

**CITY OF LOGAN, UTAH
ORDINANCE NO. 25-02**

**AN ORDINANCE AMENDING SECTION 5.16 OF THE LOGAN MUNICIPAL CODE
REGULATING HOME OCCUPATIONS:**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH AS FOLLOWS:

SECTION 1: That certain code chapter 5.18 entitled "Itinerant or Transient Merchants" is amended as attached hereto as Exhibit A.

SECTION 2: This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS ____ DAY OF _____, 2025.

Anderson, Amy Z.	☐ Aye	☐ Nay	☐ Abstained	☐ Excused
Anderson, Mark A.	☐ Aye	☐ Nay	☐ Abstained	☐ Excused
Johnson, Mike	☐ Aye	☐ Nay	☐ Abstained	☐ Excused
López, Ernesto	☐ Aye	☐ Nay	☐ Abstained	☐ Excused
Simmonds, Jeannie F.	☐ Aye	☐ Nay	☐ Abstained	☐ Excused

Jeannie F. Simmonds, Chair

ATTEST:

Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the ____ day of _____, 2025.

Jeannie F. Simmonds, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____,
2025.

Holly H. Daines, Mayor

EXHIBIT A



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: February 20, 2025
FROM: Aaron Smith, Neighborhood Improvement Manager
SUBJECT: **ORD 25-02 LMC 5.18 Itinerant or Transient Merchants Amendment**

Itinerant Merchant in Downtown Memorandum

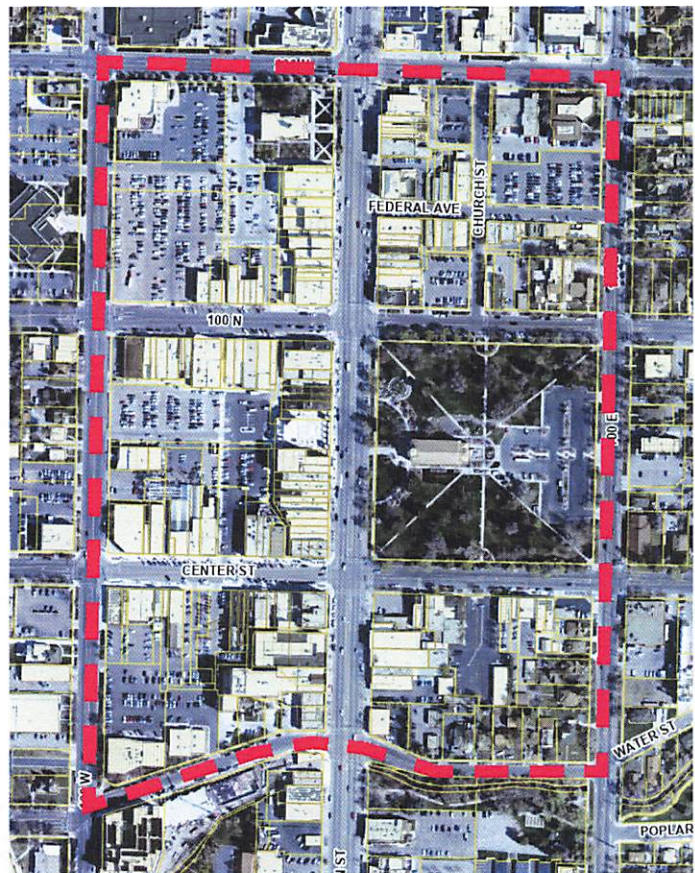
Issue

In 2024, Logan City Business Licensing received an application for an itinerant merchant license to operate a dumpling restaurant called Wong's out of a trailer at 96 E Center.

Currently, itinerant merchants are prohibited in the historic downtown area (200 N to 100 S and 100 E to 100 W), unless they receive written permission from the mayor. Mayoral approval is not a typical requirement for licensing of land use determinations, as we try to adopt licensing and zoning codes that are clear and can be equally applied to all applicants. Typically, when there is discretionary language regarding land use, permitting, or licensing, those decisions are made by quasi-judicial bodies, such as the Planning Commission, or at times, particularly for temporary uses, by the Director.

