NORTH OGDEN CITY

SETTLED 1851

CITY COUNCIL MEETING AGENDA
NOVEMBER 28, 2023 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414

PUBLIC CAN ATTEND:
In-person OR: Click the link below to join the webinar: https://us02web.zoom.us/j/88403890028 Webinar ID: 884 0389 0028
Or Telephone Dial: 1 346 248 7799 or 1 669 900 9128 or 1 253 215 8782
YouTube: https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos

Welcome: Mayor Berube

Invocation/Thought & Pledge of Allegiance: Council Member Ekstrom

CONSENT AGENDA

1. Call for Conflict of Interest Disclosure

ACTIVE AGENDA

2. Public Comments*
3. Discussion and/or action to approve Resolution 07-2023 for North Ogden Police Department Evidence Destruction
   Presenter: Dirk Quinney, Chief of Police
4. Discussion and/or action to approve Resolution 08-2023 for the Recertification of the North Ogden Justice Court
   Presenter: Jon Call, City Manager/Attorney
5. Discussion and review on North Ogden City Code Chapter 4
   Presenter: Jon Call, City Manager/Attorney
6. Discussion regarding sewer backup on 750 East
   Presenter: Jon Call, City Manager/Attorney
7. Discussion and/or action to approve Resolution 09-2023 to amend the Consolidated Fee Schedule
   Presenter: Jami Jones, Finance Director
8. Council Department Reports:
   a. Council Member Dalpias - Building and Planning
   b. Council Member Swanson – Finance
   c. City Manager/Attorney Call – Capital Projects
9. Public Comments*
10. Mayor/Council/Staff Comments
11. Adjournment

Please see notes regarding Public Comments rules and procedure

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting
CERTIFICATE OF POSTING
The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 22nd day of November, 2023 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at http://www.northogdencity.com. The 2023 meeting schedule was also provided to the Standard Examiner on December 16, 2022. Rian Santoro, City Recorder

Public Comments/Questions

a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.

b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and city residing in.

c. Citizens will be asked to limit their remarks/questions to five (5) minutes each.

d. The Mayor shall have discretion as to who will respond to a comment/question.

e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.

f. Some comments/questions may have to wait for a response until the next regular Council Meeting.

g. The Mayor will inform a citizen when he or she has used the allotted time.

2023 WINTER EVIDENCE DESTRUCTION

Exhibit A - FOUND PROPERTY

Case #	Description	Disposition
17NO11033	Firearm - Colt MK Series 70, w/ mag	DONATE
18NO288	Tan "Tru-Spec" Jacket	DONATE
18NO3858	Green "Bone Collector" pellet gun	DONATE
18NO5993	Black leather purse w/ $1.42	DONATE
19NO528	I-Phone, Lt. Blue w/ cracked screen	DESTROY
21NO1254	Blue backpack w/ misc. items	DESTROY
21NO7122	Black backpack w/ misc. items	DESTROY
21NO7576	Roof rack moulding piece for Ford Explorer	DESTROY
21NO12968	Sleeping bag w/ belongings	DESTROY
22NO2287	5 gal gas can	DONATE
22NO14000	Wallet w/ contents	DESTROY
22NO14040	Watch	DONATE
22NO14040	Cell Phone - samsung w/ black case	DESTROY
22NO14040	Wallet w/ contents	DESTROY
22NO14040	Wallet, Fossil brand	DESTROY
22NO14040	Gold necklace & 5 rings	DONATE
23NO280	Ring w/ pink stone & bracelet	DONATE
23NO280	Kindle tablet w/ broken screen	DESTROY
23NO3041	Cell Phone - I-Phone w/ cracked case	DESTROY
23NO3535	Men's winter jacket, Blk (Lg)	DONATE
23NO4764	Wallet w/ UT Drivers License	DESTROY
23NO4840	Credit card - H&R Block card	DESTROY
23NO5131	$10.00 bill	DONATE
23NO5133	Men's wedding ring	DONATE
23NO5719	Garage door opener	DESTROY
23NO5828	18pk of beer	DESTROY
23NO6102	ID badge	DESTROY
23NO6237	Craftsman tool bag w/ tools	DONATE
23NO6915	Steele Ramps	DONATE
23NO7052	Cell Phone - TCL brand	DESTROY
23NO7052	Wallet - Mickey Mouse	DESTROY
23NO7071	Wallet - Black	DESTROY
23NO7489	"Smith & Edwards" keychain	DESTROY
23NO7760	Ammo	DESTROY
23NO8264	Dodge key fob	DESTROY
23NO8264	"Motorola" cell phone / Black leather wallet (2 pkgs)	DESTROY
23NO8419	Utah drivers license	DESTROY
23NO8561	Glasses, phone, jewelry, head phones	DESTROY/DONATE

23NO8639	.22 cal ammo	DESTROY
23NO8996	"Subaru" key fob	DESTROY
23NO9034	Multiple pair of eye glasses / Head phones / Misc. keys / Misc. jewelry	DESTROY/DONATE

Exhibit A - SAFE KEEP

Case #	Description	Disposition
13-10464	Duffle bag w/ misc. clothing	DESTROY
17NO235	Hewlett Packard laptop w/ cracked screen	DESTROY
17NO2995	Large scraper w/ red handle	DONATE
18NO3564	Blue backpack w/ misc personal items	DESTROY
19NO4973	Small knife	DONATE
20NO4873	White Plastic box w/ misc. items	DESTROY
22NO14418	Rifle (LETTER SENT)	DONATE
22NO14915	Firearm (LETTER SENT)	DONATE
22NO14915	Firearm (LETTER SENT)	DONATE
22NO14915	Firearm (LETTER SENT)	DONATE
22NO14915	Soft-sided handgun case (LETTER SENT)	DONATE
23NO26	Cosmetic bag / coin purse (LETTER SENT)	DESTROY
23NO421	Firearm (LETTER SENT)	DONATE
23NO2143	2 knives, .65 cents, orange case	DONATE/DESTROY
23NO2846	Bag of clothing (LETTER SENT)	DESTROY
23NO2959	Alcohol - vodka (LETTER SENT)	DESTROY
23NO3255	Rings w/ clear stones	DONATE
23NO4577	Drivers license (LETTER SENT)	DESTROY
23NO5531	Black backpack (LETTER SENT)	DESTROY
23NO5953	Key chain, vehicle keys w/ lanyard (LETTER SENT)	DESTROY
23NO6460	Household items, pos. for Fentanyl (LETTER SENT)	DESTROY
23NO6487	Black backpac (LETTER SENT)	DESTROY
23NO7492	Debit card	DESTROY
23NO7702	THC vape pens	DESTROY
23NO8166	Venmo debit card	DESTROY
23NO8763	Medication	DESTROY

Exhibit A - DESTROY

Case #	Description	Disposition
04-4258	Firearm	DONATE
06-1060	Firearm & Multi-Tool w/ holster	DONATE
06-3224	Firearm	DONATE
07-6122	Firearm	DONATE
09-4401	Firearm	DONATE
11-6164	Toilet Paper	DESTROY
12NO9496	Box of misc ammo & 1 metal box of ammo	DESTROY
"	Box of misc. ammo & 1 metal box of misc ammo & clips	DESTROY

"	Box of misc. ammo		DESTROY
"	Metal container w/ misc. ammo		DESTROY
"	Mossberg 12 ga. Shotgun (Ser# T329709) in plastic case		DONATE
"	Century International Arms 7.62x39 mm (Ser# AMD6500516) in vinyl case		DONATE
"	Mossberg 12 ga. Shotgun (Ser# R719198) in black gun case		DONATE
"	Receiver/ Barrel to M16, no Ser#		DONATE
16-1534	Silver I-Pod, 8GB		DESTROY
17NO11651	Misc Tobacco Paraph.		DESTROY
18NO3415	Perscription medication/ cough medicine (Not in SS/ No Evidence Sheet)		DESTROY
22NO14456	Bullets		DESTROY
23NO3408	Marijuana, 2 baggies		DESTROY
23NO3408	Bottle of pink liquid		DESTROY
23NO3408	Pipe w/ burnt residue		DESTROY
23NO3408	Baggies w/ white residue		DESTROY
23NO3647	Crack pipe w/ residue		DESTROY
23NO3668	Marijuana		DESTROY
23NO4091	Marijuana		DESTROY
23NO4158	Marijuana		DESTROY
23NO4373	Ammunition - shotgun shells		DESTROY
23NO5163	Paraphernalia		DESTROY
23NO5163	Cigar		DESTROY
23NO5322	Marijuana		DESTROY
23NO5322	Paraphernalia		DESTROY
23NO5709	Marijuana		DESTROY
23NO5861	1 Glass crack pipe & 1 Plastic crack pipe		DESTROY
23NO5903	E-cigarette / THC vape pen		DESTROY
23NO5953	White pills		DESTROY
23NO6004	Marijuana cigarette, burnt		DESTROY
23NO6923	Misc. ammo		DESTROY
23NO7193	Pipe		DESTROY
23NO7490	Credit card		DESTROY
23NO7975	Vape & foil		DESTROY
23NO8193	Gun Powder		DESTROY
23NO8289	Tin w/ (2) marijuana cigaretts		DESTROY
23NO8321	Marijuana		DESTROY
23NO8321	Glass pipe		DESTROY
23NO8881	THC cartridges & THC gummy bears		DESTROY
23NO8939	Tobacco, e-cigarettes & box		DESTROY
23NO8967	Glass pipe		DESTROY
23NO9053	Ammo in firearm magazines		DESTROY

RESOLUTION 7-2023

A RESOLUTION OF THE NORTH OGDEN CITY COUNCIL TO APPROPRIATE UNCLAIMED PROPERTY FOR PUBLIC INTEREST USE.

WHEREAS; The North Ogden Police Department ("Department") is holding as custodial property a number of personal items including but not limited to bicycles, electronics, money, sports equipment, clothes, skateboards, backpacks, bags, and other miscellaneous items which are personal property which was lost, mislaid, evidence in criminal matters, was held for safe keeping, and contraband; and

WHEREAS; A list this personal property is attached hereto as Exhibit "A"; and

WHEREAS; These items of personal property are not needed as evidence in criminal prosecutions; and

WHEREAS; The property has not been claimed by its owner, or the owner is unknown and no claim of ownership has been made; and

WHEREAS; The Department has made reasonable efforts to find the owners, including providing public notice; and

WHEREAS; The Department has requested City Council permission to appropriate, and donate the property for public interest use, to a bona fide charity as indicated on Exhibit A; and

WHEREAS; The Department has requested City Council permission to auction and appropriate certain items as indicated on Exhibit A, for the public interest use in maintaining, storing, and safekeeping future lost or mislaid or other personal property; and

WHEREAS; The Department incurs some costs associated with the storage, and safe keeping of such personal items; and

WHEREAS; The City Council has reviewed the North Ogden City Police Department request and finds the same to be in the public interest.

NOW THEREFORE BE IT RESOLVED by the Council of North Ogden City, Utah as follows:

1. That the request for the North Ogden City Police Department to have certain unclaimed property as outlined in Exhibit A appropriated for public use by donation to a bona fide charity is approved in accordance with Utah Code § 77-24a et seq. and Utah Code § 24-3 & 4 et seq.

2. That the request for the North Ogden City Police Department to have certain unclaimed property as outlined in Exhibit A sold or auctioned and the proceeds applied to the Department for public use in storing, maintaining and safekeeping future lost or mislaid personal items, is approved in accordance with Utah Code § 77-24a et seq. and Utah Code § 24-3 & 4 et seq.

3. That the request for the North Ogden City Police Department to have certain unclaimed property as outlined in Exhibit A destroyed as being contraband or of no value is approved in accordance with Utah Code § 77-24a et seq. and Utah Code § 24-3 & 4 et seq.

PASSED and ADOPTED this 28th day of November 2023.

North Ogden City:

_____
S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	**Nay**
Council Member Barker:	___	___
Council Member Cevering:	___	___
Council Member Dalpias:	___	___
Council Member Ekstrom:	___	___
Council Member Swanson:	___	___
(In event of a tie vote of the Council):		
Mayor Berube	___	___

ATTEST:

_____
Rian Santoro
City Recorder

Approved as to Form:

_____
Jonathan Call
City Attorney

North Ogden City
505 East 2600 North
North Ogden, Ut 84414
phone: (801) 782-7211
fax: (801) 737-2219
www.northogdencity.com

Mayor Brent Taylor
Council Kent Bailey
Lynn Satterthwaite
Cheryl Stoker
Phillip D. Swanson
James D. Urry

November 22, 2023

TO THE MAYOR AND CITY COUNCIL OF
NORTH OGDEN CITY

Re: Justice Court Recertification

Dear Mayor and Council Members,

Having reviewed the operation of the North Ogden City Justice Court ("the Justice Court"), and having considered the state laws and regulations governing the operation of justice courts, it is my opinion that the Justice Court complies in all respects with applicable state statutes as well as all regulations relating to the operation of justice courts adopted and published by the Utah Judicial Council; the Justice Court, therefore, meets the requirements for recertification.

I have determined that the Justice Court meets each of the following requirements imposed by state law:

1. All official court business must be conducted in a courtroom or an office located in a public facility which is conducive and appropriate for the administration of justice.

2. Each court shall be open and judicial business shall be transacted every business day as provided by law, although the judge is not required to be present during all hours that the court is open.

3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings.

4. The judge and court clerk shall attend the court at regularly scheduled times.

5. The City shall provide and compensate a judge and clerical personnel to conduct the business of the court.

6. The City shall assume the expenses of travel, meals, and lodging for the judge of the court to attend required judicial education and training.

7. The City shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council.

8. The City shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution.

9. The City shall provide adequate funding for attorneys where persons are indigent as provided by law.

10. The City shall provide sufficient law enforcement officers to attend court when required and provide security for the court.

11. Witness and jury fees as required by law shall be paid by the City.

12. Any fine, surcharge, or assessment which are payable to the State shall be forwarded to the State as required by law.

13. The City shall pay the judge a fixed compensation within the range provided by law.

14. Court shall be held within the jurisdiction of the court, except as provided by law.

15. The City shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances; and other necessary legal reference materials.

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council.

17. The Court shall use a common case management system and disposition reporting system as specified by the Judicial Council.

Effective July 1, 2012, the Court shall record all proceedings with a digital audio recording device and maintain the audio recordings for one year.

In addition to those requirements which are directly imposed by statute, the Judicial Council has been directed to promulgate minimum requirements for the creation and certification of Justice Courts. I have determined that the Justice Court is in full compliance with each of the following requirements:

1. That the court be opened for at least one hour each day that the court is required to be open as provided by law.

2. That the judge be available to attend court and conduct court business as needed.

3. The minimum furnishings for a courtroom include: a desk and chair for the judge, (on a six-inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.

4. The court must have the following: a judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

5. The City must provide office space for the judge and clerk which includes: a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.

6. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.

7. The City must have at least one peace officer.

8. A court security plan must be submitted.

9. The court must have a least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly.

10. The Court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically as described in number 9 above.

Having made the determination that the North Ogden City Justice Court is in full compliance with all applicable state statutes and judicial regulations necessary for it to receive recertification, it is my recommendation to you that the North Ogden City Council adopt a resolution requesting that the Utah Judicial Council recertify the North Ogden City Justice Court.

Sincerely,

Jonathan W. Call
North Ogden City Attorney

RESOLUTION 08-2023

JUSTICE COURT RECERTIFICATION

A RESOLUTION REQUESTING THE RECERTIFICATION OF THE NORTH OGDEN JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the 31st day of January 2024; and

WHEREAS, the members of the North Ogden City Council have received an opinion letter from Jonathan Call, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the North Ogden City Council have determined that it is to the best interests of North Ogden City Municipality to continue to provide for a Justice Court.

BE IT RESOLVED, the North Ogden City Council hereby requests recertification of the North Ogden City Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

BE IT FURTHER RESOLVED, the City Council of North Ogden City hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the North Ogden City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

PASSED and ADOPTED this 28th day of November 2023.

North Ogden City:

_____

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	___	____
Council Member Cevering:	___	____
Council Member Dalpias:	___	____
Council Member Ekstrom:	___	____
Council Member Swanson:	___	____

(In event of a tie vote of the Council):

Mayor Berube:	____	____

ATTEST:

_____

Rian Santoro
City Recorder

NORTH OGDEN CITY
SETTLED 1851

Staff Report to the North Ogden City Council

SYNOPSIS

Description: The attached word proof document is to amend Title 4 of the North Ogden City Code. The plan is to update and amend the entire city code.

Date: Nov. 9, 2023

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

What revisions would the council like to incorporate into this document for the final approval some time early next year.

DISCUSSION

This is the part of the North Ogden Code titles to be reviewed as part of the comprehensive update of City Code. We plan to have a discussion on the proposed changes and talk about specifics as necessary so the Council can have a cleaner document for the final approval in early 2024. The purpose of this is a discussion for guidance on any additional needed changes to the North Ogden City Code. No vote will be taken on an official ordinance at this time.

Significant Amendments Made:

- 4-1-4 State Code covers the necessary bonds for the businesses we had identified. Those bonds are filed with the state now and take a burden off the city.
- 4-2-1 definition changes to align with state code.
- 4-4-4 recommended treating all people going door to door equally to avoid an argument that we are playing favorite for one religious group or another.

STAFF RECOMMENDATION

Staff recommends the council review the language suggestions.

4: [9]BUSINESSES ~~AND LICENSE REGULATIONS~~

State law reference--Authority of municipalities to regulate business activities by ordinance, U.C.A. 1953, § 10-3-702.

4-1 : BUSINESS LICENSE PROVISIONS
4-2 : ALCOHOLIC BEVERAGES
4-3 : SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES
4-4 : RESIDENTIAL SOLICITATION

4-1 : BUSINESS LICENSE PROVISIONS

4-1-1 : DEFINITIONS
4-1-2 : LICENSE REQUIRED; EXEMPTIONS
4-1-3 : APPLICATION FOR LICENSE
4-1-4 : BOND REQUIRED
4-1-5 : FEE FOR LICENSE
4-1-6 : BOARD OF EQUALIZATION
4-1-7 : LICENSE INSPECTORS
4-1-8 : INTERSTATE COMMERCE
4-1-9 : TEMPORARY BUSINESSES
4-1-10 : CHRISTMAS TREE SALES
4-1-11 : REVOCATION OF LICENSE
4-1-12 : FOOD TRUCK REGULATIONS
4-1-13 : SHORT-TERM LOAN BUSINESSES
4-1-14 : PRESCHOOL USE

ARTICLE A: REVOCATION FOR PORNOGRAPHY VIOLATION

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4-1-1 : DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BUSINESS: Includes every trade, occupation, profession or activity engaged in within the city with the object of gain or economic profit, excluding, however, the act of employees rendering service to employers.

