WORK SESSION: A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. Lori Hills will present some ideas for dog parks and the City Council may ask questions regarding the agenda items. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING
NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, October 21, 2014, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

The agenda for the meeting shall be as follows:

CALL TO ORDER:

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

PUBLIC HEARINGS:

7:05 Public Hearing to allow Public Input For and Against the Issuance of the not to exceed $6,000,000 General Obligation Bonds to Finance the Construction of a Public Park and Recreational Facility, and Related Improvements and (II) The Approval of a Local Sales and Use Tax of up to 0.1% to Fund and Support Recreational, Cultural, and other Organizations.

SUMMARY ACTION:

7:15 Minute Motion Approving Summary Action List

1. Approval of Minutes from October 7, 2014
2. Ratification of Approval of Storm Water Bond Log
3. Ordinance Amending and Recodifying Title 6 of the Municipal Code regarding Business Regulations
4. Sales Trailer for Brighton Homes (Kestral Bay)

NEW BUSINESS:

7.20 Trail Completion along Frontage Road

GOVERNING BODY REPORTS:

7:30 City Manager Report

1. Building Activity Report for September
2. Fire Monthly Activity Report for September
3. Executive Summary for Planning Commission held on October 9, 2014
4. Street Vacation along 1000 North

7:40 Mayor Talbot & City Council Reports

ADJOURN

CLOSED SESSION

Minute motion adjourning to closed session, if necessary, for reasons permitted by law.

DATED this 16th day of October, 2014.

FARMINGTON CITY CORPORATION

By: Holly Gadd
Holly Gadd, City Recorder

***PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.

CITY COUNCIL AGENDA

For Council Meeting:
October 21, 2014

SUBJECT: Roll Call (Opening Comments/Invocation) Pledge of Allegiance

It is requested that Councilmember Cory Ritz give the invocation/opening comments to the meeting and it is requested that Councilmember Doug Anderson lead the audience in the Pledge of Allegiance.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:
October 21, 2014

PUBLIC HEARING: **Public Hearing to allow Public Input For and Against the Issuance of the not to exceed $6,000,000 General Obligation Bonds to Finance the Construction of a Public Park and Recreational Facility, and Related Improvements and (II) The Approval of a Local Sales and Use Tax of up to 0.1% to Fund and Support Recreational, Cultural, and other Organizations.**

ACTION TO BE CONSIDERED:

1. Hold the public hearing.
2. No action required.

GENERAL INFORMATION:

This public hearing is being held to meet the statutory requirements.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:
October 21, 2014

SUBJECT: Minute Motion Approving Summary Action List

1. Approval of Minutes from October 7, 2014
2. Ratification of Approval of Storm Water Bond Log
3. Ordinance Amending and Recodifying Title 6 of the Municipal Code regarding Business Regulations
4. Sales Trailer for Brighton Homes (Kestral Bay)

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

Farmington City Council Meeting
October 7, 2014

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Development Director David Petersen, Finance Director Keith Johnson, Associate Planner Eric Anderson, City Engineer Chad Boshell, Fire Chief Guido Smith, Public Works Director Walt Hokanson, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

WORK SESSION

The Mayor and Council attended a work session at the Red Barn to meet with The Haws Companies and review plans for the area. They also attended an open house/ribbon cutting at the Public Works building at 5:30 p.m.

1000 North Street Vacation

David Petersen presented facts regarding this item, and there was discussion regarding the necessary improvements.

Updated Financial Model Discussion

Keith Johnson presented information regarding the General Fund balances with unaudited figures and placing those figures into the financial forecast, including Revenues and Expenditures, the amended Budget for Fiscal Year ending 6-30-2014, a revised Ten-year General Fund Forecast and Revised Sales Tax Forecasts.

Mayor Talbot asked Public Works Director **Walt Hokanson** if the City is caught up on road repairs/construction, and he replied that if the gas tax is not raised in the near future, it will be difficult to keep up with road repairs.

REGULAR SESSION

CALL TO ORDER:

Roll Call *(Opening Comments/Invocation/Pledge of Allegiance)*

John Bilton offered the invocation and **Jim Young** led the Pledge of Allegiance.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Presentation to Huntsman Cancer Foundation

Parks & Recreation Direction **Neil Miller** said $2,547 was raised through the Festival Days Charity Motorcycle Ride, and he presented a check to Huntsman Cancer Foundation

representative **Sally Montgomery**. She thanked the City for hosting such a great event and providing funds for cancer research.