The current version of the code was adopted in 2017. Prior to its adoption, itinerant merchants were prohibited from operating in the historic downtown area. The 2017 amendment provided a pathway for itinerant merchant approval through mayoral approval (Ord 17-10).

Wong's received mayoral approval for 2024, but staff was directed to consider changes to the code to eliminate mayoral approval from the license process to reduce the



Historic Downtown Prohibition Area – Mayoral Approval Required

perception of political bias. The following draft code revisions examine eliminating mayoral approval and consider the appropriate location and reasonable restriction of itinerant merchants in the downtown area.

Option 1 - Remove Mayor Approval

This simple revision makes the code more restrictive as there would no longer be an option for mayoral approval of an itinerant merchant. This essentially reverts the code section back to the pre-2017 language. This amendment would require businesses such as Wong's to find a location outside the historic downtown area specified in the code.

5.18.050.F: ~~Unless otherwise approved by the Mayor in writing, a~~ An itinerant or transient merchant proposing to operate on private property shall only be permitted in the Airport, Commercial, Commercial Services, Gateway, Industrial, Mixed Use or Town Center Zoning Districts as per the Logan Land Development Code and according to the following:

1. ~~Itinerant or transient merchants are not permitted within the historic downtown area (200 North to 100 South and 100 East to 100 West) unless associated with a special event licensed by Logan City; and~~

2. ~~An itinerant or transient merchant shall not be located on vacant or undeveloped property. (Ord. 17-10, 2017)~~

Option 2 - Remove Historic District Restriction

Another simple revision would be to remove the downtown area restriction. Currently, itinerant merchants are permitted to operate in the Town Center zones, so there are no restrictions on them operating very near the designated historic downtown area. There are also limited areas in the historic downtown area that could reasonably accommodate a transient merchant, as adequate parking would have to be provided. Per the Land Development Code §17.31.120.C.4, 95% of the required on-site parking would have to be maintained. Many of the current private parking lots are at capacity, are legally existing nonconforming, or are shared parking, and would not be approved for an itinerant merchant. Wong's was approved as the on-site flower shop use has minimal parking requirements and the business is closed in the evening. Other locations in the downtown area that are restaurants or higher traffic businesses would have difficulty coming up with the required parking.

5.18.050.F: ~~Unless otherwise approved by the Mayor in writing, a~~ An itinerant or transient merchant proposing to operate on private property shall only be permitted in the Airport, Commercial, Commercial Services, Gateway, Industrial, Mixed Use or Town Center Zoning Districts as per the Logan Land Development Code and according to the following:

~~1. Itinerant or transient merchants are not permitted within the historic downtown area (200 North to 100 South and 100 East to 100 West) unless associated with a special event licensed by Logan City; and~~

~~2. An itinerant or transient merchant shall not be located on vacant or undeveloped property. (Ord. 17-10, 2017)~~

Option 3 - Permit only Certain Types of Transient Merchants in the Historic Downtown

While small food vendors may make sense in the historic downtown area, some more common transient merchants, such as firework stands, may not be appropriate. This code amendment also aligns with the Mobile Food Vendor code section, which allows food trucks to operate in the same area. Note, that the difference between a mobile food vendor and an itinerant food vendor is that a mobile food vendor is allowed to set up at various locations, and an itinerant vendor is only permitted to operate at one location and should not be mobile during the term of the license. Mobile food vendors are also required to return to a commissary location at night, which could be located in the historic district.

This proposed amendment could include additional restrictions on the scale and placement of the itinerant merchants. The proposed language considers total size, restrictions on placement, and

clarifies that minimum parking for the primary use is required to be maintained. This is to address the potential issue of an itinerant merchant overwhelming parking in an area and causing parking for the primary use to be unavailable.