EMPLOYEE: Includes all natural persons who work for an employer for salary or commission or wages, and who are subject to the direction and control of such employer and who do not share the profits and losses of such employer. The term "employee" includes all ~~full-time~~ officers of public agencies.

ENGAGING IN BUSINESS: One or more transactions where gross receipts are in excess of

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[9] ~~The beginning of this chapter is poorly organized and a bit confusing. Consider putting licensing provisions in a separate chapter from enforcement provisions (such as the board of equalization, inspectors, etc.). CITY: City is discussing this.~~

five hundred dollars ($500.00) during any twelve (12) month period. The term "engaging in business" also includes, but is not limited to, engaging in selling any tangible property either at retail or wholesale, installation of goods, engaging in manufacture of goods or property and rendering of any 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.

~~PERSON: Any individual, receiver, assignee, trustee in bankruptcy, trust, firm, partnership, joint venture, corporation, club, company, business trust, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.~~

PLACE OF BUSINESS: A place maintained or occupied by the licensee for the transaction of business. The term "place of business" does not include a place in which goods of the licensee are kept for storage or display only, if no services are tendered, business transacted or sales consummated at such place.

TEMPORARY BUSINESS: Any sale made by a person, firm, or corporation engaging in the temporary business of selling goods, wares, or merchandise from a tent, truck, ending cart, or other area outside of a permanent structure on property owned or leased by the person, firm, or corporation on a lot for a period of no more than one hundred eighty (180) consecutive days within a single calendar year (with or without a permanent building) and which is not associated with any other business conducted on the same lot. ~~(1987 Code § 5.04.010; amd. Ord. 2003-11, 5-27-2003)~~

HISTORY

Adopted by Ord. 1987 Code § 5.04.010 on 1/1/1987
Amended by Ord. 2003-11 on 5/27/2003
Repealed and reenacted by Ord. 2014-23 on 9/16/2014

(Code 2002, § 4-1-1)

4-1-2 : [10]LICENSE REQUIRED; EXEMPTIONS

A. Applicability: In the event of conflict between the provisions of this section and provisions applicable to specific business entities in other chapters of this title, the specific regulation shall prevail over these general licensing provisions.

B. License Required:

1. Every person engaged in business in the city, except as set forth, shall secure a

~~10~~ ~~Since other chapters of this title address licensure for specific business operations (e.g., alcoholic beverages), a qualifying and limitation provision should be added to these general license provisions (e.g., "In the event of conflict between the provisions of this section and provisions applicable to specific business entities in other chapters of this title, the specific regulation shall prevail over these general licensing provisions.") CITY: Yes, provided that all reviewing staff agrees.~~

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license from the city for such business, except that any person engaged in the construction, electrical or plumbing trade whose principal place of business is located outside the city limits, and who is duly licensed by the state under applicable state law, shall be allowed to engage in business without a business license from the city. Such license or registration shall be issued upon written application therefor in such form as the city may prescribe and upon payment of the fees required in this chapter, and when it is ascertained that all prerequisites for the issuance of each such license or registration have been satisfied and fulfilled. In the case of a new building, the business license will not be approved until the building has been approved for occupancy by the building inspection department.

2. It is unlawful for any person to engage in business without first obtaining a license or registering therefor in accordance with the provisions of this chapter.

C. Exempt Businesses: The following businesses, ventures or activities are exempt from the licensing and fee requirements of this chapter:

1. Any organization carried on or managed wholly for the benefit of charitable purposes or from which profit is not derived, directly or indirectly, by any person.

2. Any activity, the receipts from which are to be appropriated entirely to any church, school, religious or benevolent purpose.

3. Any activity conducted by a religious, charitable, fraternal, educational, military or governmental organization so long as the receipts from such activity are appropriated for the purposes and objects for which such organization is formed and no person directly or indirectly derives a profit therefrom.

4. Any person conducting a business, venture or activity which is exempted from the licensing and fee requirements pursuant to this chapter shall still be required to pay any fee required to cover the costs of necessary inspection done by the city, which shall include all inspections to determine compliance with applicable codes. The inspection fees shall be in an amount determined by resolution of the city council.

5. Nothing in this chapter shall apply to any public utility business holding a franchise from the city under which the city is to be paid a franchise fee or tax in lieu of all other license fees or taxes.

6. If any person furnishes such evidence as shall satisfy the city council that ~~he~~they, by reason of ~~his~~ their misfortune or physical infirmities, merits exception from the payment of any license fee required in this chapter, the mayor may remit such license with the consent of the city council.

7. Any organization conducting a business on behalf or at the request of the city in connection with the promotion of city-sponsored celebrations, pageants, displays, projects or other city-sponsored events.

8. Any businesses operated only occasionally and by individuals who are under the age of 18 years. For a business to qualify, no income from the business may be distributed to an individual 18 years of age or older, unless for the repayment of goods or

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supplies for the business.

HISTORY

Adopted by Ord. 1987 Code § 5.04.020, 5.040.030, 5.04.040 on 1/1/1987
Amended by Ord. 2017-23 on 10/17/2017

(Code 2002, § 4-1-2)

4-1-3 : APPLICATION FOR LICENSE

A. Requirements: All applications for license shall be made in writing. Upon granting a license, the city shall issue a ~~certificate of~~business license or other license which shall contain the name of the license, the business, calling, trade or profession to be carried on thereunder, the class of the license, if such licenses are divided into classes, and the place where the licensed business is to be carried on, giving the street number if such business is to be carried on at a fixed place, and the date of the expiration of such license.

B. Content Of Application: The application shall contain:

1. The date of application;

2. The name of the person, firm or corporation desiring the license;

3. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on;

4. The class of license desired if licenses are divided into classes;

5. Proof of such applicant's compliance or qualifications under applicable state regulatory laws before issuing the city revenue license;

6. The period of time for which the license may be issued; and

7. Any other matter or thing which may be required and necessary for the purpose of enabling the city to fix the amount of license fee.

HISTORY

Adopted by Ord. 1987 Code § 5.04.050, 5.04.060 on 1/1/1987

(Code 2002, § 4-1-3)

~~**4-1-4 : BOND REQUIRED**~~

~~All applicants for business licenses for the following businesses shall be required to give bonds in favor of the city for the purposes indicated in such amounts as may be set by resolution. All aggrieved persons shall have a right to bring an action under such bond against the licensee and the sureties. Such bonds shall be executed by corporate sureties only if unless otherwise authorized by the city council. No license shall be issued until the~~

PROOFS

~~bonds required in this chapter have been filed and approved by the city attorney:~~

~~A. Employment agencies, conditioned upon the faithful observance of the ordinances of the city and the payment of all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit practiced by the licensee or his agents or employees;~~

~~B. Persons lending money upon personal securities, evidence of indebtedness, assignments of salary, salary warrants or any personal property, other than banks and other regulated financial institutions, conditioned upon the faithful observance of the ordinances of the city and the laws of the state respecting money brokers, loan agencies and pawnbrokers and usury laws;~~

~~C. Messenger or special delivery services, conditioned upon the faithful observance of all ordinances of the city and the payment of all damages arising from any negligence in the conducting of such business.~~

Commented [JC9]: I think the state covers these now

HISTORY

Adopted by Ord. 1987 Code § 5.04.070 on 1/1/1987

(Code 2002, § 4-1-4)

~~4-1-5~~4-1-4 : FEE FOR LICENSE

A. Required: An applicant shall, upon the filing of his application for a license, deposit with the city a fee prescribed by resolution for the business, trade, profession, occupation or calling for which a license is applied. The city shall issue an interim receipt showing the receipt of such deposit, but such receipt shall not be deemed to be a certificate of license. In the event license should be refused, the money so deposited shall be repaid to the applicant upon his demand. All licenses shall be payable annually, in advance (unless otherwise provided) and shall date from the date the certificate of license is issued and shall expire one year from the date the certificate of license is issued. All business licenses for businesses operating in North Ogden City at the time this subsection is adopted shall expire on December 31, 2012.

B. Late Payment Penalty: If any license fee or tax is not paid within two (2) months of the due date, a penalty of twenty-five percent (25%) of the amount of the license fee or tax shall be added to the original amount thereof, and if not paid within four (4) months of the due date, an additional penalty of twenty-five percent (25%) shall be added to the original amount thereof. All penalties provided for in this subsection shall be collected by the city and payment thereof enforced 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.

C. Multiple Businesses: Except as may be otherwise specifically provided in this chapter, whenever more than one business, trade, profession, calling or occupation is being carried on by one licensee under one roof, such licensee shall for all of such businesses, trades, professions, callings or occupations pay only the highest license fee provided in this chapter applicable to any of such businesses, trades, professions, callings

or occupations.

D. New Businesses: The license fees for new businesses shall be due and payable on the date that business is first commenced. The provisions of this subsection apply only to new businesses, and nothing contained in this chapter shall be construed as exempting a late applicant from payment of the full license fee, or permitting the refund of any portion of a license fee already paid.

E. Debt To City: Every license fee, tax or assessment levied by any ordinance of the city and all interest accruing thereon after the date of the delinquency, and all penalties levied or assessed thereon by any ordinance of the city for failure to pay the sum within the time required, constitutes a debt to the city, and the city may maintain an action to recover the same and all costs associated therewith, including a reasonable attorney fee, in any court of competent jurisdiction, which remedy shall be in addition to any and all other remedies which may be provided.

F. Rebates: No rebate shall be allowed upon any license unless the licensee has been damaged by fire or other unavoidable accident or property damage. In all such cases, the city council shall have discretionary power as to what amount, if any, shall be rebated.

G. Exceptions to Fee Requirement: In accordance with U.C.A. 1953, § 10-1-203, all home-based businesses shall be exempt from paying a business license fee except for businesses which materially exceeds the offsite impact of the primary residential use alone. The following businesses have a rebuttable presumption that they exceed the offsite impacts because of the noise, traffic, smells, or other nonresidential externalities:

1. In home child or adult care and preschool businesses;

2. Businesses that require or attract more than ten (10) vehicle trips per day, including, but not limited to, package delivery, client visits, and employee trips;

3. Businesses which are allowed by Code to utilize employees who live outside of the residence but work in the home;

4. Any business that is required to have a fire inspection;

5. Any business that is required to obtain a license from another government agency, such as the department of health; and

6. Any business which typically requires overnight parking including for residential rentals.

HISTORY

Adopted by Ord. 1987 Code § 5.04.090, 5.04.100, 5.04.110, 5.04.120, 5.04.130 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006
Amended by Ord. 2012-14 on 7/10/2012
Amended by Ord. 2017-23 on 10/17/2017

PROOFS

(Code 2002, § 4-1-5)

~~4-1-6~~4-1-5 : BOARD OF EQUALIZATION

The city council constitutes a board of equalization for the equalization of license rates. The board shall have the authority to examine the assessment rolls, to hear complaints of persons, firms or corporations aggrieved by their license assessments, and to make corrections of any such assessments deemed to be illegal, unequal or unjust; provided, however, that any corrections made by the board shall be entered in detail in a record of license abatements, and the members of the board shall approve the entries in writing before the accounts are adjusted. The board shall meet at the call of the mayor to hear any complaints and authorize any adjustments which it may deem proper in the assessments made by the city. All complaints pertaining to licenses due on January 1 must be presented to the board prior to March 1, and all complaints pertaining to licenses due at any other time must be presented to the board within sixty (60) days from the date such licenses are due. All complaints not presented before such deadlines shall be barred.

HISTORY

Adopted by Ord. 1987 Code on 1/1/1987

(Code 2002, § 4-1-6)

~~4-1-7~~4-1-6 : LICENSE INSPECTORS

All police officers~~,~~ ~~and~~ building inspectors, and community services officers are appointed license inspectors and may examine all places of business or persons required to obtain business licenses. All business licenses shall be displayed in a visible and conspicuous place during all business hours. Inspecting officers shall report to the city administrator all businesses or persons that have failed to obtain or display business licenses as required by this chapter. It shall be the duty and power of all license inspectors:

A. Complaints Against Violators: To cause complaints to be filed against all persons violating any of the provisions of this chapter;

B. Authority To Enter: To have and exercise the power to enter free of charge during business hours any place of business of which a license is required by this chapter and to demand the exhibition of a current license from any person or persons engaged or employed in the transaction of such business.

HISTORY

Adopted by Ord. 1987 Code § 5.04.160 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 4-1-7)

~~4-1-8~~4-1-7 : INTERSTATE COMMERCE

PROOFS

It is unlawful for any person residing within the city to engage in any business, occupation, calling or profession which is solely in interstate commerce without first registering with the city and paying the registration fee prescribed by resolution and filing with the city such information as may be required by the city council.

HISTORY

Adopted by Ord. 1987 Code § 5.04.180 on 1/1/1987

(Code 2002, § 4-1-8)

~~4-1-9~~4-1-8 : TEMPORARY BUSINESSES

A. Lot Standards: All temporary businesses must be located on improved property containing improvements such as paved off-street parking, curb, gutter and sidewalk in good repair. The lot must meet the site development standards for the zone in which it is located.

B. Zones Permitted: All temporary businesses must be located within the following zones: C-1, C-2, CP-1, CP-2 or MP-1.

C. Departmental Review: Review and approval of the site and the proposed temporary business by the following departments must occur prior to conducting any sale or rendering any service, if applicable:

1. Weber/Morgan health department, for the purpose of ensuring adequate sanitary facilities;

2. Building inspector, for the purpose of examining and approving the construction of temporary shelters, electrical, plumbing and heating installation, traffic flow and potential hazards, off-street parking and general site standards.

D. Site Plan: The applicant for a temporary business license must submit a site plan showing the type of building or shelter from which sales are to be made, as well as its location on the lot. Temporary structures shall be adequately attached to the ground to prevent wind uplift as per building code, or as approved by the building official and where the temporary business is conducted between November 15 and March 15 of any year, a roof of substantial strength and design to support a snow load of not less than thirty (30) pounds. If the business is conducted from a vehicle, its license number must be given. The location of ingress and egress to the site from the street, the location and size of all proposed signs and the number and size of off-street parking stalls must also be shown. In addition, the following is required:

1. The proposed hours of operation;

2. The dates upon which the sales are to be conducted;

3. A general description of goods offered for sale;

4. A letter from the property owner granting permission to the temporary business to

PROOFS

use his lot, together with any conditions for approval;

5. A revenue and regulatory license fee for each location, the same to be established by resolution;

6. A refundable deposit in a sum to be established by resolution which shall accompany the application and which shall be returned within fourteen (14) days from the date of termination of the temporary business so long as the area is cleaned and placed in the pre-business condition and order.

E. Term: Every license issued shall contain on the face thereof the date upon which the license period ends. Every business shall immediately cease doing business at the conclusion of the license period and shall vacate the temporary business site within five (5) days thereof, leaving the same in its pre-business condition.

F. Cleaning Or Repairing Premises By City: In the event the city elects or deems it necessary to utilize city manpower or equipment or expend public funds to replace the site of a temporary business in its pre-business condition, the city shall have and be authorized to maintain a cause of action against the applicant, its officers and employees, for the payment of all costs and expenses, including a reasonable attorney fee, which may arise or accrue in cleaning or repairing said premises, or in pursuing any remedy provided by the laws of the state whether such remedy necessitates or results in filing of a lawsuit or not. Such applicant further grants unto the city a lien against all property of applicant located, brought or kept upon such premises for the foregoing costs, expenses and fees.

HISTORY

Adopted by Ord. 1987 Code § 5.04.190 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006
Repealed and reenacted by Ord. 2014-23 on 9/16/2014

(Code 2002, § 4-1-9)

~~4-1-10~~4-1-9 : [11]CHRISTMAS TREE SALES

The sale of Christmas trees is subject to the licensing and other requirements for a temporary business. Any nonprofit organization submitting an application for the conduct of a temporary business shall not be required to pay the license fee but shall be subject to other application and use standards set forth in this chapter.

HISTORY

Adopted by Ord. 1987 Code § 5.04.200 on 1/1/1987

(Code 2002, § 4-1-10)

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[11] ~~These individual business sections should be grouped in a specific business chapter, subdivided as appropriate. CITY: Agreed if a general licensing chapter is established, a subject still under discussion by the city.~~

PROOFS

~~4-1-11~~4-1-10 : [12]**REVOCATION OF LICENSE**

Commented [JC10]: Add suspension for lack of sales tax as per vernal code

A. Authority: All licenses which have been issued or which may hereafter be issued by the city shall be subject to revocation, as hereinafter provided, without regard to any expiration date on such license as issued.

B. Hearing; Notice: Whenever it appears to the city's business license official that a license holder has engaged in conduct warranting revocation of any licenses issued by the city, the business license official may direct that notice be sent to the holders of such licenses directing such holders to appear, as provided under CCNO 1-8, to show cause, if any, why such licenses should not be revoked.

C. Appearance By Licensee: At the hour and date stated in such notice, the licensee shall have an opportunity to appear before the administrative law judge and show cause why such license should not be revoked.

D. Determination Of The Administrative Law Judge: In the event that the administrative law judge on such hearing shall determine that the public interests are best served by the revocation of such license or that the licensee has failed to comply with the city zoning code or international building code or codes of professional ethics for licensee's particular profession, or has been convicted of a felony or a crime involving moral turpitude or has admitted to conduct which is tantamount to violating laws relating to felonious conduct or moral turpitude, or has violated any laws relating to the sale, display or distribution of pornographic materials or has failed to comply with the requirement of this chapter, including CCNO 4-1, Article A, relating to business licenses, the administrative law judge shall thereupon order such license canceled and revoked, and thereupon, such license shall become null and void.

E. Refunds Or Rebates: In the event of revocation as provided in this section, there shall be no refund or rebate of any part of the original license fee paid by the licensee.

F. Failure Of Licensee To Appear: In the event that the licensee fails, neglects or refuses to appear at the hour and date set for such hearing, the administrative law judge may proceed to determine the matter in the absence of the licensee, or may, in his sole discretion, continue the date of such hearing to some later date and, at such later date, proceed to act on the matter without further notice to the licensee.

G. Operation With Revoked License Prohibited: It is unlawful for any person to carry on, conduct or operate any business, trade or profession for which a city license is required after such person's license has been revoked or canceled in accordance with the provisions of this chapter.

HISTORY

Adopted by Ord. 2011-15 on 9/27/2011

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[12] ~~This section and the section on pornography revocation should be grouped, perhaps in a new enforcement chapter as suggested above. CITY: Under discussion as indicated above.~~

PROCESS

(Code 2002, § 4-1-11)

~~4-1-12~~4-1-11 : FOOD TRUCK REGULATIONS

A. Purpose: This section is intended to articulate the city's regulations related to the operation of food trucks within its jurisdiction. Should any provision of this section violate state code, the state code overrides this section. Where state code allows for discretion by local jurisdictions, this section shall control.

B. License Required: Food truck operators are required to obtain a business license in the city and provide the same information as other business licenses. Food trucks must also provide proof of insurance on the vehicle and/or trailer.