PUBLIC HEARINGS:

Zone Text Amendments for Chapters 10, 11, 12 and 28

David Petersen recommended approval of the amendments.

Public Hearing:

The Public Hearing opened at 7:10 p.m. There were no comments and it was closed.

John Bilton said writing land use legislation is difficult, and Farmington has been fairly progressive in terms of land use. These amendments will change the nature of how the City will deal with larger spaces in west Farmington and on the east bench.

Motion:

Cory Ritz made a motion to approve the Ordinance amending Chapters 10, 11, and 12 of the Zoning Ordinance regarding Conventional and Conservation Subdivision Lot Sizes and Other Standards and Relocating and Enacting TDR (Transfer of Development Right) Provisions set forth in Chapter 12 to Chapter 28. **John Bilton** seconded the motion which was unanimously approved.

PRESENTATION OF PETITIONS AND REQUESTS:

1000 North Street Vacation

David Petersen spoke with resident **Jared May** (just prior to the meeting) who explained that he and other residents on 1000 North signed agreements in 2010 to pay for their share of the improvements. The Planning Department needs additional time to review the agreements.

Motion:

John Bilton made a motion to table the 1000 North Street Vacation to allow additional time for staff to research the agreements and provide adequate information. **Cory Ritz** seconded the motion which was unanimously approved.

SUMMARY ACTION:

Minute Motion to approve Summary Action List

1. Approval of Minutes from September 16, 2014
2. Change Order for Public Works Expansion
3. Approval of Resolution Adopting the Storm Drain Master Plan

Cory Ritz appreciated the City Engineer's efforts to resolve several storm drain issues in west Farmington.

Motion:

Cory Ritz made a motion to approve the items on the Summary Action List. **Brigham Mellor** seconded the motion which was unanimously approved.

Mayor Talbot welcomed two groups of Boy Scouts to the meeting—Troop 5037 from south Farmington and Troop 1136 from the Oakridge area.

The Council reconvened in the conference room.

Ladder Truck Report by Fire Chief Guido Smith

Chief Smith gave a brief report on the ladder truck and reminded the Council of the Fire Station Open House which will be held Wed., October 8th from 6:00-8:00 p.m.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

- The August/September Police Activity Reports and the August Fire Activity Report were in the staff report.
- The Executive Summary for the Planning Commission meeting held Sept. 18, 2014 was included in the staff report. The City Manager plans to include the Summary in his report to allow for any discussion that may be necessary.
- The City is in the process of obtaining proposals for the design of the Clark Lane Storm Drain Detention Basin.
- Centerville City invited Farmington City to a joint meeting on Nov. 5th at 5:30 p.m. to discuss UTA's bus rapid transit project. The Council decided to cancel their regular meeting on November 4th which is election day.
- UTA is willing to cover 75% of the cost for the UTA - Lagoon shuttle, but Lagoon and Station Park have not agreed to support it.
- He encouraged the Council to contact residents regarding the Bond/RAP Tax election.

Mayor – Jim Talbot

- He would like each City employee and Council Member to be heroes and stand up for what is right. He gave each Council Member a bracelet titled, "Be a Hero".

- The annual employee Christmas party/luncheon will be held Dec. 18th at 1:00 p.m., and Council Members and their wives are invited and encouraged to attend.

- The City plans to install "No Event Parking" signs along 1100 West and to paint the curbing red in the next few weeks.

- The roundabout seems to be working well, but he thought it would have two lanes. **Dave Millheim** said it will have two lanes at build out but there is only one lane now.

Doug Anderson

- He asked when the trail west of the new Kestrel Bay development near Frontage Road would be repaired and reopened, and **Dave Millheim** said he is not sure it will be used as a trail in the future.

- He asked about a design for the center of the roundabout, and **Mayor Talbot** showed several possibilities to the Council and said he asked the U of U for a sizable donation to help pay for it.

Brigham Mellor

- He will be unable to attend the October 21st City Council meeting.

CLOSED SESSION

Motion:

At 8:45 p.m. **Brigham Mellor** made a motion to go into a Closed Session. **Doug Anderson** seconded the motion which was unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

_____

Jim Talbot, Mayor

Motion:

At 10:00 p.m. a motion to reconvene into an open meeting was made by **John Bilton**. The motion was seconded by **Cory Ritz** and unanimously approved.