5.18.050.F: ~~Unless otherwise approved by the Mayor in writing, A~~an itinerant or transient merchant proposing to operate on private property shall only be permitted in the Airport, Commercial, Commercial Services, Gateway, Industrial, Mixed Use or Town Center Zoning Districts as per the Logan Land Development Code and according to the following:

1. Itinerant or transient merchants, ~~other than an itinerant food vendor~~, are not permitted within the historic downtown area (200 North to 100 South and 100 East to 100 West) unless associated with a special event licensed by Logan City. Itinerant food vendors in the historic downtown area shall not exceed 200 sf. If located in a parking lot, the itinerant food vendor shall not take up more than one parking stall. Minimum parking required for the primary use shall be maintained during business hours; and
2. An itinerant or transient merchant shall not be located on vacant or undeveloped property. (Ord. 17-10, 2017)

Staff Recommendation

After reviewing the potential options, staff's recommendation is to allow itinerant merchants in the historic downtown and remove mayoral approval (Option 2). The following considerations have led staff to this determination:

1. Limited permissible areas – With most of the parking in downtown being publicly owned, and the private parking lots being at capacity and likely not eligible, there is little available space for an itinerant merchant to locate in this area.
2. Mobile food vendors are permitted – Currently, mobile food vendors can operate in and have a commissary in the downtown area. Just as itinerant merchants, mobile vendors are required to have permission from the property owner. This has allowed businesses to host mobile food vendors for staff lunches with minimal impacts on the character of downtown. It is anticipated that itinerant merchants would operate much the same, with property owners looking after any negative impacts from the itinerant merchants operating on their property.
3. Chance to evaluate impacts – Itinerant merchant licenses expire after 180 days. These licenses are temporary in nature and if the City Council finds that the expansion of this license type into the historic downtown area has produced negative impacts, the code could be evaluated and adjusted. Evaluation of the initial season of Wong's operation downtown has been primarily positive, with the business complementing the daytime use of the site and expanding its footprint after the primary business closes. This type of collaborative site use is supportive of a vibrant social and economic condition downtown.

Attachments:

LMC 5.18 Itinerant Merchants or Transient Merchants Amendment

**CHAPTER 5.18
ITINERANT OR TRANSIENT MERCHANTS**

SECTION:

5.18.010: Definitions

5.18.020: License Required

5.18.030: Applications; License; Term

5.18.040: Responsible Party Identification

5.18.050: Conditions And Requirements; Number Of Itinerant Or Transient Merchants Permitted On A Property

5.18.060: Review And Approval Process

5.18.010: DEFINITIONS:

In addition to the definitions set forth in section 5.02.020 of this title, the following words and phrases used in this chapter shall have the meanings prescribed in this chapter:

ITINERANT OR TRANSIENT MERCHANT: Any person who offers for sale at wholesale or retail any goods, wares or merchandise in or from any hotel, stall, tent, building, structure, stand, field, corner or other place in the City and who shall not occupy the place for the purpose of conducting a permanent business thereon or therein shall be deemed an itinerant or transient merchant. The organizer of a single event that consists of multiple vendors at any one time may obtain one (1) license under this chapter. (Ord. 17-10, 2017)

5.18.020: LICENSE REQUIRED:

It is unlawful for any person to conduct the business of an itinerant or transient merchant without first securing a license for each place to be so operated. The licensee shall conspicuously display such license so that the same is plainly visible to the public. The division shall collect a license fee from each itinerant or transient merchant as set forth in the schedule of fees adopted by the Municipal Council. (Ord. 17-10, 2017)

5.18.030: APPLICATIONS; LICENSE; TERM:

A. All applications for a license under this chapter shall be made to and upon forms provided by the division, shall require that the applicant have a current State sales tax number and written permission from the owner of the property where the itinerant or transient merchant is to do business, and shall have written permission allowing the

applicant use of toilet facilities within three hundred feet (300') of the proposed business location, signed by the property owner.