1. Food Trucks Licensed In Other Jurisdictions: Food trucks which are licensed in other Utah jurisdictions are still required to pay a business license fee which is reduced to twenty-five percent (25%) of the current business license fee, but must provide a current business license for that jurisdiction, current health department permit, and proof of current fire safety inspection.

2. Exception: Food trucks which operate as part of a special event permit are not required to obtain a city business license provided the event providers submit proof of business license, health certificate, and fire inspection in another jurisdiction within the State of Utah for all food trucks which attend the event three (3) days prior to the event.

3. Multiple Locations On Private Property: A food truck may operate at multiple locations under the same license issued by the city if they provide the city with written approval by all landowners, and site plans identifying where the food truck and parking will be located in each location.

C. Hours Of Operations: Food trucks are allowed to operate from 7:00 a.m. through 10:00 p.m. any day of the week.

D. Food Truck Locations:

1. Food trucks may be parked along Washington Boulevard between 2750 North and 1600 North with the following regulations:

a. They must park at least eighty feet (80') from any curb cut, crosswalk, and fire hydrant in a location where parking is authorized.

b. All food trucks must orient to the sidewalk/curb so that patrons are able to safely access the vehicle or trailer away from the travel lanes.

c. No employees should load or unload items onto the travel lane side of the vehicle.

d. No vehicle or trailer may be left for longer than fifteen (15) hours.

2. Food trucks may not park in parks or public parking lots unless an appropriate special event permit has been obtained.

PROOFS

3. Food trucks may park on private property, provided they have written permission with them at all times, which includes the phone number and contact information of the property owner.

4. Food trucks must maintain a ten-foot (10') separation between other food trucks and vendors for fire safety purposes regardless of whether they are located on public or private property.

E. Current Certification And Inspection: Food truck operators which do not have a current health inspection certificate, or fire safety inspection shall be required to obtain these approvals prior to licensure from the city.

F. Special Event Permit: All events on city property which include food trucks shall be required to obtain a special event permit from the city parks department. All food trucks attending the event shall have verification of current business licenses, health certificates, and fire inspections from another jurisdiction within the state. City business licenses are not required for food trucks attending these events regardless of whether they are public or private events.

G. Private Events: For events which occur on property not owned by the city, no business license is required from the city, though they may be inspected for compliance with health and safety regulations and must have a valid business license and health certificate from another Utah jurisdiction and not operate for more than three (3) days in a row. For purposes of this section, public school, private school and charter school events are considered private events, provided the food trucks are not parked in any public rights-of-way or on city property. Utilization of the public right-of-way requires a special event permit and a traffic plan.

HISTORY

Adopted by Ord. 1987 Code § 5.04.210 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006
Amended by Ord. 2017-23 on 10/17/2017

(Code 2002, § 4-1-12)

~~[13]**4-1-13: PENALTY**~~

~~Any person violating any of the provisions of this chapter is guilty of an infraction as well as a civil citation, upon conviction or citation, shall be subject to penalty as provided in CCNO 1-4.~~

~~HISTORY~~

~~**13** If this penalty applies to the entire title, we should move it toward the beginning of this title. This section could also be stricken as duplicative of general code violation penalties. CITY: Under discussion. SFox: Stricken for now as duplicative of chapter 1, pending city's further instruction.~~

PROOFS

~~Adopted by Ord. 2017-23 on 10/17/2017~~

~~(Code 2002, § 4-1-13)~~

~~4-1-13~~4-1-12 : [14]SHORT-TERM LOAN BUSINESSES

A. Location: No short-term loan business shall be located within one thousand feet (1,000') of another short-term loan business or within six hundred sixty feet (660') of a community center, school, or other public gathering place (e.g., park, library, private or public school, licensed childcare facility or preschool, church, etc.), or sexually oriented business.

B. Measurements: Distances shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property line of each business to the closest property boundary of the short-term loan business, community center, school, or other public gathering place, or sexually oriented business.

C. Zoning: Short-term loan businesses shall only be allowed in C-2 or CP-2 zones. When allowed within a zoning district, a short-term loan business may only be located on the following street: Washington Boulevard.

D. Disclosure Signs: Each short-term loan business shall post a sign with solid black lettering on a white background, in fifty (50) point, non-italicized, bold Arial typeface designed to achieve a letter height of at least one-half inch (1/2"), in the English and Spanish languages, at every public entrance to the business bearing the following disclosure:

DISCLOSURE REQUIRED BY NORTH OGDEN CITY:

THIS BUSINESS SPECIALIZES IN MAKING LOANS FOR SHORT-TERM NEEDS. THESE LOANS SHOULD NOT BE USED AS A LONG-TERM FINANCIAL SOLUTION. THE INTEREST RATE FOR SHORT-TERM LOANS IS EQUAL TO X ANNUAL PERCENTAGE RATE (APR) TO X ANNUAL PERCENTAGE RATE (APR).

DIVULGACIÓN REQUERIDA POR LA CIUDAD DE NORTH OGDEN ESTE NEGOCIO SE ESPECIALIZA EN HACER PRÉSTAMOS PARA LAS NECESIDADES A CORTO PLAZO. ESTOS PRESTAMOS NO DEBEN UTILIZARSE COMO UNA SOLUCION FINANCIERA A LARGO PLAZO. LA TASA DE INTERÉS DE LOS PRÉSTAMOS A CORTO PLAZO ES DE UN PORECNTAJE ANNUAL DE PR CIENTO A X POR CIENTO A X POR CIENTO.

The disclosure signs required by this section shall face the entrance to the business, and shall be placed either on the interior surface of the door so that the top edge of the sign is between forty-eight inches (48") and seventy-two inches (72") from the entrance threshold (measured vertically) or shall be located directly behind the entry door without any intervening obstruction between forty-eight inches (48") and seventy-two inches

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~~[14] Much of this section is business rather than zoning regulations which I suggest be moved and grouped with other business regulations. **DONE**~~

PROOFS

(72") from the floor (measured vertically), as near to the entry door as is allowed by the current building code adopted by the city. Existing short-term loan businesses shall post the disclosure signs no later than October 1, 2014.

E. Additional Disclosures:

1. Post in a conspicuous location on its premises that can be viewed by a person seeking a short-term loan a complete schedule of any interest or fees charged using dollar amounts;

2. Enter into a written contract for the short-term loan;

3. Provide the person seeking the short-term loan a copy of the written contract described in subsection E2 of this section;

4. Orally review with the person seeking the short-term loan the terms of the short-term loan, including:

a. The amount of any interest rate or fee;

b. The date on which the full amount of a short-term loan is due; and

5. Comply with the following as in effect on the date the short-term loan is extended:

a. Truth in Lending Act, 15 USC 1601 et seq., and its implementing federal regulations;

b. Equal Credit Opportunity Act, 15 USC 1691 and its implementing federal regulations;

c. Bank Secrecy Act, 12 USC 1829b, 12 USC 1951 through 1959, and 31 USC 5311 through 5332, and its implementing regulations; and

d. UCA title 70C, Utah Consumer Credit Code.

HISTORY

Adopted by Ord. 2014-19 on 8/12/2014

(Code 2002, § 11-10-29)

~~4-1-14~~4-1-13 : [15]PRESCHOOL USE

A. Purpose Statement: The purpose and intent of this section is to permit residents in specific residential zones to conduct preschools in a manner that will retain the character of the home in a residential setting while not significantly impacting the residential

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~~15 These provisions are more business than zoning regulations and should be grouped with other business regulations.~~

PROOFS

character of the neighborhood.

B. Preschool Use: Preschools are allowed in specific residential zones as permitted uses.

C. Development Standards Of All Preschools: It shall be unlawful to conduct or pursue a preschool within the corporate limits of the city, unless each of the following conditions are observed:

1. Operation Hours And Number Of Children: Preschools in the operator's residence that operates four (4) or less hours per session a day and teaches more than nine (9) children, but not more than fourteen (14) children.

2. Residents Of Premises: Only persons who are bona fide residents of the premises shall operate the preschool; if the preschool has more than eight (8) people or children then one additional person not residing in the dwelling may be employed in the preschool if certified by the state and not a minor.

3. Total Floor Area: The preschool shall not occupy more than fifty percent (50%) of the ground floor area of the residence.

4. Minimum Interior Floor Area: A minimum floor area of thirty-five (35) square feet per child shall be provided.

5. Signs And Advertising: No sign or advertising shall be displayed on the premises.

6. Parking and Drop Off: Off-street parking shall be provided to satisfy the requirements of CCNO 11-17-3 and CCNO 11-17-4. The addition of off-street parking facilities on the premises of the preschool beyond that normally required for residential uses is not required. The safe drop off of children is the responsibility of the preschool operator.

7. Play Areas; Fencing: A minimum outdoor play area of forty (40) square feet per child shall be provided. All outdoor play areas shall be within a fenced area and shall be limited to use by the children in the preschool in normal operating hours. Fence height shall be in accordance with CCNO 11-10-11.

8. Conformance With Laws: There shall be complete conformity with fire, building, plumbing, electrical and health codes; and to all state and city ordinances and other laws, covenants, restrictions or regulations pertaining to the premises upon which the preschool is conducted.

9. Licensing and Regulation: Appropriate city and state licenses shall be acquired.

10. Annual Inspection: An annual inspection for continued compliance will be required for license renewal of all preschool facilities.

11. Criminal Background Checks: A criminal background check is required for any adult who resides at a dwelling used for a preschool business.

PROOFS

12. Restrictions: No person who has been convicted of a sexually oriented crime may operate, be employed by, or reside at a dwelling that is used for a preschool business.

HISTORY

Adopted by Ord. 2018-30 on 11/27/2018

(Code 2002, § 11-10-35)

ARTICLE A: REVOCATION FOR PORNOGRAPHY VIOLATION

4-1A-1: APPLICABILITY
4-1A-2: CONVICTIONS; AUTHORITY OF CITY
4-1A-3: HEARING
4-1A-4: OPERATION UNLAWFUL DURING REVOCATION
4-1A-5: PENALTY

4-1A-1: APPLICABILITY

Notwithstanding any other licensing provisions contained in this title, all licenses issued by the city on or after April 1, 1977, shall be subject to the conditions, controls and regulations provided in this article.

HISTORY

Adopted by Ord. 1987 Code § 5.08.010 on 1/1/1987

(Code 2002, § 4-1A-1)

4-1A-2: CONVICTIONS; AUTHORITY OF CITY

A. Grounds For Revocation: The city council, upon notice and hearing as provided in this article, may revoke any license issued by the city upon the conviction of the licensee or any officer, employee or partner of the licensee of any ordinances of the city relating to lewdness, profanity, nudity and pornography, or of state law as it now exists or may hereafter be amended concerning pornographic and harmful materials and performances at the licensed premises. The state law is U.C.A. 1953, § 76-10-1201~~2~~ et seq., as amended. In addition, the city council may refuse to issue a license of any kind to that licensee, its officers, partner or the convicted employee in the event of such conviction of the licensee, his officers, employees or partner for a period of not to exceed one year after that conviction.

B. New Licenses: The city council may, after notice of hearing as provided in this article, refuse to issue a business license of any kind to any person, corporation or officer thereof or other business association, including any partner of a partnership, for a period of one year after that person, corporation or business association, or his or its officers, employees or partners, have been convicted of any violation of the ordinances mentioned in this article or state law concerning pornographic and harmful materials and performances.

PROOFS

C. Premises: The city council may, after notice of hearing, as provided in this article, refuse to issue any business license for any business at the premises where a violation of the ordinances mentioned in this article or state law concerning pornographic and harmful materials and performances has occurred for a period of one year after such conviction.

HISTORY

Adopted by Ord. 1987 Code § 5.08.020, 5.08.030, 5.08.040 on 1/1/1987

(Code 2002, § 4-1A-2)

4-1A-3: HEARING

The notice to be given shall be in accordance with CCNO 1-8. The hearing provided for in this section shall proceed in accordance with the provisions of CCNO 1-8.

HISTORY

Adopted by Ord. 2011-15 on 9/27/2011

(Code 2002, § 4-1A-3)

4-1 A-4: OPERATION UNLAWFUL DURING REVOCATION

It is unlawful for any person, firm or corporation whose license has been revoked or refused pursuant to the provisions of this article to operate any business in the city requiring a business license until the time of revocation or refusal expires and a valid license is obtained.

HISTORY

Adopted by Ord. 1987 Code § 5.08.070 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 4-1A-4)

4-1 A-5: PENALTY

Any person, firm or corporation attempting to operate a business, after the license therefor has been revoked or refused under this article, and any owner of any interest in the premises where such license has been revoked or refused, and the city council has determined that no other license will be issued for that property, who allows any business to be operated therein requiring a city license, shall be guilty of a Class B misdemeanor and subject to penalty as provided in CCNO 1-4-1.

HISTORY

Adopted by Ord. 1987 Code § 5.08.080 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

PROOFS

(Code 2002, § 4-1A-5)

4-2 : ALCOHOLIC BEVERAGES

State law reference--Alcoholic Beverage Control Act, U.C.A. 1953, § 32B-1-101 et seq.

4-2-1: DEFINITIONS
4-2-2 : CLASSIFICATIONS
4-2-3 : LICENSE REQUIRED
4-2-4 : QUALIFICATIONS OF LICENSEE
4-2-5 : APPLICATION FOR LICENSE
4-2-6 : FEE FOR LICENSE
4-2-7 : TERM
4-2-8 : LICENSE CONSTITUTES REVOCABLE PRIVILEGE; TRANSFER PROHIBITED
4-2-9 : CHANGE OF OWNERSHIP NOTIFICATION
4-2-10 : NUISANCE ABATEMENT
4-2-11 : ENTRY INTO LICENSED PREMISES
4-2-12 : SALES SUBJECT TO PROVISIONS
4-2-13 : PROHIBITED ACTS AND ACTIVITIES
4-2-14 : REFUSAL, SUSPENSION OR REVOCATION OF LICENSE
4-2-15 : PENALTY

4-2-1 : [16]DEFINITIONS

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

ALCOHOLIC BEVERAGE: Means and includes beer ~~as defined in this chapter~~ and liquor. ~~as that term is defined in the Alcoholic Beverage Control Act of Utah.~~

BEER: Means a product that contains at least one half of one percent (0.5%) of alcohol by volume, but not more than five percent (5%) of alcohol by volume or four percent (4%) by weight, and is obtained by fermentation, infusion, or decoction of malted grain. Beer may or may not contain hops or other vegetable products and includes products that contain alcohol in the percentages described in this definition commonly referred to as beer, ale, porter, stout, lager or malt or malted beverages. However, beer does not include a flavored malt beverage. ~~All products that contain sixty three one-hundredths of one percent (0.63%) of alcohol by volume or at least one-half of one percent (0.5%) of alcohol by weight, but not more than four percent (4%) of alcohol by volume or three and two-tenths percent (3.2%) by weight, and are obtained by fermentation, infusion or decoction of any malted grain. Beer may or may not contain hops or other vegetable products. "Beer" includes products referred to as malt liquor, malted beverages or malt coolers.~~

LICENSED PREMISES: Those areas designated by the persons licensed under this chapter for the purpose of the sale of beer.

~~16 The definition of "beer" is conformed to and a definition of "liquor" is inserted from, U.C.A. 1953, § 32B-1-102.~~

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LICENSEE: Includes the person, firm, corporation or association to whom the license is issued and also means and includes the licensee's manager, agents, servants and employees and all other persons acting for him with his consent or knowledge.

LIQUOR: Means a liquid that is alcohol; an alcoholic, spirituous, vinous, fermented, malt, or other liquid; a combination of liquids a part of which is spirituous, vinous, or fermented; or any other drink or drinkable liquid that contains at least one-half of one percent (0.5%) alcohol by volume and is suitable to use for beverage purposes. Liquor includes heavy beer, wine and flavored malt beverages, but does not include beer.

NUISANCE: Any room, house, building, vehicle, structure or place where alcoholic beverages are manufactured, kept, stored, sold, bartered or offered, or exposed for sale in violation of the Alcoholic Beverage Control Act of Utah or any ordinance of the city or where persons under twenty-one (21) years of age are permitted to purchase or drink any alcoholic beverage in violation of this chapter.

RETAILER: Any person engaged in the sale or distribution of beer.

SELL OR TO SELL: Means and includes to solicit; to accept an order for; to keep or expose for sale; to deliver for value or gratuitously; to peddle; to possess with intent to sell; to traffic in; for any consideration promised or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or allow to be procured for any other person; and "sale" includes every act of selling as defined in this definition.

HISTORY

Adopted by Ord. 1987 Code § 5.12.010 on 1/1/1987

(Code 2002, § 4-2-1)

4-2-2 : CLASSIFICATIONS

A. Retail beer licenses issued under this chapter shall be of two (2) kinds: Class A licenses and Class B licenses. Each class of licenses shall carry the privileges described in this section. Each class of licenses shall be separately numbered commencing from the number 1.

B. A Class A beer license shall entitle the licensee to sell beer on the licensed premises in the original container for consumption off the licensed premises in accordance with the ~~Utah~~ Alcoholic Beverages Control Act, U.C.A. 1953, § 32B-1-101~~32A-1-101~~ et seq. A Class A beer licensee may also deliver beer to the residence of its customers, provided that the beer is transported only in the original container and that the container is not opened by the licensee, its agents or employees.

C. A Class B license shall entitled the licensee to sell beer, either in its original containers or on tap, for on-premises consumption as part of the operation of a restaurant. Class B licensees may sell beer only with the purchase of a meal at the restaurant. Class B licensees must also comply with all state laws and regulations governing the sale of beer for on-premises consumption and obtain a license from the

PROOFS

state pursuant to U.C.A. 1953, § 32B-10-201~~32A-10-201~~. In the event the licensee's state license is suspended or revoked, the city license shall also be suspended or revoked.

HISTORY

Adopted by Ord. 2001-14 on 7/10/2001

(Code 2002, § 4-2-2)

4-2-3 : LICENSE REQUIRED

It is unlawful for any person, partnership, firm, association or corporation to sell beer at retail within the corporation limits of the city without first having procured a license therefor from the city council as provided in this chapter. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or to which it shall be issued.

HISTORY

Adopted by Ord. 1987 Code § 5.12.030 on 1/1/1987

(Code 2002, § 4-2-3)

4-2-4 : QUALIFICATIONS OF LICENSEE

No license under this chapter shall be granted to any person unless he is of good moral character and over the age of twenty-one (21) years. No license shall be granted to any person who has been convicted of a felony or of any violation of any law or ordinance relating to intoxicating liquors or of drunk driving, or who has pleaded guilty to or has forfeited his bail on a charge of having committed a felony, or having violated any such law or ordinance; nor shall any license be granted to any partnership, any member of which fails to meet the standards prescribed in this chapter; nor to any corporation, any director or officer of which fails to meet such standards. No license shall be granted to any person who does not meet the qualifications therefor prescribed by the Alcoholic Beverage Control Act of Utah.