ADJOURNMENT

Motion:

Doug Anderson made a motion to adjourn the meeting. The motion was seconded by **Brigham Mellor** and unanimously approved, and the meeting was adjourned at 10:05 p.m.

_____

Holly Gadd, City Recorder
Farmington City Corporation

DRAFT

STORM WATER BOND LOG

DATE	NAME	PERMIT	STORM WATER BOND
10/6	Kurt Draper	11516	$1,000.00
9/19	V James Nelson	11502	$1,000.00
9/15	Mountain View Const	11499	$1,000.00
8/29	Tim Pace	11454	$1,000.00
8/29	Century Contractors	11491	$1,000.00
8/28	Ernest Hill	11479	$1,000.00

FARMINGTON CITY

H. JAMES TALBOT
MAYOR

DOUG ANDERSON
JOHN BILTON
BRIGHAM N. MELLOR
CORY R. RITZ
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Mayor and City Council

From: Holly Gadd

Date: October 14, 2014

SUBJECT: **ORDINANCE AMENDING, RENUMBERING AND RECODIFYING TITLE 6 OF THE MUNICIPAL CODE**

RECOMMENDATION

Approve the attached Ordinance amending, renumbering and recodifying Title 6 of the Farmington City Municipal Code.

BACKGROUND

Staff is in the process of updating the City's code books. There have been a number of State statutory changes to general municipal provisions which the City's code books do not reflect. In light of these changes, we will be working with Todd Godfrey to review each title and make the necessary revisions along with minor updates, such as renumbering so all of the titles are consistent.

Respectfully Submitted

Holly Gadd
City Recorder

Review & Concur

Dave Millheim
City Manager

160 S MAIN • P.O. BOX 160 • FARMINGTON, UT 84025
PHONE (801) 451-2383 • FAX (801) 451-2747
www.farmington.utah.gov

ORDINANCE NO. 2014-

AN ORDINANCE AMENDING AND RECODIFYING TITLE 6 OF THE FARMINGTON MUNICIPAL CODE REGARDING BUSINESS REGULATIONS

WHEREAS, there have been a number of State statutory changes relating to appointed officers, government records, employee appeals board, and procurement; and

WHEREAS, in light of such State statutory changes and other recommended updates, Staff has evaluated, reviewed and prepared suggested revisions, renumbering and updates to Title 6 of the Farmington Municipal Code regarding Business Regulations and recommends adoption of the revisions as more particularly set forth herein; and

WHEREAS, the City Council has reviewed the recommended changes to Title 6 of the Farmington Municipal Code and desires to adopt the recommended revisions, renumbering and updates as more particularly set forth herein to comply with the requirements of State law; and

WHEREAS, the City Council finds that the proposed revisions, renumbering and updates to Title 6 are in the best interest of the public to ensure that the City's ordinances are up to date and in compliance with applicable provisions of State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Amendment and Recodification. Title 6 of the Farmington City Municipal Code regarding Business Regulations is hereby amended, renumbered and recodified to read in its entirety as set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

Section 2. Repealer. The amendment, renumbering and recodification of Title 6 of the Farmington Municipal Code shall be a repeal of all ordinances in conflict with the adopted and codified Ordinances, provided however, all ordinances in force prior to the adoption and codification shall continue in force after the adoption and codification for the purpose of all rights acquired, fines, penalties, forfeitures and liabilities incurred and actions therefor.

Section 3. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 4. **Effective Date.** This Ordinance shall become effective upon publication or posting, or twenty (20) days after adoption, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON, STATE OF UTAH, ON THIS 21ST DAY OF OCTOBER, 2014.

FARMINGTON CITY

By: _____
Mayor H. James Talbot

ATTEST:

_____
Holly Gadd, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Bilton	_____	_____
Councilmember Michaelson	_____	_____
Councilmember Ritz	_____	_____
Councilmember Talbot	_____	_____
Councilmember Young	_____	_____

EXHIBIT "A"

TITLE 6 BUSINESS REGULATIONS

TITLE 6
BUSINESS REGULATIONS

CHAPTER 6-01. GENERAL PROVISIONS
CHAPTER 6-02. ASSESSMENTS AND LICENSE FEES
CHAPTER 6-03. REVOCATION, SUSPENSION OR DENIAL OF LICENSES
CHAPTER 6-04. REGULATORY LICENSES
CHAPTER 6-05. ALCOHOLIC BEVERAGES
CHAPTER 6-06. SEXUALLY ORIENTED BUSINESSES

