two hundred thousand dollars/four hundred thousand dollars ($200,000.00/$400,000.00), and property damage insurance coverage in the amount of two hundred thousand dollars ($200,000.00), and such certificates shall designate the city as an additional insured, and include certificates evidencing products liability insurance in an amount not less than one million dollars ($1,000,000.00) per occurrence.
m. A cash deposit in the amount of three hundred dollars ($300.00) for each temporary stand to be operated by the applicant. Such deposit shall assure compliance with provisions of this Chapter, including, but not limited to, the removal of the stand and the cleaning of the site upon which it was located. In the event the licensee does not comply with the provisions of this Chapter, including, but not limited to, removing the stand or trailer or cleaning the site thereof, the City may remove the stand or trailer, clean the site, or take such other action as is necessary for compliance with this Chapter, or may cause the same to be done by other persons, and the reasonable cost thereof shall be a charge against the licensee and shall be subtracted from the deposit described above.

n. The applicant shall remove any structure or materials used for the temporary site such as tents, poles, display bins, etc., and shall clean and restore the site to its original condition within five (5) days after retail sales cease.

At the time of filing the application, a fee shall be deposited with the ~~recorder~~business license administrator. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

D. INVESTIGATION AND ISSUANCE OF LICENSE.

1. On receiving the application, the ~~recorder~~business license administrato shall issue a temporary license if the applicant meets the above requirement and refer it to the chief of police who shall cause such investigation of the applicant's business and moral character to be made as he deems reasonable and necessary for the protection of the public good.
2. The applicant may do business on the temporary license during the period of the investigation. If as a result of the investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse such upon the application together with a statement of his reasons therefor and return the application to the ~~recorder~~ business license administrator who shall notify the applicant that his temporary license has been disapproved and that business shall not be conducted.
3. If as a result of such investigation, the character and business responsibility of the applicant is found to be satisfactory, the chief of police shall endorse such upon the application and return it to the ~~recorder~~business license administrator who shall upon payment of the prescribed license fee deliver to the applicant his permit and issue a license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee and the kind of goods to be sold pursuant to the application together with an expiration date.

E. FEES.

1. The City Council shall from time to time enact by resolution the fees to be charged by Vineyard City for any license pursuant to this section.
2. None of the license fees provided for by this section shall be applied so as to engage an undue burden upon interstate commerce. In any case where a license fee is believed by the licensee or applicant for license to place an undue burden upon interstate commerce, he or she may apply to the mayor for an adjustment of the fee so that it will not be discriminatory, unreasonable, or unfair to interstate commerce. Such application may be made before, at or within six months after paying the prescribed license fee.
3. If any license fee or tax is not paid within sixty days ofthe due date, a penalty of 50% of the amount of such license fee or tax, or $25.00 whichever is greater. All penalties provided for in this section shall be collected by the ~~City Recorder~~ business license administrator and the payment thereof enforced by her ~~im~~ in the same manner as the license fees are collected and payment thereof enforced. No license shall be issued until all penalties legally assessed have been paid in full.

F. LICENSES, BADGES, REVOCATION, EXPIRATION, APPEAL.

1. ~~A recorder~~ The business license administrator shall issue to each licensee at the time of delivery of his temporary license a badge which shall contain the words "Licensed Transient Merchant," for which the application was made and the license issued, and the number of the license, in letters and figures easily discernible from a distance of five feet. Such badge shall, during the time they are engaged in the business for which they are licensed, be worn constantly by them on the front of their outer garment in such a way as to be conspicuous.
2. Any person licensed pursuant to this section shall exhibit their license at the request of any citizen of the municipality.
3. It shall be the duty of any police officer of this municipality to require any person seen selling and delivering goods wares and merchandise within the municipality, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this section.
4. Revocation of license.
    a. Permits and licenses issued pursuant to this section may be revoked by the chief of police or the ~~recorder~~business license administrator, after notice and hearing, for any of the following causes:
        (1) Fraud, misrepresentation or a false statement contained in the application for the licensed.
        (2) Fraud, misrepresentation for false statement made in the course of carrying on his business as itinerant merchant.
        (3) Any violation of this section.
        (4) Conviction of any crime or misdemeanor involving moral turpitude.
        (5) Conducting the business in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
    b. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address or at the address shown on his application. The hearing and notice shall in all other aspects substantially comply with VMC 2.12.
5. Any person aggrieved by the action of the chief of police or the ~~recorder~~ business license administrator in the denial of a permit or a license issued pursuant to this section, or by the action of the City Council of the municipality. Such appeal shall be taken by filing with the council within 14 days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for the hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as above proved in Section F,4.
6. All licenses issued pursuant to this section shall expire on the date specified on the license.