HISTORY

Adopted by Ord. 1987 Code § 5.12.120 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 4-2-4)

4-2-5 : APPLICATION FOR LICENSE

A. Required; Form: Before any beer license is issued, the person desiring the license shall file a written and verified application for the license. The application shall be on a form prescribed by the city.

B. Content: Every application shall state:

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1. The applicant's full name;

2. The applicant's current residence address;

3. The address of the premises for which the license is sought;

4. The type of business the applicant anticipates operating on those premises;

5. The class of license the applicant is applying for; and

6. The name of the person who will manage the business, if different from the applicant.

C. Release To Obtain Criminal History: In addition to the written application, each applicant for a beer license under this chapter will provide the city with a release which allows the city to obtain a criminal history of the applicant.

D. Partnerships: If the applicant is a partnership, the application shall provide the information required in subsections B1 and B2 of this section for each partner. Each partner will also execute the release described in subsection C of this section.

E. Corporations: If the applicant is a corporation, the application shall provide the information required in subsections B1 and B2 of this section for each director and officer of the corporation. Each director or officer will also execute the release described in subsection C of this section.

HISTORY

Adopted by Ord. 2001-14 on 7/10/2001

(Code 2002, § 4-2-5)

4-2-6 : FEE FOR LICENSE

A. Before any beer license is issued under this chapter, the person desiring a beer license shall apply for a beer license. At the time the application is filed with the city, the applicant shall deposit the entire license fee which would be due if the license were being issued on the date the application is filed. The license fee shall immediately be deposited in the city treasury. If the application is denied, the application fee shall be returned to the applicant. No license fee shall be refunded after a license has been issued, and upon revocation of any beer license under this chapter, the license fee paid for the license shall be forfeited to the city.

B. The first license fee shall be prorated as follows: The fee for the class of license applied for shall be multiplied by a fraction, the numerator of the fraction shall be the number of months left until licenses issued under this chapter are renewed and the denominator of the fraction shall be twelve (12).

HISTORY

PROOFS

Adopted by Ord. 2001-14 on 7/10/2001

(Code 2002, § 4-2-6)

4-2-7 : TERM

All licenses issued under this chapter shall expire on December 31 of the year in which issued, unless sooner canceled or revoked. No license shall be issued for a period longer than one year.

HISTORY

Adopted by Ord. 1987 Code § 5.12.060 on 1/1/1987

(Code 2002, § 4-2-7)

4-2-8 : LICENSE CONSTITUTES REVOCABLE PRIVILEGE; TRANSFER PROHIBITED

Any license issued under this chapter shall grant only a mere revocable privilege to sell beer as provided in this chapter and shall not confer any vested right of any kind or nature. Licenses issued under this chapter shall not be transferable.

HISTORY

Adopted by Ord. 1987 Code § 5.12.070, 5.12.090 on 1/1/1987

(Code 2002, § 4-2-8)

4-2-9 : CHANGE OF OWNERSHIP NOTIFICATION

If during the term of the license year after the license has been granted under this chapter there shall be any change in the personnel of any licensed partnership or of the officers or director of any licensed corporation, the licensee shall forthwith report any such change in personnel to the city office.

HISTORY

Adopted by Ord. 1987 Code § 5.12.110 on 1/1/1987

(Code 2002, § 4-2-9)

4-2-10 : NUISANCE ABATEMENT

Any "nuisance" found in existence, as that term is defined in CCNO 4-2-1, may be abated in the manner described by law generally dealing with abatement of nuisances.

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HISTORY

Adopted by Ord. 1987 Code § 5.12.150 on 1/1/1987

PROOFS

(Code 2002, § 4-2-10)

4-2-11 : ENTRY INTO LICENSED PREMISES

The person having charge of any premises for which a license has been issued under this chapter may not refuse or fail to admit to the licensed premises, or obstruct the entry of, any law enforcement officer who demands entry in order to enforce any provision of this chapter.

HISTORY

Adopted by Ord. 2001-14 on 7/10/2001

(Code 2002, § 4-2-11)

4-2-12 : SALES SUBJECT TO PROVISIONS

It is unlawful for any person, firm, partnership, corporation or association to sell any alcoholic beverage, except as such person, firm, partnership, corporation or association may be expressly permitted to do so by this chapter and by applicable provisions of the state Alcoholic Beverage Control Act, U.C.A. 1953, § 32B-1-101 et seq.

HISTORY

Adopted by Ord. 1987 Code § 5.12.020 on 1/1/1987

(Code 2002, § 4-2-12)

4-2-13 : [17]PROHIBITED ACTS AND ACTIVITIES

A. It is unlawful to sell beer to any person intoxicated or under the influence of any alcoholic beverage.

B. It is unlawful to sell beer to any person under the age of twenty-one (21) years.

C. It is unlawful to sell beer between the hours of 12:00 midnight and 6:00 a.m.

D. It is unlawful for any licensee to sell beer anywhere within the city except upon or within his licensed premises.

E. It is unlawful to advertise the sale of beer except in full compliance with the Alcoholic Beverage Control Act of Utah and regulations duly made thereunder by the alcoholic beverage control commission, provided that a simple statement that beer is sold under city license may be placed in or upon the front window of the licensed premises.

~~17 Please confirm the operation hours in this section. CITY: Under discussion. SFox: Left as is pending city's further review.~~

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F. It is unlawful for any licensee to violate any terms of the license issued.

G. It is unlawful for any licensee under a Class A license to suffer or allow any person to consume beer upon the licensed premises. It is unlawful for any persons to consume beer upon such premises.

H. It is unlawful for any person to commit, keep or maintain a nuisance upon any licensed premises. It is unlawful for any person to suffer a nuisance to be maintained upon licensed premises, owned, occupied, operated or controlled by him or which may be in his charge.

I. It is unlawful for any licensee to purchase or acquire or to have or possess, or to suffer to be kept upon the licensed premises, any beer except that lawfully acquired from a brewer or wholesaler licensed under the provisions of the Alcoholic Beverage Control Act of Utah.

J. It is unlawful for any licensee to keep, store or possess, or to suffer any person to keep, store or possess, any "liquor," as that term is defined in the Alcoholic Beverage Control Act of Utah, upon the licensed premises.

K. It is unlawful for any person to sell beer after the revocation of any license issued to him or during a period of suspension of such license.

L. It is unlawful for any person under the age of twenty-one (21) years to consume or possess any beer or any other alcoholic beverage at any place in the city.

M. No person shall sell, dispose of, furnish, or give away beer to any person who appears to be, or is, intoxicated or under the influence of an alcoholic beverage or drug.

N. The sale of any alcoholic beverage other than the sale of beer as provided in this chapter is strictly prohibited.

O. No license shall be granted to sell beer in any dance hall, theater or within five hundred feet (500') of any church or school.

P. No person shall sell an alcoholic beverage at any public dance hall, dance pavilion or place where public dances are held or in which the public is permitted to dance.

HISTORY

Adopted by Ord. 1987 Code § 5.12.100 on 1/1/1987

(Code 2002, § 4-2-13)

4-2-14 : REFUSAL, SUSPENSION OR REVOCATION OF LICENSE

A. Refusal: Whenever an applicant fails to demonstrate that it meets all of the requirements for licensure under this chapter or the Utah Alcoholic Beverage Control Act, the city council shall refuse to issue a license. In addition, when the city council determines that the public interest so requires, the city council may refuse to grant any

PROOFS

license applied for. In such a case, the city council shall state the reason for the refusal.

B. Suspension Or Revocation: Whenever the public interest so requires, the city council may suspend or revoke a beer license issued under this chapter. Examples of circumstances which may lead to the revocation or suspension of a license include, but are not limited to:

1. Failure to maintain any required state license for on-premises beer sales;

2. Failure to comply with any provision of the Utah Alcoholic Beverage Control Act;

3. Failure of the applicant to comply with city ordinances, including this chapter, nuisance ordinances, zoning ordinances and ordinances dealing with the hours of operation for the licensee's business;

4. Failure to comply with any health laws or any orders or regulations of the Weber/Morgan County health department; or

5. Failure to conduct the licensed business in a quiet, peaceable and orderly manner.

C. Immediate Suspension: In an emergency situation, the chief of police may order an immediate suspension of a license to protect the public health and welfare. In all such cases, the chief of police shall make a written report of his action to the city council. This report shall describe the license upon which the action was taken (including the name of the licensee and the address of the licensed premises), the action which the chief of police took and the reasons for the action. Emergency suspensions are valid only until the next regularly scheduled city council meeting. During the next regularly scheduled council meeting, the city council shall hold a hearing on the actions of the chief of police and may either continue the suspension, continue the hearing to allow the licensee to present a case or reinstate the license. In all cases where the hearing is continued, the city council shall decide whether to continue the suspension until the full hearing on the matter.

D. Hearing Required: In nonemergency situations, no license issued pursuant to this chapter may be suspended or revoked until the city council has held a hearing on the matter. The hearing shall be held as soon as possible, taking into account the licensee's right to prepare for the hearing and to have representation at the hearing. The city and the licensee shall both have an opportunity to be heard at this hearing. Each party will have the opportunity to present witnesses and other evidence at the hearing. Each party will also have the right to ask questions of the opposing party's witnesses. The licensee shall also have the right to be represented at this hearing, but the city shall have no obligation to provide representation to a licensee. After the city and the licensee have presented all of their witnesses and evidence, the city council will vote on the action, if any, to be taken against the licensee. The city council may revoke the license, suspend the license or take no action. If the city council votes to revoke the license, the licensee may not obtain another license within the city for at least five (5) years. If the city council votes to suspend the license, it must also decide on the period of the suspension. Suspensions must be at least three (3) months, but no longer than one year.

E. Hearing Procedures May Be Established: The city council may establish procedures by resolution to govern the hearings described in this section. If no procedure is established then the hearing procedure will follow 1-8 of this code.

PROPOSED

HISTORY

Adopted by Ord. 2001-14 on 7/10/2001

(Code 2002, § 4-2-14)

4-2-15 : PENALTY

A. Any person violating any provision of this chapter is guilty of a Class B misdemeanor and, upon conviction, subject to penalty as provided in CCNO 1-4-1.

B. In addition to the fines and terms of imprisonment described in subsection A of this section, any licensee convicted of a violation of this chapter shall have its license revoked.

HISTORY

Adopted by Ord. 2001-14 on 7/10/2001
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 4-2-15)

4-3 : SEXUALLY ORIENTED BUSINESSES AND THEIR EMPLOYEES

State law reference--Authority of municipalities to regulate sexually oriented businesses, UCA 1953, § 10-8-41.5.

4-3-1 : PURPOSE
4-3-2 : APPLICABILITY
4-3-3 : DEFINITIONS
4-3-4 : CATEGORIES OF BUSINESSES; NUMBER OF LICENSES
4-3-5 : OBSCENITY AND LEWDNESS; STATUTORY PROVISIONS
4-3-6 : LOCATION AND ZONING RESTRICTIONS
4-3-7 : LICENSE REQUIRED
4-3-8 : EXEMPTIONS FROM LICENSE REQUIREMENTS
4-3-9 : LEGITIMATE ARTISTIC MODELING
4-3-10 : APPLICATION FOR LICENSE
4-3-11 : FEE FOR LICENSE
4-3-12 : BOND REQUIRED
4-3-13 : DEPARTMENTAL REVIEW
4-3-14 : ISSUANCE CONDITIONS
4-3-15 : PREMISES REQUIREMENTS
4-3-16 : LICENSE PROVISIONS
4-3-17 : OUTCALL SERVICES; OPERATIONAL REQUIREMENTS
4-3-18 : DESIGN OF PREMISES
4-3-19 : SEMINUDE DANCING
4-3-20 : PROHIBITED ACTS AND ACTIVITIES
4-3-21 : ALCOHOLIC BEVERAGES
4-3-22 : NUDITY; DEFENSES TO PROSECUTION
4-3-23 : EXISTING BUSINESSES; COMPLIANCE TIME LIMITS

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4-3-24 : VIOLATION; INJUNCTION
4-3-25 : SUSPENSION OR REVOCATION OF LICENSE
4-3-26 : APPEAL PROCEDURES
4-3-27 : PENALTY

~~**4-3-1 : TITLE**~~

~~This chapter shall be known and may be referred to as the NORTH OGDEN CITY SEXUALLY ORIENTED BUSINESS AND EMPLOYEE LICENSING ORDINANCE.~~

~~HISTORY~~

~~Adopted by Ord. 1989 Code § 5.10.010 on 1/1/1989~~

~~(Code 2002, § 4-3-1)~~

4-3-1 : PURPOSE

It is the purpose and object of this chapter that the city establish reasonable and uniform regulations governing the time, place and manner of operation of sexually oriented businesses and their employees in the city. This chapter shall be construed to protect the governmental interests recognized by this chapter in a manner consistent with constitutional protections provided by the United States and the State of Utah constitutions.

HISTORY

Adopted by Ord. 1989 Code § 5.10.020 on 1/1/1989

(Code 2002, § 4-3-2)

4-3-2 : APPLICABILITY

This chapter imposes regulatory standards and license requirements on certain business activities which are characterized as sexually oriented businesses, and certain employees of those businesses characterized as sexually oriented business employees. Except where the context or specific provisions require, this chapter does not supersede or nullify any other related ordinances.

HISTORY

Adopted by Ord. 1989 Code § 5.10.030 on 1/1/1989

(Code 2002, § 4-3-3)

4-3-3 : DEFINITIONS

Definitions applicable to this chapter are set forth in CCNO 11-~~20~~ ~~2~~7: Definitions. HISTORY

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Adopted by Ord. 1987 Code § 5.10.040 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 4-3-4)

4-3-4 : CATEGORIES OF BUSINESSES; NUMBER OF LICENSES

A. Number: It is unlawful for any business premises to operate or be licensed for more than one category of sexually oriented business, except that a business may have a license for both outcall services and a seminude dancing agency on the same premises.

B. Categories: The categories of sexually oriented businesses are:

1. Outcall services;

2. Adult businesses;

3. Seminude entertainment businesses; and

4. Seminude dancing agency.

HISTORY

Adopted by Ord. 1989 Code § 5.10.100 on 1/1/1989

(Code 2002, § 4-3-5)

4-3-5 : OBSCENITY AND LEWDNESS; STATUTORY PROVISIONS

A. Obscenity: Notwithstanding anything contained in this chapter, nothing in this chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to applicable federal or state statutes or city ordinances prohibiting obscenity.

B. Lewdness: Notwithstanding anything contained in this chapter, nothing in this chapter shall be deemed to permit or allow conduct or the showing or display of any matter which is contrary to the provisions of state law; provided, however, that for the purpose of sexually oriented businesses, the definition of "private parts" shall be construed to mean nudity~~, as that term is defined in CCNO 11-20-2.~~

HISTORY

Adopted by Ord. 1989 Code § 5.10.050 on 1/1/1989
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 4-3-6)

4-3-6 : LOCATION AND ZONING RESTRICTIONS

It is unlawful for any sexually oriented business to do business at any location within the

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city not zoned for such business. Sexually oriented businesses licensed as adult businesses or seminude entertainment businesses pursuant to this chapter shall only be allowed in areas zoned for their use pursuant to CCNO 11-18~~20~~.

HISTORY

Adopted by Ord. 1989 Code § 5.10.060 on 1/1/1989

(Code 2002, § 4-3-7)

4-3-7 : LICENSE REQUIRED

A. Sexually Oriented Businesses: It is lawful for any person to operate a sexually oriented business, as specified herein, without first obtaining a general business license and a sexually oriented business license. The sexually oriented business license shall specify the type of business for which it is obtained.

B. Employees: It is unlawful for any sexually oriented business to employ or for any individual to be employed by a sexually oriented business in the capacity of a sexually oriented business employee, unless that employee first obtains a sexually oriented business employee license.

HISTORY

Adopted by Ord. 1989 Code § 5.10.070, 5.10.110 on 1/1/1989

(Code 2002, § 4-3-8)

4-3-8 : EXEMPTIONS FROM LICENSE REQUIREMENTS

The provisions of this chapter shall not apply to any:

A. Sex therapist or similar individual licensed by the state to provide bona fide sexual therapy or counseling;

B. Licensed medical practitioner;

C. Licensed nurse;

D. Licensed massage therapist;

E. Psychiatrist;

F. Psychologist; or

G. Educator licensed by the state, provided that the exemption provided in this subsection shall only apply to the educator's activities in the classroom.

HISTORY

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Adopted by Ord. 1989 Code § 5.10.080 on 1/1/1989

(Code 2002, § 4-3-9)

4-3-9 : LEGITIMATE ARTISTIC MODELING

A. Contract Required: The city does not intend to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the first amendment or similar state protections. The city does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling. Notwithstanding the provisions of this chapter, a licensed outcall employee may appear in a state of nudity before a customer or patron, provided that a written contract for such appearance was entered into between the customer or patron and the employee and signed at least twenty-four (24) hours before the nude appearance. All other applicable provisions of this chapter shall apply to such nude appearance.

B. Exemptions To License Requirement; Prohibited Acts: In the event a contract for nude modeling or appearance is signed more than forty-eight (48) hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this chapter. During such unlicensed nude appearance, it is unlawful to:

1. Appear nude or seminude in the presence of persons under the age of eighteen (18) years;

2. Allow, offer or agree to any touching of the contracting party or other person by the individual appearing nude;

3. Allow, offer or agree to commit prostitution, solicitation of a minor, or committing activities harmful to a minor;

4. Allow, offer, commit or agree to any sex act as validly defined by city ordinances or state statute;

5. Allow, offer, agree or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude; and

6. Allow, offer or agree for the individual appearing nude to be within five feet (5') of any other person while performing or while nude or seminude.

HISTORY

Adopted by Ord. 1989 Code § 5.10.090 on 1/1/1989

(Code 2002, § 4-3-10)

4-3-10 : APPLICATION FOR LICENSE

A. Required; Disclosures: Before any applicant may be licensed to operate a sexually oriented business or as a sexually oriented business employee pursuant to this chapter,

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the applicant shall submit, on a form to be supplied by the city license authority, the following:

1. The correct legal name of each applicant, corporation, partnership, or individual or entity doing business under an assumed name.

2. If the applicant is a corporation, partnership, or limited partnership, or individual or entity doing business under an assumed name, the information required below for individual applicants shall be submitted for each partner and each principal of an applicant, and for each officer, director, and any shareholder (corporate or personal) of more than ten percent (10%) of the stock of an applicant. Any holding company, or any entity holding more than ten percent (10%) of an applicant, shall be considered an applicant for purposes of disclosure under this chapter. The shareholder disclosure requirements shall only be applicable for outcall services licenses.

3. All corporations, partnerships or noncorporate entities included on the application shall also identify each individual authorized by the corporation, partnership or noncorporate entity to sign the checks for such corporation, partnership or noncorporate entity.