CHAPTER 6-01. GENERAL PROVISIONS

6-01-010. Definitions.
6-01-020. Business License Required.
6-01-025 Temporary Business License Required.
6-01-026 Home Occupation Business License
6-01-027 Property Owners Associations
6-01-030. Business License Official - Duties and Responsibilities.
6-01-040. License - Application Requirements.
6-01-050. Issuance of a Business License.
6-01-060. Renewals of Business Licenses.
6-01-070. Inspections.
6-01-080. Payment Dates of Business License Fees.
6-01-090. Term of Business Licenses.
6-01-100. License - Transfer of Name or Location - Fee.
6-01-110. License - Transfer to Other Persons Prohibited.
6-01-120. License - Posting and Display Required.
6-01-125. Misuse of License Certificates.
6-01-126. Duplicate Certificate of License.
6-01-130. Reciprocal Recognition of Business Licenses.
6-01-140. Constructive Notice of Time Periods.
6-01-150. Penalty.
6-01-160. Closure of Business.

6-01-010. Definitions.

For the purpose of this Title the following terms shall have the meanings herein prescribed unless a different meaning is clearly intended:

(a) "Alcoholic Beverage Licenses" means Class A, Class B, or Class C, beer licenses, special beer licenses, nonprofit club licenses or liquor consumption licenses as defined in Chapter 5 of this Title.

(b) "Applicant" means any person applying for any license provided for in this Title. If the person is a partnership or corporation, then each partner, officer or director is considered an applicant and must qualify accordingly.

(c) "Application" means a formal written request for the issuance of any license permitted under this Title.

(d) "Authorized Officers" means those persons authorized by the City or other entities to inspect businesses and enforce the provisions of this Title or other applicable regulations, including peace

officers, ordinance enforcement officers, and employees of the Health Department, Fire Department, or City Attorney's Office.

(e) "Business" means and includes all trades, occupations, professions or activities engaged within Farmington City, carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically provided.

(f) "Business License Official" or "License Official" shall mean the City Recorder of Farmington City or his or her designee.

(g) "City" when spelled with a capital "C," means Farmington City.

(h) "City Recorder" means the Farmington City Recorder.

(i) "Consolidated Fee Schedule" means the schedule of fees adopted each year by resolution of the Farmington City Council setting forth the various fees charged by the City.

(j) "Employee" means all individuals who work for an employer for salary or commission or wages and who are subject to the direction and control of such employer.

(k) "Engaging in Business" includes, but is not limited to, the sale of real or personal property at retail or wholesale, the bartering or trading of property or services, the manufacturing of goods or property and the rendering of personal services for others for 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.

(l) "Fire Department" means the Farmington City Fire Department.

(m) "Health Department" means the Davis County Health Department.

(n) "Home occupation" means any business activity entered into for profit and conducted or operated from or in any residential premises within the City except for the following activities which shall be deemed exempt from the requirements of this chapter. City residents age 18 or under who sell goods or services, temporary neighborhood sales such as garage sales, Christmas boutiques, etc. (not to exceed three days in any one calendar quarter); sales by invitation to private home parties; child care involving four (4) or less ~~than seven (7)~~ children other than immediate family members; and Farmington community/neighborhood fund raisers. Other exemptions may be allowed or disallowed as specifically approved by the City Council. Each of the above-referenced exemptions is conditional upon compliance with all applicable zoning ordinances of the City and other applicable City ordinances.

(o) "Licensee" means the person who has obtained any type of license provided for in this Title. The term shall also include any employee or agent of the licensee.

(p) "Person" means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise.

(q) "Place of Business" means each separate location maintained or operated by the licensee, whether or not under the same name, within the City from which business is engaged.

(r) "Mobile Business" means a portable structure, including vehicles, without a permanent foundation, from which goods or merchandise are sold or where a service is provided.

(s) "Solicitor" means a person engaged in soliciting residents at their residences

(t) "Temporary Business" means an entity conducting business within the City boundaries under a temporary business license. Where a licensee owns multiple businesses, the term applies to each separate business operating within the City regardless of whether the licensee's businesses operate under the same name.