G. ADDITIONAL REQUIREMENTS. This section shall not be construed so as to waive the provisions and requirements of any other ordinance of this municipality and the requirements and fees required herein shall be in addition to any other requirements and fees of any other ordinance of this municipality.

H. EXCEPTIONS. The provisions of this section shall not apply to any individual who is at the time he is engaged in any activity which would otherwise require licensing by this section, engaged in an activity which is authorized by any church or charity which has a permanent structure located within the state of Utah, provided such church or charity has had such permanent for at least six months prior to the date when the individuals engaged in the activity which would otherwise require licensing by this section.

SECTION 10: **AMENDMENT** "8.04.010 Garbage Regulation" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

8.04.010 Garbage Regulation

A. DEFINITIONS
1. "Garbage" means waste from the preparation, handling, storing, cooking or co~~m~~nsumption of food and food products.
2. "Residential garbage" refers to garbage produced in places of private residence and dining halls not open to the public.
3. "Commercial garbage" refers to garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.
4. "Refuse" means all waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels, or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.
5. "Community waste" means lawn cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.
6. "Container" or "regulation container" means a type of garbage or trash container of galvanized metal or other approved material and having a tight-fitting lid or properly and sufficiently treated weather resistant bag manufactured specifically for use in garbage and refuse collection.

B. COLLECTION OF GARBAGE
1. The municipality or its agent shall collect, remove and dispose of all residential, commercial garbage the removal of which is not otherwise

provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the City Council may from time to time establish by regulation.

2. Except as otherwise expressly permitted by this section, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the municipality except by the municipality or its agent and except by authorized persons hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, except as permitted in this section, to haul or remove garbage or refuse in the municipality.
3. Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage, may remove commercial garbage themselves or may employ the services of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the ~~recorder~~treasurer or desingee. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the City Council may from time to time by regulation provide.
4. Nothing contained in this Part shall preclude persons from hauling their own garbage, trash or community waste over the streets and alleys of the municipality as the municipality as the City Council may authorize.
5. Nothing in this Part shall be construed as eliminating the charge made for garbage service.

C. SERVICE CHARGE

1. All residents and all business establishments within the municipality shall pay the municipality the following garbage service charges as may be established from time to time by resolution of the City Council.
2. Charges shall apply to all residences and business establishments whether or not they have also elected to haul their own garbage or employee the services of authorized garbage haulers.
3. If a dwelling unit of a place of business has remained vacant for an entire month, the owner or possessor for the site may ~~be~~ make arrangements with the ~~recorder~~treasurer or designee for no garbage collection chargers during the continued vacancy of the premises.
4. The mayor, with the consent of the City Council, may excuse needy widows and elderly persons who are not reasonably capable of paying the monthly charge for residential collection of garbage from the payment of the residential rate for such period of time as may be deemed proper or necessary.

D. METHOD OF PAYMENT OF SERVICE CHARGES

1. The garbage service charges above imposed by this section shall be added to the charge made for water furnished through the water system of the municipality and shall be billed and collected in the same manner as water service charges are billed and collected.
2. In the event that the obligee for the water service charges and the obligee for the garbage service charges do not coincide, or in the event that practical

economic and administrative reasons do not make combined billing and collection feasible in the opinion of the City Council, the garbage service charges may be collected with such frequency and in such manner as the City Council shall by regulation provide.

E. NO ACCUMULATION OF GARBAGE. It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in the municipality without express permission from the municipal health officer. The health officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the health officer may designate and under such restrictions as the City Council may by regulation impose. Additionally, the health officer may grant to any person permission for sorting, bailing, and marketing trade waste upon premises properly equipped and maintained.

F. CONTAINERS
    1. All garbage and refuse shall be placed in suitable and sufficient garbage receptacles, as specified by the municipality's collection contractor.

G. CLOSING OF GARBAGE CONTAINERS REQUIRED. All garbage and market waste must be placed in rainproof and flyproof receptacles of the type herein required, and the receptacle shall be tightly closed in such manner as to prevent offensive odors or flies.