4. For all applicants or individuals, the application must also state:

a. Any other names or aliases used by the individual;

b. The age, date and place of birth;

c. Height;

d. Weight;

e. Color of hair;

f. Color of eyes;

g. Present business address and telephone number;

h. Present residence and telephone number;

i. Utah driver license or identification number; and

j. Social Security number.

5. Acceptable written proof that any individual is at least eighteen (18) years of age.

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6. Attached to the form, as provided above, two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the police department. For persons not residing in the city, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency.

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7. For any individual applicant required to obtain a sexually oriented business employee license as an escort or a seminude entertainer, a certificate from the Weber/Morgan County health department, stating that the individual has, within thirty (30) days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases.

8. A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application.

9. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant previously operating or seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.

10. All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual or other entity subject to disclosure under this chapter, for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offenses designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere, and sentence of each conviction or other disposition, identifying the convicting jurisdiction and sentencing court, and providing the court identifying case numbers or docket numbers. Application for a sexually oriented business or employee license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license.

11. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.

12. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee, and any rules, regulations or employment guidelines under or by which the business intends to operate. This description shall also include:

a. The hours that the business or service will be open to the public, and the methods of promoting the health and safety of the employees and patrons and preventing them

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from engaging in illegal activity;

b. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities;

c. The methods of supervision preventing employees and patrons from charging or receiving fees for services or acts prohibited by this chapter or other statutes or ordinances; and

d. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the commission of acts of prostitution or other criminal activity.

B. False Or Misleading Information: It is unlawful to knowingly submit false or materially misleading information in or with a sexually oriented business license application or to fail to disclose or omit information for the purpose of obtaining a sexually oriented business or employee license.

HISTORY

Adopted by Ord. 1989 Code § 5.10.120 on 1/1/1989

(Code 2002, § 4-3-11)

4-3-11 : FEE FOR LICENSE

Each applicant for a sexually oriented business or employee license shall be required to pay regulatory license fees to be established by resolution. An application is not complete until all appropriate fees have been paid.

HISTORY

Adopted by Ord. 1989 Code § 5.10.130 on 1/1/1989

(Code 2002, § 4-3-12)

4-3-12 : BOND REQUIRED

Each applicant for a sexually oriented business license shall post with the city a cash or corporate surety bond payable to the city in the amount of two thousand dollars ($2,000.00) or such other amount as may be set by resolution. Any fines assessed against the business, officers or managers for violations of city ordinances shall be taken from this bond, if not paid in cash, within ten (10) days after notice of the fine, unless an appeal is filed as provided in CCNO 4-3-26. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to two thousand dollars ($2,000.00) within fifteen (15) days of the date of notice of any draw against it.

HISTORY

Adopted by Ord. 1989 Code § 5.10.140 on 1/1/1989

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(Code 2002, § 4-3-13)

4-3-13 : DEPARTMENTAL REVIEW

A. Time Limit: Upon receipt of an application, all departments required to review the application shall determine within seven (7) days whether or not the application is incomplete in items needed for processing. Incomplete applications shall immediately be returned to the applicant with a specification of the items which are incomplete.

B. Time Defined: The time for processing applications specified in this section shall begin to run from the receipt of a complete application, including posting of bond and payment of required fees.

C. Issuance Pending Completion Of Review; Revocation:

1. In the event that a license for outcall services, seminude dancing agencies, adult businesses or seminude entertainment businesses has not been disapproved within thirty (30) days of the forty-five (45) days allowed after an extension, the city shall issue the license pending completion of the city's review.

2. Any license issued pursuant to subsection C1 of this section may be revoked by the city, pursuant to the revocation procedures provided for herein, if the completed review determines that the license should have been denied.

HISTORY

Adopted by Ord. 1989 Code § 5.10.160 on 1/1/1989

(Code 2002, § 4-3-14)

4-3-14 : ISSUANCE CONDITIONS

The city shall approve the issuance of a license to the applicant within thirty (30) days after receipt of a completed application, including bond and payment of fee, unless the official finds one or more of the following:

A. The applicant is under eighteen (18) years of age;

B. The applicant is overdue in payment to the city of taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to a sexually oriented business;

C. The applicant has falsely answered a material question or request for information as authorized by this chapter;

D. The applicant has violated a provision of this chapter or similar provisions found in statutes or ordinances from any jurisdiction within two (2) years immediately preceding the application. A criminal conviction for a violation of a provision of this chapter or similar provisions from any jurisdiction, whether or not being appealed, is conclusive evidence of

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a violation, but a conviction is not necessary to prove a violation;

E. The premises to be used for the business have been disapproved by the Weber/Morgan County health department, the fire department, the police department, the building officials, or the zoning officials, as not being in compliance with applicable laws and ordinances of the city. If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain from the city an extension of time of no more than fifteen (15) days for their review. The total time for the city to approve or deny a license shall not exceed forty-five (45) days from the receipt of a completed application, including bond and payment of all fees. Businesses located outside of the corporate boundaries of the city, but requiring a license under this chapter, may be denied a license pursuant to this chapter if the business does not have a valid business license to conduct business at the business location from the appropriate jurisdiction for that location;

F. The required license fees have not been paid;

G. All applicable sales and use taxes have not been paid;

H. An applicant for the proposed business is in violation of or not in compliance with this chapter or similar provisions found in statutes or ordinances from any jurisdiction;

I. An applicant has been convicted or pled nolo contendere to a crime:

1. Involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; harboring a runaway child; criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:

a. Less than two (2) years have elapsed from the date of conviction, if the conviction is for a misdemeanor offense, or less than five (5) years if the convictions are for two (2) or more misdemeanors within the five (5) years; or

b. Less than five (5) years have elapsed from the date of conviction, if the offense is for a felony.

2. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this section.

HISTORY

Adopted by Ord. 1989 Code § 5.10.160 on 1/1/1989

(Code 2002, § 4-3-15)

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4-3-15 : PREMISES REQUIREMENTS

A. Licensed Premises: It is unlawful to conduct business under a license issued pursuant to this chapter at any location other than the licensed premises. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.

B. Name: It is unlawful for any sexually oriented business to do business in the city under any name other than the business name specified in the application.

C. Signage: Every sexually oriented business shall display a sign on the door of the business in such a way to be visible to all persons entering the premises of the sexually oriented business. This sign shall be not less than one square foot in size and the text of the sign shall be printed in black letters, at least two inches (2") high, on a white background in a font which can be easily read. The sign shall read as follows: "This establishment has been licensed by North Ogden City as a sexually oriented business. Persons under the age of 18 years are not allowed to enter this establishment." In the event persons under eighteen (18) years are prohibited from entering only some areas of the business, the sign shall read: "This establishment has been licensed by North Ogden City as a sexually oriented business. Persons under the age of 18 years are not allowed to enter certain areas of this establishment."

HISTORY

Adopted by Ord. 1989 Code § 5.10.150 on 1/1/1989

(Code 2002, § 4-3-16)

4-3-16 : LICENSE PROVISIONS

A. Term: Sexually oriented business and employee licenses issued pursuant to this chapter shall be valid from the date of issuance through July 1 of each succeeding year. The license fees shall not be prorated for any portion of a year, but shall be paid in full for whatever portion of the year the license is applied for.

B. Change Of Information: Any change in the information required to be submitted under this chapter for either a sexually oriented business license or sexually oriented business employee license shall be given, in writing, to the business license clerk and the police department within fourteen (14) days after such change.

C. Transferability: Sexually oriented business licenses granted under this chapter shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership or other legal entity to transfer any part in excess of ten percent (10%) thereof, without filing a new application and obtaining prior city approval. If any transfer of the controlling interest in a business license occurs, the license is immediately null and void, and the business shall not operate until a separate new license has been properly issued by the city as provided in this chapter.

D. Display Of License: It is unlawful for any sexually oriented business location within

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the boundaries of the city to fail to display the license granted pursuant to this chapter in a prominent location within the business premises. It is unlawful for any individual licensed pursuant to this chapter to fail to carry, at all times while engaged in licensed activities within the corporate boundaries of the city, their employee license on their person. If the individual is nude, such license shall be visibly displayed within the same room the employee is performing. When requested by police, city licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the city.

E. Statement In Advertisements: It is unlawful for any advertisement by the sexually oriented business or employee to fail to state that the business or employee is licensed by the city, and the advertisement shall include the city license number.

HISTORY

Adopted by Ord. 1989 Code § 5.10.180, 5.10.190, 5.10.200, 5.10.210, 5.10.220 on 1/1/1989

(Code 2002, § 4-3-17)

4-3-17 : OUTCALL SERVICES; OPERATIONAL REQUIREMENTS

It is unlawful for any business or employee providing outcall services contracted for in the city to fail to comply with the following requirements:

A. Contract: All businesses licensed to provide outcall services pursuant to this chapter shall provide to each patron a written contract where pecuniary compensation is exchanged for such services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the cost of the service to the patron, and any special terms or conditions relating to the services to be performed. The contract need not include the name of the patron. The business licensee shall keep and maintain a copy of each written contract entered into pursuant to this section for a period of not less than one year from the date of provision of services thereunder. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract, and pecuniary compensation paid.

B. Office: All outcall services licensed pursuant to this chapter shall maintain an open office or telephone at which the licensee or licensee's designated agent may be personally contacted during all hours outcall employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For outcall services which premises are licensed within the corporate limits of the city, private rooms or booths where the patron may meet with the outcall employee shall not be provided at the open office or any other location by the service, nor shall patrons meet outcall employees at the business premises.

C. Advertising: Outcall services shall not advertise in such a manner that would lead a reasonably prudent person to conclude that specified sexual activities would be performed by the outcall employee.

D. Employee Licensing Required: All employees of outcall services who provide outcall

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services within the city shall be licensed in accordance with this chapter, regardless of the primary location of the business.

HISTORY

Adopted by Ord. 1989 Code § 5.10.240 on 1/1/1989

(Code 2002, § 4-3-18)

4-3-18 : DESIGN OF PREMISES

A. Adult Business:

1. Diagram; Construction: Any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the establishment. The design and construction, prior to granting a license or opening for business, shall conform to the following:

a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;

b. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person being allowed in the restroom per stall, and only one person in any stall at a time, and requiring that patrons shall not be allowed access to manager's station areas;

c. For businesses which exclude minors from the entire premises, all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded; and

d. The diagram required shall not necessarily be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures and rating for illumination capacity.

2. Manager's View Unobstructed: It shall be the duty of the licensee and the licensee's employees to ensure that the views from the manager's station in subsection A1a of this section remain unobstructed by any doors, walls, merchandise, display racks, or any other materials, at all times that any patron is present in the premises, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

3. Lighting Fixtures; Illumination: The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle, measured at floor level. It shall be the duty of the licensee and the licensee's employee present on the premises to ensure that the illumination described herein is maintained at all times that any patron is present in the premises.

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B. Seminude Entertainment Business:

1. Prohibited Conditions; Barrier: It is unlawful for a business premises licensed for seminude entertainment to:

a. Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater such items may be on the stage as part of a performance;

b. Allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors to be lockable from the inside;

c. Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet (3') high and six inches (6") wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.

2. Adult Theaters; Barrier: Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet (3'), which separation shall be delineated by a physical barrier at least three feet (3') high.

HISTORY

Adopted by Ord. 1989 Code § 5.10.250, 5.10.260 on 1/1/1989

(Code 2002, § 4-3-19)

4-3-19 : SEMINUDE DANCING

A. License Required: It is unlawful for any individual or entity to furnish, book or otherwise engage the services of a professional dancer, model or performer to appear in a state of seminudity for pecuniary compensation in or for any seminude entertainment business or adult theater licensed pursuant to this chapter, unless such agency is licensed pursuant to this chapter.

B. Employee License Required: It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dancer, model or performer in a state of seminudity, either gratuitously or for compensation, in and for any business licensed pursuant to this chapter, unless such person is licensed pursuant to this chapter.

HISTORY

Adopted by Ord. 1989 Code § 5.10.280 on 1/1/1989

(Code 2002, § 4-3-20)

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4-3-20 : PROHIBITED ACTS AND ACTIVITIES

A. Specified: It is unlawful for any employee or operator to:

1. Allow persons under the age of eighteen (18) years on the licensed premises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas;

2. Allow, offer or agree to conduct any outcall services with persons under the age of eighteen (18) years;

3. Allow, offer or agree to allow any alcohol to be stored, used or consumed on or in the licensed premises;

4. Allow the outside doors to the premises to be locked while any customer is in the premises;

5. Allow, offer or agree to gambling on the licensed premises;

6. Allow, offer or agree to any sexually oriented business employee touching or being touched by any patron or customer, except that outcall employees and customers may touch, except that any touching of specified anatomical areas, whether clothed or unclothed, is prohibited;

7. Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises;

8. Allow sexually oriented business employees to possess, use, sell or distribute controlled substances while engaged in the activities of the business;

9. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor, to occur on the licensed premises or, in the event of an outcall employee or business, the outcall employee committing, offering or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor;

10. Allow, offer or agree to any "specified sexual activity," as that term is validly defined by city ordinances or state statute, in the presence of any customer or patron;

11. Allow, offer or agree to any outcall employee appearing before any customer or patron in a state of nudity;

12. Allow, offer or agree to allow a patron or customer to masturbate in the presence of the sexually oriented business employee or on the premises of a sexually oriented business; and

13. Allow, offer or agree to commit an act of "lewdness~~," as defined in CCNO 11-20-2~~.

B. Performers: It is unlawful for any professional dancer, model or performer, while performing in any business licensed pursuant to this chapter, to:

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1. Touch in any manner any other person;

2. Throw any object or clothing off the stage area;

3. Accept any money, drink or any other object directly from any person;

4. Allow another person to touch such performer or to place any money or object on the performer or within the costume or person of the performer; or

5. Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity.

C. Patrons: It is unlawful for any person, or any patron of any nude entertainment business, to touch in any manner any performer while in a state of nudity or seminudity; to place any money or object on or within the costume or person of any performer; to cross over the barrier separating the patrons from the stage during a nude performance; to bring into the premises any alcoholic beverage for on-premises consumption; or to give or offer to give to any such performer any drinks, money or object while such performer is performing; except that money may be placed on the stage which shall not be picked up by the performer except by hand.

HISTORY

Adopted by Ord. 1989 Code § 5.10.230, 5.10.290, 5.10.300 on 1/1/1989

(Code 2002, § 4-3-21)

4-3-21 : ALCOHOLIC BEVERAGES

A. It is unlawful for any business licensed pursuant to this chapter to allow the sale, storage, supply or consumption of alcoholic beverages on the premises.

B. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any sexually oriented business.

HISTORY

Adopted by Ord. 1989 Code § 5.10.270 on 1/1/1989

(Code 2002, § 4-3-22)

4-3-22 : NUDITY; DEFENSES TO PROSECUTION

It is a defense to prosecution or violation under this chapter that a person appearing in a state of nudity did so in a modeling class operated:

A. By a proprietary school licensed by the state, or a college, junior college or university supported entirely or partly by taxation;

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B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.

HISTORY

Adopted by Ord. 1989 Code § 5.10.310 on 1/1/1989

(Code 2002, § 4-3-23)

4-3-23 : EXISTING BUSINESSES; COMPLIANCE TIME LIMITS

The provisions of this chapter shall be applicable to all persons and businesses described herein, whether the activities regulated by this chapter were established before or after the effective date hereof, and regardless of whether such persons and businesses are currently licensed to do business in the city.

A. Outcall Services: All such persons and businesses requiring outcall service licenses shall have forty-five (45) days from the effective date hereof, or until their current license expires, whichever is first in time, to comply with the provisions of this chapter;

B. Seminude Dancing Agencies: All seminude dancing agency licenses shall have seventy-five (75) days from the effective date hereof, or until their license must be renewed, whichever is first, to comply with the provisions of this chapter; and

C. Adult Businesses And Seminude Entertainment Businesses: All adult businesses and seminude entertainment businesses shall have one hundred thirty-five (135) days from the effective date hereof, or until their current license must be renewed, whichever is first, to comply with the provisions of this chapter.

HISTORY

Adopted by Ord. 1989 Code § 5.10.320 on 1/1/1989

(Code 2002, § 4-3-24)

4-3-24 : VIOLATION; INJUNCTION

An entity or individual who operates or causes a sexually oriented business to be operated without a valid license, or who employs or is employed as an employee of a sexually oriented business, or who operates such a business or functions as such an employee in violation of the provisions of this chapter, is subject to a suit for injunction in addition to the civil and criminal violations provided herein, and any other remedy available at law or in equity.

HISTORY

Adopted by Ord. 1989 Code § 5.10.330 on 1/1/1989

(Code 2002, § 4-3-25)

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4-3-25 : SUSPENSION OR REVOCATION OF LICENSE

A. Conditions Warranting: The city may issue a notice suspending or revoking a sexually oriented business or employee license granted under this chapter if a licensee or an employee of the licensee has:

1. Violated or is not in compliance with this chapter;

2. Refused to allow any inspection of the premises of the sexually oriented business specifically authorized by this chapter or by any other statute or ordinance;

3. Failed to replenish the bond as provided in this chapter (such a suspension shall extend until the bond has been replenished);

4. Given materially false or misleading information in obtaining the license;

5. Knowingly operated the sexually oriented business or worked under the employee license during the period when the business licensee's or employee licensee's license was suspended;

6. Committed an offense which would be grounds for denial of a license for which the time period required has not elapsed;

7. On two (2) or more occasions within a twelve (12) month period, a person or persons committed in or on, or solicited for on the licensed premises, or an outcall employee solicited or committed on or off the premises, an offense which would be grounds for denial of a license for which a conviction has been obtained, and the person or persons were employees, whether or not licensed, of the sexually oriented business at the time the offenses were committed; and

8. A licensee is delinquent in payment to the city for ad valorem taxes, or sales taxes related to the sexually oriented business.

B. Effective: Suspension or revocation shall take effect within fifteen (15) days of the issuance of notice, unless an appeal is filed as provided by this chapter.

C. Appeal No Effect On Revocation: The fact that a conviction is being appealed shall have no effect on the revocation of the license.

D. Effect Of Revocation: When a license issued pursuant to this chapter is revoked, the revocation shall continue for one year from its effective date, and the licensee shall not be issued a sexually oriented business or employee license for one year from the date of such revocation.

HISTORY

Adopted by Ord. 1989 Code § 5.10.340, 5.10.350 on 1/1/1989

(Code 2002, § 4-3-26)

PROOFS

4-3-26 : APPEAL PROCEDURES

The denial, suspension or revocation of any license issued pursuant to this chapter may be appealed in accordance with CCNO 1-8.

HISTORY

Adopted by Ord. 2011-15 on 9/27/2011

(Code 2002, § 4-3-27)

4-3-27 : PENALTY

A. Misdemeanor: In addition to revocation or suspension of a license, as provided in this chapter, each violation of any provision of this chapter shall be a Class B misdemeanor and, upon conviction, subject to penalty as provided in CCNO 1-4-1. Each day of a violation shall be considered a separate offense.