B. A complete application for a license shall be submitted at least fifteen (15) days prior to the date of operation. Incomplete or late applications may be rejected. Applicant revisions or modifications to the original application may extend the date of approval.

C. Upon the granting of a license, the division shall issue a temporary business license signed by the Director. The license shall show the name of the licensee, the business or occupation to be carried on thereunder, the place where the licensed business is to be carried on if at a fixed place, and the date of expiration of such license.

D. All licenses issued pursuant to this chapter for a single itinerant or transient merchant shall expire as follows:

1. The license for an itinerant or transient merchant is valid for up to one hundred eighty (180) days after the date of issuance.

E. The organizer of a single event that consists of multiple vendors at any one time may obtain one (1) license under this chapter upon satisfaction of the following conditions:

1. The license for a single event consisting of multiple vendors at any one time is valid for up to fourteen (14) days after the date of issuance. (Ord. 17-10, 2017)

5.18.040: RESPONSIBLE PARTY IDENTIFICATION:

Each applicant, whether a partnership, sole proprietorship or corporation, shall designate an individual for whom the business shall be responsible, and this individual shall:

A. Provide a valid driver's license or other governmental issued ID (passport, military ID, etc.). (Ord. 17-10, 2017)

5.18.050: CONDITIONS AND REQUIREMENTS; NUMBER OF ITINERANT OR TRANSIENT MERCHANTS PERMITTED ON A PROPERTY:

Each itinerant or transient merchant shall abide by the following conditions and requirements:

A. An itinerant or transient merchant may operate between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. On a temporary basis, extended hours may be approved by the Director of Community Development, upon application by the merchant showing substantial justification why extended hours on a temporary basis are appropriate.

B. An itinerant or transient merchant proposing to operate on public property shall submit evidence of insurance as set forth in section 5.04.040 of this title. The organizer of a single event consisting of multiple vendors and operating on public property shall be

responsible for providing evidence of insurance covering all vendors as set forth in section 5.04.040 of this title.

C. The applicant for a license or renewal under this section shall submit written permission from the property owner.

D. All aspects of the itinerant or transient merchant shall be temporary in nature with no permanent facilities constructed on site. No overnight parking or outdoor storage shall be allowed.

E. An itinerant or transient merchant selling, offering to sell or displaying for sale any retail merchandise on private property shall obtain a separate license for each individual private property location.

F. ~~Unless otherwise approved by the Mayor in writing, a~~ An itinerant or transient merchant proposing to operate on private property shall only be permitted in the Airport, Commercial, Commercial Services, Gateway, Industrial, Mixed Use or Town Center Zoning Districts as per the Logan Land Development Code and according to the following:

~~1. Itinerant or transient merchants are not permitted within the historic downtown area (200 North to 100 South and 100 East to 100 West) unless associated with a special event licensed by Logan City; and~~

2. An itinerant or transient merchant shall not be located on vacant or undeveloped property. (Ord. 17-10, 2017)

5.18.060: REVIEW AND APPROVAL PROCESS:

A. Applications shall be subject to review by Code authorities, including those for public works, planning, zoning, building, fire, police, health, and others as required for the product, vendor or special event;

B. Approvals shall be based on a combination of Code compliance in all applicable areas;

C. The applicant shall obtain and maintain proper business and sales tax registration for all aspects of the operation prior to operating;

D. Approvals shall be based on any other factors or circumstances review authorities consider necessary to protect the public and enhance the community, such as:

1. Pedestrian traffic and site compatibility with proposed operation; and

2. Ability of the applicant to manage the operation and maintain compliance with all laws and local codes.

E. Based on recommendations from the different reviewing entities, the License Administrator may issue the license with any operational limitations specified. (Ord. 17-10, 2017)