H. TIME AND PLACE OF PICKUP
    1. All garbage and refuse subject to garbage collection by the municipality shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the City Council and at such time or times as shall be designated by regulations of the City Council.
    2. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection designated by regulations of the City Council.
    3. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents.

I. DISPOSAL OF COMMUNITY WASTE
    1. Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the City Council as to the places of disposal and as to the type of vehicle used to avoid spillage upon the public ways of the municipality, hazards to safety and the prevention of nuisances.
    2. The City Council from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular garbage, waste collection and disposal service. In the event community waste disposal service should require a charge to be made by the municipality, the determination of the charge will be made by

negotiation with the residents or business enterprises and the residents or business enterprises will be given an opportunity to choose from among services offered by persons other than the municipality.

J. BURNING OF REFUSE PROHIBITED. It shall be unlawful for any person to burn garbage, market waste, manure or other refuse in the open air or in any furnace or stove within the municipality.

K. DUMPING REFUSE PROHIBITED. It shall be unlawful for any person to place, deposit, or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night soil, or any other refuse upon any lot within the municipality whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof or has the same under his jurisdiction and control.

L. LIMITATIONS UPON DUMPING. Dumping waste and garbage shall be permitted only in such places as are designated by the City Council. Dumping shall be subject to such rules and regulations as may be formulated by the City Council.

M. REGULATIONS. The City Council may adopt such regulations as in its opinion are necessary to implement this section and its objectives.

SECTION 11: **AMENDMENT** "8.04.020 Litter; Handbills" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

8.04.020 Litter; Handbills

A. DEFINITIONS. For the purposes of this section:
   1. "Authorized receptacle" is a public or private litter storage and collection receptacle.
   2. "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:
      a. Which advertises for sale any merchandise, product, commodity, or thing;
      b. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;
      c. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in

connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this municipality; or

d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distribution.

3. "Garbage" means waste from the preparation, cooking, or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.
4. "Litter" is "garbage", "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of the municipality.
5. "Newspaper" is any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
6. "Non-Commercial Handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.
7. "Park" is a park, reservation, playground, beach, recreation center or any other public area in the municipality, owned or used by the municipality.
8. "Refuse" is all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
9. "Rubbish" is non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
10. "Vehicle" is every device in, on, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.

B. LITTER IN PUBLIC PLACES. No person shall throw or deposit litter in or on any street, sidewalk or other public place except:
   1. In authorized receptacles for collection or in official municipal garbage dumps, or
   2. For collection as authorized by the City Council.

C. PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING. Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.

D. SWEEPING LITTER INTO GUTTERS PROHIBITED EXCEPT AS OTHERWISE AUTHORIZED BY THE CITY COUNCIL. No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

E. MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.

F. LITTER THROWN BY PERSONS IN VEHICLES. No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property.

G. TRUCK LOADS CAUSING LITTER. No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

H. LITTER IN PARKS. No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

I. LITTER IN LAKES AND FOUNTAINS. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere.

J. THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES. No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the City Council, it is an infraction for any person to hand out, distribute or sell any commercial handbill in any public place, provided, however, that it shall not be unlawful on any sidewalk, street, or other public place for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

K. PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES. Unless otherwise authorized by the City Council, no person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or

distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

L. DEPOSITING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES. No person shall throw or deposit any commercial or non-commercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.

M. PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED. No person shall throw, deposit or distribute any commercial or non-commercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.

N. DISTRIBUTING COMMERCIAL AND NONCOMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, except by handling or transmitting any such handbill directly to the owner, occupant, or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this section, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.

O. EXEMPTION FOR MAIL AND NEWSPAPERS. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.

P. POSTING NOTICE PROHIBITED. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law.

Q. LITTER ON OCCUPIED PRIVATE PROPERTY. No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property.

R. LITTER ON VACANT LOTS. No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person.

S. HANDBILLS AND POSTERS

1. No person or business shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster,

advertisement or other paper or device calculated to attract the attention of the public, ~~or~~ upon any sidewalk, curb, or any other portion or part of any public way or public place or any lamp post, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or state, and the ordinances of this municipality.