B. Acts And Conduct Of Employees:

1. Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the sexually oriented business licensee and/or operator if such act or omission occurs either with the authorization, knowledge or approval of the licensee and/or operator or as a result of the licensee's and/or operator's negligent failure to supervise the conduct of the employee, and the sexually oriented business licensee shall be punishable in the same manner as if the licensee committed the act or caused the omission.

2. A sexually oriented business licensee and/or operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission by any employee constituting a violation of the provisions this chapter shall be deemed the act or omission of the licensee and/or operator for the purposes of determining whether the licensee's license shall be revoked, suspended or renewed.

HISTORY

Adopted by Ord. 1987 Code § 5.10.370 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 4-3-28)

4-4 : [18]RESIDENTIAL SOLICITATION

~~**18** The area of solicitation regulation has always been a difficult balancing act. *Reed v. Town of Gilbert*, 166 135 S. Ct. 2218 (2015), recently clarified that virtually any content-based restriction of speech violates the First Amendment. The definitions in this section of the chapter clearly demonstrate the content-based nature of some of the provisions. I recommend that this chapter be rewritten to regulate soliciting activities without~~

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4-4-1 : PURPOSE
4-4-2 : DEFINITIONS
4-4-3 : NO CITY LICENSE OR APPROVAL REQUIRED
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4-4-9 : WHEN REGISTRATION BEGINS
4-4-10 : ISSUANCE OF CERTIFICATES
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4-4-15 : APPEAL
4-4-16 : DECEPTIVE SOLICITING PRACTICES PROHIBITED
4-4-17 : "NO SOLICITATION" NOTICE
4-4-18 : DUTIES OF SOLICITORS
4-4-19 : TIME OF DAY RESTRICTIONS
4-4-20 : BUYER'S RIGHT TO CANCEL
4-4-21 : PENALTIES

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4-4-1 : PURPOSE

A. Residents of the city have an inalienable interest in their personal safety, well-being, and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The city has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential property. The city also has a substantial interest in protecting citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

B. There must be a balance between these substantial interests of the city and its citizens, and the effect of the regulations in this chapter on the rights of those who are regulated. Based on the collective experiences of city officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding door to door solicitation, the experience of its law enforcement officers and those affected by door to door canvassing and solicitation, as well as judicial decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in door to door solicitation, the city adopts this chapter to promote the city's substantial interests in:

1. Respecting citizens' decisions regarding privacy in their residences;

2. Protecting persons from criminal conduct;

~~distinguishing the message sought to be conveyed. In addition, note also that time-restrictions and rigorous certification processes have also been held unconstitutional. CITY: Under discussion. SFox: Retained as is pending further instruction from city.~~

3. Providing equal opportunity to advocate for and against religious belief, political position, or charitable activities; and

4. Permitting truthful and nonmisleading door to door solicitation regarding lawful goods or services in intrastate or interstate commerce.

C. The city finds that the procedures, rules and regulations set forth in this chapter are narrowly tailored to preserve and protect the city interests referred to herein while, at the same time, balancing the rights of those regulated.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-1)

4-4-2 : DEFINITIONS

For the purposes of this chapter, the following definitions shall apply:

ADVOCATING: Speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities.

APPEALS OFFICER: The city council or designee of the city responsible for receiving the information from the city and appellant regarding the denial or suspension of a certificate and issuing a decision as required by this chapter.

APPELLANT: The person or entity appealing the denial or suspension of a certificate, either personally as an applicant or registered solicitor, or on behalf of the applicant or registered solicitor.

APPLICANT: An individual who is at least eighteen (18) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a certificate permitting door to door solicitation.

APPLICATION FORM: A standardized form provided by the city to an applicant to be completed and submitted as part of registration.

BCI: An original or copy, dated no older than one hundred eighty (180) days prior to the date of the application, of either:
A. A Utah department of public safety bureau of criminal identification verified criminal history report personal to the applicant; or
B. Verification by the Utah department of public safety bureau of criminal identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

BUSINESS: A commercial enterprise licensed by the city as a person or entity under this title, having a fixed or temporary physical location within the city.

CERTIFICATE: A temporary, annual, or renewal certificate permitting door to door

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solicitation in the city applied for or issued pursuant to the terms of this chapter.

CHARITABLE ACTIVITIES: Advocating by persons or entities that either are, or support, a charitable organization.

CHARITABLE ORGANIZATION: Includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity:

A. That is:

1. A benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;

2. For the benefit of a public safety, law enforcement, or firefighter fraternal association; or

3. Established for any charitable purpose; and

B. That is tax exempt under applicable provisions of the internal revenue code of 1986, as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.

C. The term "charitable organization" includes a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization that has its principal place of business outside the city or State of Utah.

COMPETENT INDIVIDUAL: A person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.

COMPLETED APPLICATION: A fully completed application form, a BCI, two (2) copies of the original identification relied on by the applicant to establish proof of identity, and the tendering of fees.

CRIMINALLY CONVICTED: The final entry of a conviction, whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the applicant or registered solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance or diversion agreement.

DISQUALIFYING STATUS: Anything specifically defined in this chapter as requiring the denial or suspension of a certificate, and any of the following:

A. The applicant or registered solicitor has been criminally convicted of:

1. Felony homicide;

2. Physically abusing, sexually abusing, or exploiting a minor;

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3. The sale or distribution of controlled substances; or

4. Sexual assault of any kind;

B. Criminal charges currently pending against the applicant or registered solicitor for:

1. Felony homicide;

2. Physically abusing, sexually abusing, or exploiting a minor;

3. The sale or distribution of controlled substances; or

4. Sexual assault of any kind;

C. The applicant or registered solicitor has been criminally convicted of a felony within the last ten (10) years;

D. The applicant or registered solicitor has been incarcerated in a federal or state prison within the past five (5) years;

E. The applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:

1. Moral turpitude; or

2. Violent or aggravated conduct involving persons or property;

F. A final civil judgment has been entered against the applicant or registered solicitor within the last five (5) years indicating that:

1. The applicant or registered solicitor had either engaged in fraud, or intentional misrepresentation; or

2. A debt of the applicant or registered solicitor was nondischargeable in bankruptcy pursuant to 11 USC 523(a)(2), (a)(4), (a)(6), or (a)(19);

G. The applicant or registered solicitor is currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;

H. The applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction; or

I. The applicant or registered solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

DOOR TO DOOR SOLICITATION: The practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale, or

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attempting to further the sale of goods and/or services.

ENTITY: Includes a corporation, partnership, limited liability company, or other lawful entity, organization, society or association.

FEES: The cost charged to the applicant or registered solicitor for the issuance of a certificate and/or identification badge, which shall not exceed the reasonable costs of processing the application and issuing the certificate and/or identification badge.

FINAL CIVIL JUDGMENT: A civil judgment that would be recognized under state law as a judgment to which collateral estoppels would apply.

GOODS: One or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.

HOME SOLICITATION SALE: To make or attempt to make a sale of goods or services by a solicitor at a residence by means of door to door solicitation, regardless of:

A. The means of payment or consideration used for the purchase;

B. The time of delivery of the goods or services; or

C. The previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

LICENSING OFFICER: The city employees or agents responsible for receiving from an applicant or registered solicitor the completed application and either granting, suspending, or denying the applicant's certificate.

NO SOLICITATION SIGN: A reasonably visible and legible sign that states "No Soliciting," "No Solicitors," "No Salespersons," "No Trespassing," or words of similar import.

POLITICAL POSITION: Any actually held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

REGISTERED SOLICITOR: Any person who has been issued a current certificate by the city.

REGISTRATION: The process used by the city licensing officer to accept a completed application and determine whether or not a certificate will be denied, granted, or suspended.

RELIGIOUS BELIEF: Any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.

RESIDENCE: Any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the city, together with the lot or other real property on which the living unit is located. The term "residence" does not

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include the sidewalk, public street or public rights-of-way.

RESPONSIBLE PERSON OR ENTITY: That person or entity responsible to provide the following to an applicant, registered solicitor, and the competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:

A. Maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;

B. Facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and

C. Refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

SALE OF GOODS OR SERVICES: The conduct and agreement of a solicitor and the competent individual in a residence regarding particular goods or services that entitles the consumer to rescind the same within three (3) days under any applicable federal, state, or local law.

SERVICES: Those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

SOLICITING OR SOLICIT OR SOLICITATION:
Any of the following activities:

A. Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;

B. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;

C. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;

D. Seeking to obtain orders or prospective customers for goods or services;

E. Seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale;

F. Other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling.

SOLICITOR OR SOLICITORS: A person or persons engaged in door to door solicitation.

SUBMITTED IN WRITING: The information for an appeal of a denial or suspension of a certificate submitted in any type of written statement to the city offices by certified,

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registered, priority, overnight or delivery confirmation mail, facsimile, or hand delivery.

SUBSTANTIATED REPORT: An oral, written, or electronic report:

A. That is submitted to and documented by the city;

B. By any of the following:

1. A competent individual who is willing to provide law enforcement or other city employees with publicly available identification of their name, address, and any other reliable means of contact;

2. City law enforcement or licensing officer; or

3. Any other regularly established law enforcement agency at any level of government;

C. That provides any of the following information regarding a registered solicitor:

1. Documented verification of a previously undisclosed disqualifying status of a registered solicitor;

2. Probable cause that the registered solicitor has committed a disqualifying status which has not yet been determined to be a disqualifying status;

3. Documented, eyewitness accounts that the registered solicitor has engaged in repeated patterns of behavior that demonstrates failure by the registered solicitor to adhere to the requirements of this chapter; or

4. Probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the city.

WAIVER: The written form provided to applicant by the city wherein applicant agrees that the city may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this chapter, and which contains applicant's notarized signature.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006
Amended by Ord. 2008-08 on 5/12/2008

(Code 2002, § 4-4-2)

4-4-3 : NO OTHER CITY LICENSE OR APPROVAL REQUIRED

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A. Registered solicitors and persons exempt from registration need not apply for, nor obtain, any other license, permit, or registration from the city to engage in door to door solicitation.

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B. Any business licensed by the city under another city ordinance that uses employees, independent contractors, or agents for door to door solicitation in an effort to provide any tangible or intangible benefit to the business, shall be required to have such solicitors obtain a certificate, unless otherwise exempt from registration.

C. Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit, or registration from the city, provided they do not establish a temporary or fixed place of business in the city.

D. Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permits, or certificate that a registered solicitor is otherwise required to have or maintain.

E. Violation of any subsection of this section shall be considered a Class B misdemeanor and may also be charged as a violation of U.C.A. 1953, § 76-8-410.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 4-4-3)

4-4-4 : EXEMPTIONS FROM CHAPTER

The following are exempt from registration under this chapter:

A. Persons specifically invited to a residence by a competent individual prior to the time of the person's arrival at the residence;

B. Persons whose license, permit, certificate or registration with the State of Utah permits them to engage in door to door solicitation to offer goods or services to an occupant of the residence;

C. Persons delivering goods to a residence pursuant to a previously made order or persons providing services at a residence pursuant to a previously made request by a competent individual;

D. Noncommercial and nonprofit groups disseminating information or soliciting donations, membership or other support; provided, however, that those persons exempt from registration are not exempt from the duties and prohibitions outlined in this chapter while advocating or soliciting.

~~D. Persons advocating or disseminating information for, against, or in conjunction with, any religious belief, or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and~~

~~E. Persons representing a charitable organization. The charitable exemption shall apply to students soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the solicitation has been approved in writing~~

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~~by the school administration, and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting.~~

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-4)

4-4-5 : SOLICITATION PROHIBITED

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this chapter, the practice of being in and upon a private residence within the city by solicitors, for the purpose of home solicitation sales or to provide goods or services, is prohibited and is punishable as set forth in this chapter.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-5)

4-4-6 : REGISTRATION OF SOLICITORS

Unless otherwise exempt under this chapter, all persons desiring to engage in door to door solicitation within the city, prior to doing so, shall submit a completed application to the licensing officer and obtain a certificate.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-6)

4-4-7 : APPLICATION FORM

The licensing officer shall provide a standard application form for use for the registration of solicitors. Upon request to the licensing officer, or as otherwise provided, any person or entity may obtain in person, by mail, or facsimile, a copy of this application form. Each application form shall require disclosure and reporting by the applicant of the following information, documentation, and fee:

A. Review Of Written Disclosures: An affirmation that the applicant has received and reviewed the disclosure information required by this chapter.

B. Contact Information:

1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;

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2. Applicant's telephone number, home address and mailing address, if different;

3. If different from the applicant, the name, address, and telephone number of the responsible person or entity; and

4. The address by which all notices to the applicant required under this chapter is to be sent.

C. Proof Of Identity: In person verification by the licensing officer of the applicant's true identity by use of any of the following, which bear a photograph of said applicant:

1. A valid driver's license issued by any state;

2. A valid passport issued by the United States;

3. A valid identification card issued by any state;

4. A valid identification issued by a branch of the United States military.

Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the applicant.

D. Proof Of Registration With Department Of Commerce: The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the Utah state department of commerce.

E. Special Events Sales Tax Number: The applicant shall provide a special events sales tax number for either the applicant, or for the responsible person or entity for which the applicant will be soliciting.

F. Marketing Information:

1. The goods or services offered by the applicant, including any commonly known, registered or trademarked names;

2. Whether the applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.

G. BCI Background Check: The applicant shall provide:

1. An original or a copy of a BCI background check.

2. A signed copy of a waiver whereby applicant agrees to allow the city to obtain a name/date of birth BCI background check on applicant for purposes of enforcement of this chapter.

H. Responses To Questions Regarding Disqualifying Status: The applicant shall be required to affirm or deny each of the following statements on the application form:

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1. Has the applicant been criminally convicted of:

a. Felony homicide;

b. Physically abusing, sexually abusing, or exploiting a minor;

c. The sale or distribution of controlled substances; or

d. Sexual assault of any kind;

2. Are any criminal charges currently pending against the applicant for:

a. Felony homicide;

b. Physically abusing, sexually abusing, or exploiting a minor;

c. The sale or distribution of controlled substances; or

d. Sexual assault of any kind;

3. Has the applicant been criminally convicted of a felony within the last ten (10) years;

4. Has the applicant been incarcerated in a federal or state prison within the past five (5) years;

5. Has the applicant been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:

a. Moral turpitude; or

b. Violent or aggravated conduct involving persons or property;

6. Has a final civil judgment been entered against the applicant within the last five (5) years indicating that:

a. The applicant had either engaged in fraud, or intentional misrepresentation; or

b. A debt of the applicant was nondischargeable in bankruptcy pursuant to 11 USC 523(a)(2), (a)(4), (a)(6), or (a)(19);

7. Is the applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;

8. Does the applicant have an outstanding arrest warrant from any jurisdiction; or

9. Is the applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

I. Fee: The applicant shall pay such fees as determined applicable by the city, which

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shall not exceed the reasonable cost of processing the application and issuing the certificate and/or identification badge.

J. Execution Of Application: The applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury that based on the present knowledge and belief of the applicant, the information provided is complete, truthful and accurate.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-7)

4-4-8 : WRITTEN DISCLOSURES

The application form shall be accompanied by written disclosures notifying the applicant of the following:

A. The applicant's submission of the application authorizes the city to verify information submitted with the completed application including:

1. The applicant's address;

2. The applicant's and/or responsible person's or entity's state tax identification and special use tax numbers, if any;

3. The validity of the applicant's proof of identity;

B. The city may consult any publicly available sources for information on the applicant, including, but not limited to, databases for any outstanding warrants, protective orders, or civil judgments;

C. Establishing proof of identity is required before registration is allowed;

D. Identification of the fee amount that must be submitted by applicant with a completed application;

E. The applicant must submit a "BCI" background check as defined in CCNO 4-4-2 with a completed application;

F. To the extent permitted by state and/or federal law, the applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection;

G. The city will maintain copies of the applicant's application form, proof of identity, and identification badge. These copies will become public records available for inspection on demand at the city offices whether or not a certificate is denied, granted, or renewed;

H. The criteria for disqualifying status, denial, or suspension of a certificate under the provisions of this chapter;

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I. That a request for a temporary certificate will be granted or denied the same business day that a completed application is submitted.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-8)

4-4-9 : WHEN REGISTRATION BEGINS

The licensing officer shall not begin the registration process unless the applicant has submitted a completed application. The original identification submitted to establish proof of identity shall be returned after the licensing officer verifies the applicant's identity. A copy of the identification may be retained by the licensing officer. If an original BCI background check is submitted by the applicant, the licensing officer shall make a copy of the BCI and return the original to the applicant.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-9)

4-4-10 : ISSUANCE OF CERTIFICATES

The licensing officer shall review the completed application submitted by the applicant and issue a certificate in accordance with the following:

A. Temporary Certificate:

1. A temporary certificate shall be issued allowing the applicant to immediately begin door to door solicitation upon the following conditions:

a. Applicant's submission of a completed application;

b. Applicant's submission of the required fee;

c. Applicant establishes proof of identity;

d. The applicant's representations on the application form do not affirmatively show a disqualifying status;

e. The BCI does not affirmatively show a disqualifying status; and

f. The applicant has not previously been denied a certificate by the city, or had a certificate revoked for grounds that still constitute a disqualifying status under this chapter.

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2. A temporary certificate will automatically expire after twenty-five (25) calendar days from issuance, or upon grant or denial of an annual certificate, whichever period is shorter.

B. Annual Certificate: Within twenty-five (25) calendar days of the issuance of a temporary certificate the city shall:

1. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the applicant, including, but not limited to, those facts disclosed with the application form.

2. Issue written notice to the applicant and the responsible person or entity, if any, that the applicant either:

a. Will be issued an annual certificate, eligible for renewal one year from the date of issuance of the temporary certificate; or

b. Will not be issued an annual certificate for reasons cited in CCNO 4-4-14.

C. Renewal Certificate: An annual certificate shall be valid for one year from the date of issuance of the temporary certificate and shall expire at 12:00 midnight on the anniversary date of issuance. Any annual certificate that is not suspended, revoked, or expired may be renewed upon the request of the registered solicitor and the submission of a new completed application and payment of the fee, unless any of the conditions for the denial, suspension or revocation of a certificate are present as set forth in CCNO 4-4-14; or a disqualifying status is present.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-10)

4-4-11 : FORM OF CERTIFICATE AND IDENTIFICATION BADGE

A. Certificate Form: Should the licensing officer determine that the applicant is entitled to a certificate, the licensing officer shall issue a certificate to the applicant. The certificate shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the certificate expires. The certificate shall be dated and signed by the licensing officer. The certificate shall be carried by the registered solicitor at all times while soliciting in the city.