(u) "Violated" or "Violating" means that there exists reasonable cause to believe that any ordinance, code, statute or law has been or is being violated and is not limited to guilty pleas or convictions for violating said ordinances, codes, statutes or laws.

6-01-020. Business License Required.

Unless otherwise provided, it shall be unlawful for any person to engage in any business within the City without first having obtained a business license pursuant to this Title or to continue doing business after a previously issued business license has expired without renewing said license and paying any applicable fees and penalties. Mobile Businesses are subject to this requirement to obtain a business license. A separate license shall be required for each type of business defined herein and for each place of business. Each day of noncompliance shall constitute a separate violation.

6-01-025. Temporary Business License Required.

Unless otherwise provided, it shall be unlawful for any person to engage in any temporary business within the City without first obtaining a temporary business license pursuant to this Title, obtaining a temporary use permit and/or conditional use permit pursuant to Section 11-28-120 of the Farmington City Municipal Code, and where required, paying any and all applicable fees. A separate license shall be required for each location of business. Each day of noncompliance shall constitute a separate violation.

6-01-026. Home Occupation Business License.

Applicants for a license required by this Chapter for a home occupation business must complete a "Home Occupation License Application." All applications shall comply with the provisions of Section 6-1-010(n) of this Chapter and with the pertinent provisions of Chapter 35 of the Farmington City Zoning Ordinance prior to being approved. License Fees for home occupations shall be assessed in accordance with the Business License Fee Schedule adopted by Resolution of the City Council.

6-01-027. Property Owners Associations.

All owners associations or property owners associations or similar entities or associations having responsibility for maintenance of common areas or common landscaping shall register with the City, providing a contact person's name, address and phone number, and the names and addresses of all board members. Registration shall be renewed annually at the same time the City renews business licenses. A registration fee in an amount set by the City Council and set forth in the City's Consolidated Fee Schedule shall be due at the time of registration.

6-01-030. Business License Official - Duties and Responsibilities.

It shall be the duty and responsibility of the Business License Official to:

(a) Enforce the provisions of this Title;

(b) Collect all business license fees and all regulatory license fees;

(c) Process all applications and renewals of all licenses provided for in this Title;

(d) Obtain any necessary approvals from the various City departments and divisions before issuing any business licenses or regulatory licenses; and

(e) Deny, suspend or revoke licenses as provided in Chapter 3 of this Title.

6-01-040. License - Application Requirements.

(a) Applications for licenses and permits required by this title shall be made in writing to the License Official in the absence of provisions to the contrary, which applications shall be made upon forms provided by the City. The application shall show:

(1) The name of the person desiring a license;

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

(3) Any license(s) required by the Utah Division of Occupational & Professional Licensing;

(4)~~(3)~~ The class of license desired, if such licenses are divided into classes;

(5)~~(4)~~ The place where such business, calling, trade or profession is to be carried on, giving the street number, if such business, calling, trade or profession is to be carried on in any building or enclosure (a P.O. Box is insufficient to satisfy this requirement);

(6)~~(5)~~ The period of time for which such license is desired to be issued;

(7)~~(6)~~ That the proposed use of any premises by the applicant will not be in violation of city zoning regulations, that the principals of the applicant's business are properly bonded if bonding is required, and that the applicant will otherwise be in full compliance with all applicable city, state and federal laws and ordinances;

(8)~~(7)~~ Such additional information as may reasonably be required by the City as needed for the proper guidance of City officials in issuing the permit or license applied for.

(a) The truthfulness, completeness and accuracy of all of said information provided by applicant shall be attested to by an authorized representative of the business.

(b) Failure to provide all required information or providing false or misleading information in the application shall constitute grounds for denial of the application or revocation of a permit or license which was granted in reliance on the information provided, and shall constitute a Class B misdemeanor, if such is done willfully with the intent to mislead the City.

6-01-050. Issuance of a Business License.

(a) An applicant for a business license shall fill out the application in full and sign it as verification, under penalty of law, that all information contained therein is true.

(b) The application shall be returned to the Business License Official along with full payment of all business license fees.

(c) If required by separate ordinance, the Business License Official shall submit copies to other departments, divisions or agencies of the City for their review.

(d) Upon receipt of signed, written approvals from all required departments, divisions and/or agencies, the Business License Official shall be authorized to prepare a certificate of license for issuance.