2. It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in the municipality any cards, circulars, handbills,

   samples of merchandise, or any advertising matter whatsoever without having first secured a permit therefor. This Part shall not be construed to apply to the sale of articles by licensed peddlers. Nothing in this section shall be construed to prohibit the following:
   a. Materials distributed by or on behalf of government agencies or public utilities, which serve a public purpose or disseminate official information.
   b. Materials distributed by political candidates or their authorized representatives during election campaigns, provided that such distribution complies with applicable state and federal laws.
   c. Materials distributed in connection with peaceful and lawful public assemblies, gathering, demonstrations, or events authorized by the city.
3. Applications for such permit shall be made to the ~~recorder~~business license administrator and shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant and the name of the manufacturer or distributor of such article or service advertised.
4. Licenses shall be issued only to persons of good character. The chief of police shall make or cause to be made an investigation in to the character of each applicant and shall report the results thereof to the ~~recorder~~ business license administrator before any such license is issued.

SECTION 12: **AMENDMENT** "8.08.040 Dangerous Buildings" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

8.08.040 Dangerous Buildings

A. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The "Uniform Code for the Abatement of Dangerous Buildings," 1985 Edition as amended, printed as a code in book form by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals,

property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished), a~~three~~ copy~~ies~~ of which ~~have~~has been filed for use and examination by the public in the office of the ~~recorder~~building official of this municipality, is hereby approved and adopted as the Abatement of Dangerous Buildings Code of this municipality.

B. APPLICATION. The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may exist or hereafter be constructed in this municipality.

C. ALTERATIONS, ADDITIONS AND REPAIRS. All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of subsections (a), (b), (c), (d), (e), and (i) of Section 104 of the Uniform Building Code.

D. ABATEMENT OF DANGEROUS BUILDINGS. All buildings or portions thereof which are determined after inspection by the building official to be dangerous, as defined in the Abatement of Dangerous Building Code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures specified in section 401 of the Abatement of Dangerous Buildings Code.

E. ESTABLISHMENT OF A BOARD OF APPEALS In order to interpret provisions of the Abatement of Dangerous Buildings Code and to hear appeals provided for thereunder, there is hereby established an abatement of dangerous building board of appeals consisting of five members who shall not be employees of the municipality. The building official shall be an ex-~~-~~offici~~o~~al member of and shall act as secretary to the board. The board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the applicant with a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in the adopted codes. Copies of all rules and regulations adopted by the board shall be delivered to the building official who shall make them accessible to the public without cost.

F. DANGEROUS BUILDINGS — NUISANCES. All dangerous buildings within the terms of this section are hereby declared to be public nuisances and shall be vacated or demolished as hereinbefore and hereinafter provided.

SECTION 13: **AMENDMENT** "8.20.020 Commencement Of Offensive Business" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

8.20.020 Commencement Of Offensive Business

A. No person shall commence or change the location of any offensive business or establishment in or within one mile of the limits of this municipality without first filing an application for a permit to do so with the ~~recorder~~business license administrator.

B. Offensive businesses, within the meaning of this Chapter, shall include but not be

limited to, packing houses, dairies, tanneries, canneries, renderies, junk or salvage yards, bone factories, slaughter-houses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, blacksmith shops, or any other enterprise or establishment which creates excessive odors, fumes, smoke, gases, or noises.

C. The application for a permit shall specify the location at which the business or establishment is to be operated and maintained or the new location to which it is to be moved. The application shall describe the type of activity which will be conducted and describe the manner in which the business or establishment shall eliminate, control or modify the emission by the business of the undesirable odors, fumes, noises, and other noisome features and the manner in which it shall be screened from public view, if it

appearance is offensive.

SECTION 14: **AMENDMENT** "8.20.030 Issuance Of Permits" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

8.20.030 Issuance Of Permits

A. The ~~recorder~~business license administrator shall cause a study to be made of the proposed business or relocation of any offensive business or establishment by the board of health and by personnel engaged in the inspection of buildings and other facilities. A report and recommendation shall be made to the City Council. The City Council, after review, may grant ~~to~~ the applicant an opportunity to be heard and present additional facts. Thereafter the City Council may:
    1. Deny the application.
    2. Recommend a modification thereof.
    3. Grant a limited permit to enter into the business or make the change of location subject to the requirement that the business facility conform to standards established by the City Council with reference to controlling the offensive features of the business.

B. In the event a permit is granted, it shall be subject to revocation either upon failure of the operator or owner to conduct his business in the manner specified by the City Council at the time of granting of the permit, or because a change of circumstances makes the continued operation or maintenance of the business or facility a public nuisance.

C. The City Council shall have power to revoke or modify the permission to operate and maintain the business in such a manner as it deems necessary for the public good.