B. Identification Badge: With both the temporary and annual certificates, the city shall issue each registered solicitor an identification badge that shall be worn prominently on his person while soliciting in the city. The identification badge shall bear the name of the city and shall contain:

1. The name of the registered solicitor;

2. The address and phone number of the registered solicitor, or the name, address,

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and phone number of the responsible person or entity is provided;

3. A recent photograph of the registered solicitor; and

4. The date on which the certificate expires.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-11)

4-4-12 : MAINTENANCE OF REGISTRY

The licensing officer shall maintain and make available for public inspection a copy or record of every completed application received and the certificate or written denial issued by the city. The applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection. The licensing officer may furnish to the head of the city's law enforcement agency a listing of all applicants, those denied, and those issued a certificate.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-12)

4-4-13 : NONTRANSFERABILITY OF CERTIFICATES

Certificates shall be issued only in the name of the applicant and shall list the responsible party or entity, if any. The certificate shall be nontransferable. A registered solicitor desiring to facilitate or attempt to facilitate home solicitation sales with different:

A. Goods or services; or

B. Responsible person or entity, from those designated in the originally submitted completed application;

shall submit a written change request to the licensing officer. A new certificate based on the amended information shall issue for the balance of time remaining on the solicitor's previous certificate before the amendment was filed. Before the new certificate is given to the registered solicitor, the registered solicitor shall obtain a revised identification badge from the city, after payment of the fee for the identification badge.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-13)

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4-4-14 : DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATE OF REGISTRATION

A. Denial: Upon review, the licensing officer shall refuse to issue a certificate to an applicant for any of the following reasons:

1. Denial Of Temporary Certificate:

a. The application form is not complete;

b. The applicant fails to:

(1) Establish proof of identity;

(2) Provide a BCI; or

(3) Pay the fees;

c. The completed application or BCI indicates that the applicant has a disqualifying status; or

d. The applicant has previously been denied a certificate by the city or has had a certificate revoked for grounds that still constitute a disqualifying status under this chapter.

2. Denial Of Annual Certificate:

a. The information submitted by the applicant at the time of the granting of the temporary certificate is found to be incomplete or incorrect;

b. Since the submission of the completed application, the applicant is subject to a previously undisclosed or unknown disqualifying status;

c. Failure to complete payment of the fees;

d. Since the submission of the application, the city has received a substantiated report regarding the past or present conduct of the applicant;

e. Since the submission of the application, the city or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this chapter or similar federal, state, or municipal laws in a manner rising to the level of a disqualifying status; or

f. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that:

(1) The applicant had either engaged in fraud, or intentional misrepresentation; or

(2) A debt of the applicant was nondischargeable in bankruptcy pursuant to 11 USC 523(a)(2), (a)(4), (a)(6), or (a)(19).

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3. Denial Of Annual Certificate Renewal:

a. The information submitted by the applicant when seeking renewal of a certificate is found to be incomplete or incorrect;

b. Since the submission of the renewal application, the applicant is subject to a previously undisclosed or unknown disqualifying status;

c. Failure to complete payment of the fees;

d. Since the submission of the application or granting of a certificate, the city has received a substantiated report regarding the past or present conduct of the solicitor;

e. The city or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this chapter or similar federal, state, or municipal laws in a manner rising to the level of a disqualifying status; or

f. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that:

(1) The applicant had either engaged in fraud, or intentional misrepresentation; or

(2) A debt of the applicant was nondischargeable in bankruptcy pursuant to 11 USC 523(a)(2), (a)(4), (a)(6), or (a)(19).

B. Suspension Or Revocation: The city shall either suspend or revoke a certificate when any of the reasons warranting the denial of a certificate occurs.

C. Notice Of Denial Or Suspension: Upon determination of the licensing officer to deny an applicant's completed application or to suspend a registered solicitor's certificate, the city shall cause written notice to be sent to the applicant or registered solicitor by the method indicated in the completed application. The notice shall specify the grounds for the denial or suspension, the documentation or information the city relied on to make the decision, the availability of the documentation for review by applicant upon one business day's notice to the city, and the date upon which the denial or suspension of the certificate shall take effect. It shall further state that the applicant or registered solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in CCNO 4-4-2, in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a certificate automatically results in its revocation.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

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(Code 2002, § 4-4-14)

4-4-15 : APPEAL

A. An applicant or registered solicitor whose certificate has been denied or suspended shall have the right to appeal to the city council or its designee. Any appeal must be submitted by the applicant, the responsible person or entity, or legal counsel for either who:

1. Documents the relationship with the applicant or responsible person or entity; or

2. Is licensed or authorized by the State of Utah to do so, and makes the assertion of an agency relationship.

B. The following procedures and requirements shall apply:

1. Any appeal must be submitted in writing to the city recorder with a copy to the licensing officer within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.

2. Upon request of the applicant or registered solicitor, within one business day, the city will make available any information upon which it relied in making the determination to either deny or suspend the certificate.

3. The appeals officer shall review, de novo, all written information submitted by the applicant or registered solicitor to the licensing officer, any additional information relied upon by the licensing officer as the basis for denial, suspension or revocation, and any additional information supplied by the city, applicant or registered solicitor. Any additional information submitted by any party to the appeal to the appeals officer shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the appeals officer regarding the additional information submitted by the opposing party.

4. The appeals officer will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in this section, the fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.

a. The denial or suspension of the certificate shall be reversed by the appeals officer if, upon review of the written appeal and information submitted, the appeals officer finds that the licensing officer made a material mistake of law or fact in denying or suspending the applicant's or registered solicitor's certificate.

b. If the written appeal and information submitted indicates that the licensing officer properly denied or suspended the certificate of the applicant or registered solicitor, the denial or suspension of the certificate shall be affirmed and constitute a determination that the suspended certificate is revoked.

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c. The decision of the appeals officer shall be delivered to the applicant or registered solicitor by the means designated in the completed application, or as otherwise agreed upon when the appeal was filed.

5. After the ruling of the appeals officer, the applicant or solicitor is deemed to have exhausted all administrative remedies with the city.

6. Nothing herein shall impede or interfere with the applicant's, solicitor's, or city's right to seek relief in a court of competent jurisdiction.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-15)

4-4-16 : DECEPTIVE SOLICITING PRACTICES PROHIBITED

A. No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.

B. A solicitor shall immediately disclose to the consumer during face to face solicitation:

1. The name of the solicitor;

2. The name and address of the entity with whom the solicitor is associated; and

3. The purpose of the solicitor's contact with the person and/or competent individual.

This requirement may be satisfied through the use of the badge and an informational flyer.

C. No solicitor shall use a fictitious name, an alias, or any name other than his true and correct name.

D. No solicitor shall represent directly or by implication that the granting of a certificate of registration implies any endorsement by the city of the solicitor's goods or services or of the individual solicitor.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-16)

4-4-17 : "NO SOLICITATION" NOTICE

A. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance

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door or on or near the property line adjacent to the sidewalk leading to the residence.

B. The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.

C. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.

D. The provisions of this section shall apply also to solicitors who are exempt from registration pursuant to the provisions of this chapter.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-17)

4-4-18 : DUTIES OF SOLICITORS

A. Every person soliciting or advocating shall check each residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If such sign or placard is posted such solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property. Possession of a certificate of registration does not in any way relieve any solicitor of this duty.

B. It is a violation of this chapter for any person soliciting or advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating, a home solicitation sale, door to door soliciting, or soliciting.

C. It is a violation of this chapter for any solicitor through ruse, deception, or fraudulent concealment of a purpose to solicit, to take action calculated to secure an audience with an occupant at a residence.

D. Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.

E. The solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent.

F. The solicitor shall not follow a person into a residence without their explicit consent.

G. The solicitor shall not continue repeated soliciting after a person and/or competent individual has communicated clearly and unequivocally their lack of interest in the subject, goods or services of the solicitor.

H. The solicitor shall not use obscene language or gestures.

PROOFS

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-18)

4-4-19 : TIME OF DAY RESTRICTIONS

It shall be unlawful for any person, whether licensed or not, to solicit at a residence before 9:00 a.m. or after 9:00 p.m. Mountain Time, unless the solicitor has express prior permission from the resident to do so.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-19)

4-4-20 : BUYER'S RIGHT TO CANCEL

In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay in an emergency, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "buyer's right to cancel" shall be in the form required by U.C.A. 1953, § 70C-5-103, or a current version thereof or any state or federal law modifying or amending such provision.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-20)

4-4-21 : PENALTIES

Any person who violates any term or provision of this chapter shall be guilty of a Class B misdemeanor and shall be punished by a fine of not to exceed one thousand dollars ($1,000.00) and/or a jail sentence of not to exceed six (6) months.

HISTORY

Adopted by Ord. 2006-09 on 9/5/2006

(Code 2002, § 4-4-21)

PROOFS

Staff Report to the North Ogden City Council

SYNOPSIS

Description: A resident has requested the city participate in helping to recover from a sewer backup that flooded their basement.

Date: Nov. 22, 2023

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

Does the City want to participate in the cleanup and repair from a sewer backup that occurred on 750 East.

DISCUSSION

In the spring of 2023 there was a sewer backup on 750 east which flooded the basement of one of the homes. The backup was caused by cement and asphalt that had made their way into the sewer pipe. The resident has filed claims with various insurance companies but had all of them rejected. They would like a chance to discuss the situation with the Council to ask for relief from this issue and any assistance the city is willing to provide. Our insurance company has also denied the claim because this pipe was cleaned and inspected recently with no issues noted.

STAFF RECOMMENDATION

Council may make any decision they feel is appropriate, though legally we are not required to participate because government immunity says we haven't done anything wrong.

STAFF REPORT

TO: MAYOR AND CITY COUNCIL

FROM: JAMI JONES, FINANCE DIRECTOR

SUBJECT: CONSOLIDATED FEE SCHEDULE AMENDMENTS

DATE: 11/28/2023

Items to be considered on the Consolidated Fee Schedule:

Administration Department:

- Adding to Fee Schedule: Military Banner for Hero's Boulevard at market rate.

Building Department:

- Increase water meter fee for new connections as prices have increased.
    - Will include the cost when available before council meeting

Police Department:

- New fee: Utah Criminal History report (background check) $25.00

Water Fund:

- Increase water pumping energy costs
  Zone 7 increased $0.54
  Zone 8-10 increased $0.56

Impact Fee Summary:

- Add Impact Fee amounts for Additional Dwelling Units (ADU) as outlined

RESOLUTION -2023

CONSOLIDATED FEE SCHEDULE

A RESOLUTION TO AMEND THE CONSOLIDATED FEES CHARGED BY NORTH OGDEN CITY, UTAH, FOR THE VARIOUS SERVICES, PERMITS, AND MATERIALS. THE CITY PROVIDES IN ITS OPERATIONS AND FUNCTIONS AS A MUNICIPALITY IN THE STATE OF UTAH AND MAKES SUCH FEES EFFECTIVE NOVEMBER 28, 2023.

WHEREAS North Ogden City desires to charge fees to the users of its various services, utilities, and programs.

NOW, THEREFORE, be it resolved by the North Ogden Council:

CONSOLIDATED FEE SCHEDULE

All fees include applicable sales tax. Credit card service fees of up to 3% may apply.

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Administration Department

Municipal Code	$150.00
Municipal Code Update Annual Fee	$50.00
Credit Card Service Fee for Government Services	Up to 3%
Annexation City Fee	$935.00 plus actual cost of postage & publication
Copies, Per Page	$0.10
City Map, 11” x 17”	$1.00
City Map, 26” x 34”	$5.00
Zoning Map, 26” x 34”	$5.00
Cookbooks	$10.00 + tax
Return Check Fee	$20.00
Certified Copy	$5.00
Notary	$5.00
Facsimiles • First Page, Local Number • Each Additional Page, Local Number • First Page, Long Distance • Each Additional Page, Long Distance	 $1.00 $.50 $2.00 $1.00
Green Waste Pit Card Fee • 10 Punches • One-entry Pass • Contractors	 $25.00 $3.00 $100 per load + $100 refundable deposit
Existing Public Document, 8.5” x 11”, Per Page	$0.10
Prepare a Letter or Document, Per Page	$1.00
GRAMA Request – Records, Research Compilation, Editing, etc. • First 30 Minutes • Addition Time Per Hour	 No charge Lowest wage employee who can get information
Business Banners – Set up to hang and use our brackets	$15.00
Audit	$10.00 each
Budget	$10.00 each
Military Banner (Hero’s Blvd)	Market Rate

Building Department

For Impact Fees, see Impact Fee Summary on page 14

(Water, Sewer, Parks, Transportation, Fire, Central Weber Sewer, Storm Water)

Water Connections	
• Water Connection, 1” Meter, In a Subdivision	$ - TBD
• Water Connection, 1” Meter, Outside of a Subdivision	$541.00
• Water Connection, 1” Meter, Unincorporated	$741.00
• Water Connection, 1.5” Meter, In a Subdivision	$2167.00
• Water Connection, 1.5” Meter, Outside of a Subdivision	$2405.00
• Water Connection, 1.5” Meter, Unincorporated	$2605.00
• Water Connection, 2” Meter, In a Subdivision	$2167.00
• Water Connection, 2” Meter, Outside of a Subdivision	$2405.00
• Water Connection, 2” Meter, Unincorporated	$2605.00
Sanitary Sewer Connections	
• In a Subdivision	$56.00
• Outside of a Subdivision	$142.00
• Unincorporated	$142.00

Building Permit Fees

Initial Waste Containers	Market Rate
Construction Water Connection	$54.08
Single-Family Residential Permit and Commercial Building Permit Fees	1997 version of the Uniform Building Code, Section 107.2 Table 1A plus 20%
Residential Plan Check Fee Deposit	$500.00
Temporary Power Inspection	$56.40
Minimum Building Permit Fee	$56.40
Re-inspection Fee	$56.40
After-Hours/Emergency Inspection	$125.00
Stop Work (Red Tag) - Failure to obtain a Building Permit – regardless of the type of project unless emergency related.	$250.00 1st Offense, $1,000/each additional offense
Single-Family Residential Plan Check	50% of Permit Fee
Commercial Building Plan Check	65% of Permit Fee
State Fee	1% of Permit Fee
Deposit for Off-Site Improvements (New Homes Charged with Building Permit)	$1000.00
Excavation Permit Road Cut Fee • Taxing Entities, e.g., Special Districts & Government • Cash Bond • Performance Bond	$75.00 + Road Cut Fee $2.50 per Sq Ft 75% of standard fee $300.00 $2,000.00
Blasting Permit	$50.00
Grading Permit	$150.00
SWPPP Violation Red Tag Removal	$300.00
SWPPP Violation Clean Up • Vac Truck • Sweeper • Concrete Washout	 $500/2 hours + $205/additional hours $350/2 hours + $185 additional hours $500 Each Offense
Mining/Crushing Permit	$1000.00
No SWWPP Plan on site	$50
Dumpster Relocation	$100

Missing Storm Water Protection Barrier (BMP)	Employee time + cost of protective material (BMP)
Illegal Stockpiling of any Material in Public Right of Way if not moved within seven days after written warning.	$100
Track out Pad/ADA Access	$500
Portable Toilet Relocation	$100

Business Licenses

Commercial Business/High-Impact Home Occupation/Residential Rental • New Application Base Fee • Renewal Base Fee	 $100.00 $75.00
Temporary	$100.00
Fireworks Stand	$125.00
Solicitor's License	$100.00 each
Beer Licenses, Class "A" and "B" • New Application • Renewal • Renewal with Background Checks	 $125.00 $25.00 $100.00
In addition to the above Business License fees, the following fees apply:	
Temporary license for businesses with a combined display and building area covering more than 400 square feet	License Fee + $250.50 refundable deposit
Temporary license for businesses with a combined display and building area covering less than 400 square feet	License fee + $150.00 refundable deposit
Late Fees: • Business License renewal fees are due one year from the date the certificate of license is issued at the close of business (North Ogden City Code 4-1-5A) • Any license fee not paid within two (2) months of the due date, a penalty of twenty-five percent (25%) of the amount of the license fee shall be added to the original amount thereof, and if not paid within four (4) months of the due date, an additional penalty of twenty-five percent (25%) shall be added to the original amount (North Ogden City Code 4-1-5B)	

Civil Penalties

Abatement of property in violation of North Ogden City Municipal Code	$100.00

Administrative Hearing Fee	$20.00
Civil Citation Fees: • Paid before 10 days from date of citation • Paid after 10 days but before 20 days from date of citation • Paid after 20 days but before 30 days from date of citation • Late fee to be added to fines paid after 30 days up to a maximum of $1000.00 in fees and late fees	 $25.00 $50.00 $100.00 $10.00
Storm Water and Drainage: • Notice of Violation Issued, 1st day, 24-hour remediation • 2nd Day • 3rd Day • Each Subsequent Day	 No Charge $100.00 $200.00 $250.00

Planning Department

General Plan, Bound Copy • Per Page	$25.00 $0.10
Zoning Ordinance, in Binder • Per Page, not in Binder • Additional Updates, per year	$50.00 $0.10 $10.00
Subdivision Ordinance, in Binder • Per Page, Not in Binder	$25.00 $0.10
Subdivision Fees: • Preliminary Approval • Final Approval	 $800.00 + $50.00 per lot $1000.00 + $30.00 per lot
Minor Subdivision: • City Fee • Without Technical Review	 $750.00 $580.00
Vacation or Amendment of Subdivision • City Fee	 $695.00
Subdivision Application Extension • City Fee	 $200.00
Expired Subdivision Application Renewal – No changes required • City Fee	 $200.00
Boundary Line Adjustment • City Fee	 $675.00
North Hillside Study	$25.00
Zoning/Subdivision Amendment • Text • Map	 $350.00 $875.00
Site Plan Review: • City Fee (with technical review) • City Fee (no technical review)	$1390.00 $730.00
Planned Residential Unit Development (PRUD) • City Fee	 $1695.00

Conditional Use Permit: • City Fee (with technical review) • City Fee (no technical review)	 $1550.00 $730.00
Appearance Before Administrative Hearing Officer	$565.00
Plat Maps, 8” x 11” copy	$0.15
Plat Maps, 11” x 17” copy	$0.25
Chicken License Application	$5.00 annually
Subdivision Special Exception Application	$835.00
Zoning Verification Letter	$25.00
Land Use Permits	$40.00
Re-build Letter	$25.00

Parks & Recreation

These fees include applicable sales tax and credit card service fees

Community Garden	$26.00 per box/per year
North Ogden City Park & Field Reservation Time Periods and Reservation Fees	
Bowery Reservation • North Ogden Resident or Church Group that Meets Regularly • Non-Resident or Church Group that Does Not Meet Regularly • Commercial or Corporate Group	All Day (8 am – 10 pm) $36.00 $77.00 $77.00
Amphitheater Rental - Daily • Apron Only – Door Down • Apron and Stage – Door Up • Event Supervisor (Required for Door Up) • Two Dressing Rooms • Green Room	 $258.00/$129.00 Non-profit $515.00/$258.00 Non-profit $26.00/hour (4 hour minimum) $52.00 $52.00
Amphitheater Rental - Hourly • Apron Only – Door Down • Apron and State – Door Up • Event Supervisor (Required for Door Up) • Two Dressing Rooms • Green Room	 $52.00/$26.00 Non-profit $103.00/$52.00 Non-profit $26.00/hour (4 hour minimum) $52.00/day $52.00/day

Amphitheater Rental – Audio Visual Equipment
• Preset Lighting
• Sound Package
  ○ Installed Sound System
  ○ Connections for iPod, MP3, or other digital devices
  ○ One Wireless Microphone
• Additional Sound Items
  ○ Wireless Microphone
  ○ Wired Microphone
• AV Labor to hang, position, and run lights/sound system
• Additional charges for other equipment needed, or labor costs
	
	No Charge
	$150 per day
	
	$20.00
	$5.00
	$50.00/hour
	As charged by 3rd party

Amphitheater Rental - Miscellaneous • Garbage Cans (1 per 100 people) • Deposit – Apron Only	 $10.00 each $206.00

• Deposit – Apron and Stage	$515.00
• Late Change Request (less than 2 weeks prior to event)	$26.00
Equestrian Park Fees	
• Junior Posse	No Charge
• North Ogden 4-H Groups	$2.00 per rider
• Non-North Ogden Horse Group meeting regularly in North Ogden	$52.00/day
• Non-Resident or Church Group not meeting regularly in North Ogden	$52.00/day+$2 per rider
• Commercial or Corporate Group	$103.00/day+$2 per rider
• One Day Per Week all Season	$361.00
North View Senior Center Rental – NOC & Pleasant View Residents:	
• Auditorium/kitchen – 4 hours	$155.00+$200.00 deposit
• Auditorium/kitchen – additional per hour	$52.00
North View Senior Center Rental – Non-Resident:	
• Auditorium/kitchen – 4 hours	$515.00+$300.00 deposit
• Auditorium/kitchen – additional per hour	$103.00
• Staffing Fee	$10/hour
Athletic Fields:	
Field Reservation:	
• 1 to 50 hours	$10/hour
• 51 to 90 hours	$5/hour
• 91 to 1000 hours	$1/hour
• 1,001 and above hours	$0.50/hour
Field Preparation Fee (available Monday-Saturday)	$31.00
Staffing (per employee, when requested)	$10/hour

Resident Recreation Programs

Youth Basketball:	
• Kindergarten Co-ed Basketball	$41.00/player
• Boys Grades 1-2	$41.00/player
• Boys Grades 3-9	$49.00/player
• Girls Grades 1-9	$49.00/player
• Late Fee	$5.00/player
Youth Baseball/Softball:	
• Kickball Pre-kindergarten	$31.00/player
• T-Ball Kindergarten	$41.00/player
• Grades 1-3	$41.00/player
• Grades 4-9	$49.00/player
• Late Fee	$5.00/player
Football:	
• Flag	$41.00/player
• Tackle (youth)	$130.00/player
• Late Fee	$5.00/player
Adult Softball	$213.00/team
Adult Basketball	$374.00/team
Adult Volleyball, indoor	$22.00 per person
Refund Administration Fee (no refund after first game)	$5.00
Refund Administration Fee for Races (must apply before event)	$10.00
Snowshoe Rental:	

Weekday Individual Rates (Monday-Friday	
• Resident	$8.00/pair/day
• Non-Resident	$10.00/pair/day
Weekend Individual Rates (Friday-Next Business Day)	
• Resident	$12.00/pair
• Non-Resident	$15.00/pair
Group Rate (5 or More)	$1.00 off/pair
5K Runs/Walks:	
• Pre-Registered	$21.00-$26.00/runner
• Late and Day of Run Registration	$31.00-$36.00/runner
Half Marathon:	
• Pre-Registered	$46.00/runner
• Late and Day of Run Registration	$57.00/runner
Youth Camps and Craft Programs:	
• Lil' Tykes and Special Needs Sports Camp	$36.00/person
• Day Camps	$52.00/person
• Arts Summer Camps – Resident	$82.00/person
• Arts Summer Camps – Non-Resident	$124.00/person
Registration Services:	
• For Private Lessons/Clinics to NOC Plus the Instructor's Fee	$5.00/per person, session, or clinic
Non-Resident Fee (Youth baseball, softball, basketball & camps)	$15.00 additional

North Shore Aquatic Center

Daily Passes:	
• 3 Years and Under (with swim diaper and plastic pants)	Free
• 4 Years and Up, North Ogden Residents	$6.00
• 4 Years and Up, Non-Resident	$6.50
• Senior Citizens (55 years and over)	$5.00
• Military and Family	$3.50
• Swim Check	$6.50
• Last Hour of Open Swim	$3.50
• Flick N' Float	$2.00
• Flick N' Float (with season pass)	$3.00
• Swim Diaper	As posted
• Plastic Pants	As posted
Special Events:	
• Double Dip Mondays & Wednesday (6pm-8pm)	2 for the price of 1
Passes:	
• Individual Season Pass	$70.00
• Individual Season Pass Purchased between October-April	$60.00
• 4 + Group Season Pass	$60.00/each
• Picnic Pass	$3.50
• 10-Punch Pass – Resident	$55.00
• 10-Punch Pass – Non-Resident	$60.00
Facility Rentals:	
1.5 Hour Facility Rental Based Upon Capacity	
• 200 People	$300.00
• 400 People	$450.00

• 600 People	$675.00
• 800 People	$900.00
• 800 People (3.0 Hour Facility Rental Based Upon Capacity)	$1620.00
Age Group Swimming, Full Lap Pool 1.5 Hours	$515.00/month
Swim Lessons:	
• Standard Group Lessons, Resident	$45.00/person
Standard Group Lessons, Non-Resident	$60.00/person
Ducky Dipper	$21.00/person
Water Fitness Programs:	
• Water Walking, Lap Swimming, Water Aerobics	$3.00/per session
• Land	$4.00/per session
Bowery Rentals During Open Swim Hours	$45.00/2 hours
Birthday Parties (Pool Rental plus Concessions charged at market rate)	$100.00+concessions

Cherry Days

Cherry Days Booth Rental:	
• Provide Own Canopy	$62.00
• We Provide Canopy	$103.00
• Electricity	$15.00/outlet
• Late Fee	$10.00
Cherry Days Parade Fee:	
• Entry Fee	$21.00
• North Ogden Business	$15.00
• Schools	$10.00
• Late Fee	$10.00
Cherry Days Book Advertising:	
• Full Page – Color	$520.00
• Half Page – Color	$320.00
• Quarter Page – Color	$200.00
• Inside Cover	$700.00
• Outside Cover	$850.00

Police Department

Administration	
• Missionary Clearance Letter	No Charge
• Notary	$5.00
• Fingerprint, Resident (per card)	$10.00
• Fingerprint, Non-Resident (per card)	$15.00
• Utah Criminal History Report (background check)	$25.00
• Incident Report	$25.00
• Video/Digital Police Record (per source)	$25.00
• Color Photos (per photo)	$1.00
Charges for Services	

• Officer special event requests	$75.00/hour
Chapter 10, Section 24 (Off-Road Vehicle Operation) • First Offense (Juveniles up to 18 years of age who are attending school may go to Youth Court for First Offense) • Second Offense • Third Offense • Subsequent Offenses – Determined by NO Justice Court Judge	 $25.00 $50.00 $100.00 TBD
Unspecified Criminal Infraction Penalty • First Offense • Same Offense, Second Time • Same Offense, Third Time	 $50.00 $100.00 $200.00
Unspecified Criminal Class 8 Misdemeanor Penalty	$100.00
Unspecified Criminal Class C Misdemeanor Penalty	$75.00
Construction Noise Criminal Violation: • First Offense • Same Individual, Second Offense • Same Individual, Third Offense	 $250.00 $500.00 $750.00
Vehicle Towing Regulations – The owner of any vehicle, trailer, recreational vehicle, or other personal items, removed from the public right-of-way shall pay the actual fee charged by the company hired to remove the item (fee set by State Statute)	TBD
Animal Control Fines: • Restraint • Expired Dog License/Unlicensed • Licensed Dog Not Wearing License • Public Nuisance (Barking Dog) – Each Offense • Unnecessary Punishment • Violation of Dog/Cat Limit • Animal Attacking Person/Animal – Each Offense • Animal in Park • Animal in Park – Second Offense • Vicious Dog Roaming • Expired Rabies Vaccination • Exotic Animals • Female Animal in Heat • Public Nuisance (Damage/Odors/Unsanitary Conditions/Defecates) • Chases Vehicles or Person – Each Offense • Public Nuisance	 $50.00 $50.00 $50.00 $100.00 $25.00 $100.00 $25.00 $50.00 $100.00 $50.00 $100.00 $25.00 $25.00 $25.00 100.00
Animal Impound Fees: • First Offense • Second Offense • Third Offense • Impound of a Dog, Per Day, After First Day • Relinquishing a Dog or Cat • Euthanasia • Transportation of Animals • Quarantined Animal • Disposal of Expired Cat or Dog • Livestock Impound	 $50.00 $100.00 $100.00 $12.00 $50.00 $40.00 $50.00 $120.00 $12.00 $150.00

• Livestock Transportation, Per Trip	$75.00
• Animal Trap Rental, Per Week	$0.00
Animal Licenses (Per Year) – Due March 1st:	
• Dog, Unneutered or Unspayed	$30.00
• Dog, Neutered or Spayed	$10.00
• New Dog, Part of Year (after July 1st), Unneutered or Unspayed	$15.00
• New Dog, Part of Year (After July 1st), Neutered or Spayed	$5.00
• Duplicate License and Transfer Tags (NOC Only)	$2.00
• Dog, Late Fees	$15.00
Fees are waived for dogs used as guide dogs for the blind or hearing impaired and police service dogs.	

Public Works

Solid Waste

• Residential Dwelling, Resident, Per Month	$14.29
• Residential Dwelling, Non-Resident, Per Month	$23.51$10.80
• Each Extra Blue Container, Resident, Per Month	$16.20
• Each Extra Blue Container, Non-Resident, Per Month	$20.88
• Each Extra Black Container, Resident, Per Month	$40.32
• Each Extra Black Container, Non-Resident, Per Month	$18.39 per month
• Non-Residential 90-gallon Container, Once-a-week Collection	Market Rate
• Garbage Can Replacement (90-Gallon)	Market Rate

Culinary Water

Single-Family & Multi-Family Dwellings, Per Unit, Base Fee for Resident	$19.62
• Per 1,000 Gallons of Usage, Up to 6,000 Gallons	$1.81
• Per 1,000 Gallons of Usage, from 6,001 Gallons to 12,000 Gallons	$2.81
• Per 1,000 Gallons of Usage, from 12,001 Gallons to 18,000 Gallons	$7.24
• Per 1,000 Gallons of Usage, Beginning at 18,001 Gallons	$11.55
Single-Family & Multi-Family Dwellings, Per Unit, Base Fee for Non-Resident	$28.27
• Per 1,000 Gallons of Usage, up to 6,000 Gallons	$2.89
• Per 1,000 Gallons of Usage, from 6,001 Gallons to 12,000 Gallons	$3.89
• Per 1,000 Gallons of Usage, from 12,001 Gallons to 18,000 Gallons	$9.40
• Per 1,000 Gallons of Usage, Beginning at 18,001 Gallons	$14.25
Non-Residential User, Base Fee	$27.22
• Per 1,000 Gallons of Usage, up to 6,000 Gallons	$1.81
• Per 1,000 Gallons of Usage, from 6,001 Gallons to 12,000 Gallons	$2.81
• Per 1,000 Gallons of Usage, from 12,001 Gallons to 18,000 Gallons	$3.81
• Per 1,000 Gallons of Usage, beginning at 18,001 Gallons	$4.81

Leak Rate Per 1,000 Gallons (As Approved by Water Department Superintendent)	$1.81
Additional Usage Rates: Adjusted each July, or as energy costs change per Rocky Mtn Power rate summary. • Water Zone 7 Per Month • Water Zone 8-10 Per Month	 $6.75 $7.41
Water Usage by Contractor During Construction of New Building Paid at Building Permit Time	$54.08
If Meter Ring and/or Cover Assembly is Damaged at Time of Meter Installation: • Contractor/Property Owner Will be Charged Per Assembly (To be withheld from the off-site improvement bond when released)	 $60.00
If Jumper is Damaged or Missing at Time of Meter Installation: • Contractor/Property Owner Will be Charged Per Jumper (To be withheld from the off-site improvement bond when released)	 $21.00
Utility Account Multiple Billing Addresses (monthly charge)	$1.00
Reconnection Charge if water is turned off for non-payment If paid between 9:00 am and 4:30 am of the day water is shut off: • For 1st time in a 12-month period • For 2nd+ time in a 12-month period If the water department is called out after 4:30 pm to restore water: • For 1st time in a 12-month period • For 2nd+ time in a 12-month period	 $25.00 $50.00 $50.00 $100.00
Delinquent Account Processing Fee – will be assessed the month following a bill becoming delinquent under Section 13.04.030 North Ogden Code	$10.00
Before Water Service is restored, the customer must either: • Pay the account in full, including all processing, collection, and reconnection fees. The Utility Billing Department shall receive all payments before water service is restored, OR • Execute a written water restoration agreement with the city. Payments under a water restoration agreement shall be made monthly, and the payment schedule shall be made as negotiated. Payments made under the water restoration agreement shall be applied first to processing, collection, and reconnection fees and then to reducing the principal balance owing on the account.	
If the City retains a professional collection agency or attorney to collect the charges on any customer's overdue utility account, the City shall impose this collection fee.	Up to 30% of Outstanding balance
If the meter valve lock assembly is damaged or lost • Property owner will be charged per lock assembly	 $20.00
Illegal Use of Culinary Water: • First offense • Second offense • Third offense • Fourth offense	 $0.00 (warning) $250.00 $500.00 Fine set by the Court

Fire hydrant meter rental fees ($900.00 deposit is required)	
Short-term meter rental and equipment (1-3 days)	$20.00 plus
• Consumption charged at up to 15,000 gallons	$50.00
• 15,001 gallons or greater	$4.19/thousand gallons
Weekly meter rental and equipment	$25.00 plus
• Consumption charged at up to 15,000 gallons	$50.00
• 15,001 gallons or greater	$4.81/thousand gallons
Fees for lost, broken, or for equipment not returned:	
• Hydrant meter	$900.00
• Hydrant key	$35.00
• Damaged or new	$1,200.00

Storm Water

Storm Water (9-6-1 of the North Ogden City Municipal Code)	
Single-family residential parcel or lot, per month	$11.20
Multi-family residential parcel or lot, per month	
• First unit on the property	$11.20
• Each additional unit on the property	$6.68
Commercial/business – Per Equivalent Residential Unit	$6.27
Institutional – Per Equivalent Residential Unit	$4.86
Miscellaneous:	
Sandbags (flood control) – burlap or disposable bags	$.50 per bag

Sanitary Sewer

Central Weber Sewer	
Residential Unit in City limits, per month	$20.09
Residential Unit outside of City limits, per month	$20.09
Non-residential connection based on culinary water use, per month:	$20.09
• First 10,000 gallons, per 1,000 gallons	$1.60
• 11,000 gallons to 29,000 gallons, per 1,000 gallons	$.56
• 30,000 gallons, but less than 50,000 gallons, per 1,000 gallons	$.52
• 50,000 gallons, but less than 100,000 gallons, per 1,000 gallons	$.44
100,000 gallons or greater, per 1,000 gallons	$.42
Sanitary Sewer:	
• Residential Unit in City limits, per month	$11.56
• Residential unit outside of City limits, per month	$19.41
• Non-residential connection	$11.56

Impact Fee Summary

	Single Family Residential	Multi-Family Units	Additional Dwelling Unit (ADU)
Storm Water	$1,474.40	$.527/sq ft of hard surface & roof area	$.527/sq ft of hard surface & roof area
Water	$3,312.29	$2,235.79 per multi-family unit All other types of connections based on water service line size: 1" = 1.0 ERU 1¼" = 1.6 ERU 1½" = 2.2 ERU 2" = 3.9 ERU 2½" = 6.0 ERU 3" = 8.5 ERU 4" = 18.5 ERU 6" = 41.4 ERU 8" = 73.2 ERU	$1,159.29
Sewer (North Ogden City)	$546.00	$368.55 per multi-family unit All other types of connections based on water service line size: 1" = 1.0 ERU 1¼" = 1.6 ERU 1½" = 2.2 ERU 2" = 3.9 ERU 2½" = 6.0 ERU 3" = 8.5 ERU 4" = 18.5 ERU 6" = 41.4 ERU 8" = 73.2 ERU	$191.10
Sewer (Collected for Central Weber Improvement Sewer District (CWSID))	$2,631.00	Determined by CWSID	Determined by CWSID
Parks	$2,677.00	$1,601.00 per unit for multi-family units	$624.00
Transportation	$2,297.37	$1,604.78 per multi-family unit $888.06 per Senior housing unit Fees for other uses (not including ADU) are calculated using the Institute of Transportation Engineers (ITE) Trip Generation (9th Edition) handbook and the adopted impact fee calculation per trip generated of $482.64	$915.19
Fire (Collected for North View Fire District)	$225.56	$162.48 per multi-family/mobile home park unit $101.08 per 1,000 sq ft commercial building $17.72 per 1,000 sq ft commercial building apparatus fee $149.72 per 1,000 sq ft institutional building	$99.40

North Ogden City Street Cuts Fee

Fee Per Sq Ft of Road Cut	$2.50 per sq ft
Excavation Permit Charge	$75.00
New Road Cut Additional Fee	$500
If the City retains a professional collection agency or attorney to collect the charges on any customer's overdue accounts receivable account, the City shall impose this collection fee.	Up to 30% of Outstanding Balance

NOTE: This schedule applies to rights of way 60 feet or less. On 66-foot rights of way, fees will be 15% more. On 80-foot plus rights of way, fees will be 30% more. A new pavement cut fee of $500.00 will be assessed for new and newly surfaced roads two (2) years old or less. Penalty for failure to obtain a permit before excavation is $100.00. In the opinion of the City Engineer and/or Public Works Director, undo degradation will occur to the road surface due to the street cut or cuts, patching of the road cut, and a full street overlay may be required.

PASSED and ADOPTED this 28th day of November 2023.

North Ogden City:

_____

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	____	____
Council Member Cevering:	____	____
Council Member Dalpias:	____	____
Council Member Ekstrom:	____	____
Council Member Swanson:	____	____

(In event of a tie vote of the Council):

Mayor Berube:	____	____

ATTEST:

_____

Rian Santoro
City Recorder