SECTION 15: **AMENDMENT** "10.06.020 Permit Required; Supervision" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.06.020 Permit Required; Supervision

A. No person, either as owner, agent, servant, contractor, or employee, shall construct any permanent sidewalk without first obtaining from the ~~recorder~~ Engineering Office a permit so to do. The permit shall specify that the sidewalk be constructed of cement, the character and quality of the cement, the consistent parts of the mixture, and the thickness of the walk.

B. It shall be unlawful to construct a sidewalk in violation of the specifications given by a proper municipal official.

C. All sidewalks shall be constructed under the inspection of the superintendent of streets or his duly authorized representative.

SECTION 16: **AMENDMENT** "10.06.030 Construction Of Driveways Or Changes Of Construction" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.06.030 Construction Of Driveways Or Changes Of Construction

It shall be unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of sidewalk, curb, or gutter without first making written application and obtaining from the ~~recorder~~ Engineering Office a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specifications furnished by the municipality.

SECTION 17: **AMENDMENT** "10.12.140 Inspection And Acceptance" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.12.140 Inspection And Acceptance

A. In order to ~~i~~ensure proper backfill and restoration of surface, the permittee shall deposit a surety bond or cash deposit with the ~~recorder~~city, payable to the municipality, except that a public utility operating or using any of the streets under a franchise from the municipality will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the municipality harmless in the event of any injury to any person or damage to any property due to negligence

of such holder in conducting excavation and restoration operations under such franchise. The required surety bond must be:

1. With good and sufficient surety.
2. By a surety company authorized to transact business in the state.
3. Satisfactory to the municipal attorney in form and substance.
4. Conditioned upon the permittee's compliance with this chapter in order to secure and hold the municipality and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the municipality, the City Council or any municipal officer may be made liable by reason of any accident or injury to any person or property through the fault of the permittee arising out of failure to properly guard the excavation or for any other negligence of the permittee.

5. Conditioned to fill up, restore and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the municipality, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.

B. The amount of the surety bond or cash deposit shall be established by resolution and may be changed from time to time, but until such resolution is passed the amount of the surety or cash deposit shall be $1000.00 and $50.00 for each foot of street the permittee shall excavate.

SECTION 18: **AMENDMENT** "10.12.150 Application For Street Excavation Permit" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

10.12.150 Application For Street Excavation Permit

It shall be unlawful for any person to break, excavate, tunnel, undermine, or in any manner affect the surface or base of any street or to place, deposit or leave upon any street any earth or any other excavated material obstructing or tending to interfere with the free use of the street, unless such persons shall first have obtained an excavation permit therefor from the ~~recorder~~ Engineering Office. Any public utility regulated by the state of Utah or holding a franchise from the municipality which in the pursuit of its calling has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the municipality to cover all excavations such utilities may make within the streets of the municipality. All permits shall be subject to revocation and the municipality may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this chapter. Excavation permits will not be requested prior to excavation in case of emergency endangering life or property, providing the municipality is notified as soon as practicable and a permit is applied

for upon the next regular working day following the emergency.

SECTION 19: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 20: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 21: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from July 26, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL JULY 26, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	X			
Tyce Flake	X			
Amber Rasmussen	X			
Mardi Sifuentes	X			
Cristy Welsh	X			

Presiding Officer

Julie Fullmer, Mayor, Vineyard

Attest

Pamela Spencer, City Recorder, Vineyard


VINEYARD
Seal
UTAH

CERTIFICATE OF POSTING

I, THE DULY APPOINTED AND ACTING CITY RECORDER FOR VINEYARD, UTAH, HEREBY CERTIFY THAT COPIES OF THE FOREGOING **ORDINANCE SUMMARY** FOR ORDINANCE 2023-25 WERE POSTED AT THE FOLLOWING PUBLIC PLACES WITHIN THE MUNICIPALITY ON THE 3rd DAY OF AUGUST 2023. WHICH PUBLIC PLACES ARE:

POSTED:

1. VINEYARD CITY OFFICES; 125 SOUTH MAIN
2. VINEYARD CITY WEBSITE; www.vineyard.utah.gov
3. UTAH PUBLIC NOTICE WEBSITE

AND THAT SAID NOTICE REMAINED SO POSTED AND AVAILABLE UNTIL THE 5th DAY OF SEPTEMBER 2023.

VINEYARD Seal UTAH

Name/Signature

City Recorder
Title