(e) The certificate of license shall be signed by the City Recorder or his or her designee and shall contain the following information:

(1) The person's name to whom the certificate is issued;

(2) The business name;

(3) The type of business licensed;

(4) The date the license was issued;

(5) The expiration date of the license;

(6) The address of the place of business licensed; and

(7) The business license number.

6-01-060. Renewals of Business Licenses.

(a) Each year, licensees shall renew their business licenses by completing an application for a license renewal signed under penalty of law that all information contained therein is true and returning it, along with the proper fees, to the Business License Official within the time period set forth in Section 6-1-080(b) below. Renewal applications for businesses which require police checks of the licensees under the original license application shall be submitted to the Police Department to determine whether the licensee still meets the necessary qualifications.

(b) Upon receipt of the application fees, and Police Department approval, if applicable, the Business License Official shall be authorized to prepare a certificate of license as provided in this Chapter.

6-01-070. Inspections.

(a) Authorized officials of the City shall be permitted to make an inspection to enforce any of the provisions of this Title or any other applicable statute or ordinance, and may enter any building or may enter upon any premises during regular business hours; or, if there are no regular business hours, the officials or their authorized representatives shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

(b) No owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the authorized official or his representative(s) for the purpose of inspection and examination to insure compliance with this Title.

(c) Authorized officials may also, at any reasonable time, stop and inspect any vehicle for which a business license is required and demand the exhibition of such license for the current term from any person engaged in the operation of such a vehicle.

6-01-080. Payment Dates of Business License Fees.

(a) Business license fees for new businesses shall be due and payable upon making application to the Business License Official. The application shall not be processed until the fee is paid.

(b) Business license fees for renewal businesses shall be due and payable on or before the first day of January each year. If the license is not paid or postmarked by January 31st, a fifty percent (50%) penalty of the amount of the fee shall be added to the original amount due. If the fee is still not paid or postmarked by ~~February twenty-eighth~~ the last day of February, a seventy-five percent (75%) penalty of the amount of the fee shall be added to the original amount due. If the fee is still not paid or postmarked by March 31st, a one hundred percent (100%) penalty of the amount of the fee shall be added to the original amount.

(c) Penalty fees may be appealed to the City Manager, who may, for good cause shown, refund all or part of the applicable penalty fee that has been paid. The decision of the City Manager may be appealed to the City Council as set forth in Chapter 3 of this Title. The City Council may, upon good cause, recommend that all or part of the penalty fee be refunded.

6-01-090. Term of Business Licenses.

All business licenses except solicitor licenses and temporary businesses shall expire each year on the 31st of December. License periods for new businesses shall begin the date the application is approved and run until December 31 of the year of application. One-half of the annual fee shall be payable for all licenses issued by the City after June 30th of each year.

6-01-100. License - Transfer of Name or Location or Duplicate - Fee.

(a) Any person to whom a business license has been issued to transact or carry on some business, calling, trade or profession at a definite location in the City may make application for the transfer of his/her business license for the sole purpose of transacting or carrying on the same business, calling, trade or profession as is therein mentioned at some other definite location in the City by himself or herself by filing said application with the License Official, together with the appropriate fee for such application as set forth in the City's Consolidated Fee Schedule.

(b) Any person who wishes to change his/her business name shall also make application for the change of name of such person's business license, for the sole purpose of transacting or carrying on the same business, calling, trade or profession as is therein mentioned under a new name, by filing an application with the License Official, along with the appropriate fee for such application, as set forth in the City's Consolidated Fee Schedule. The transfer fee may be waived if the name changes at the time of renewal.

(c) If the business in question has any other licenses which are required under this title, or its successor, the City may specify a different fee for a location or name change

(d) The transfer fee shall be nonrefundable regardless of whether the application is granted or denied. The ~~mayor~~ City Manager, after receiving reports which shall be furnished by the License Official, the police department or the board of health, when necessary, may in his/her discretion, deny or grant the transfer of any or all of said licenses strictly within the above limitations.

6-01-110. License - Transfer to Other Persons Prohibited.

No license granted or issued under any of the provisions of any ordinance of the City shall be in any manner assignable, transferable or authorize any person other than the person named therein as the

licensee to carry on or conduct the licensed business, except as may be otherwise specifically provided by ordinance.

6-01-120. License - Posting and Display Required.

Every certificate of license issued shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the store or place in which such licensed business, calling, trade or profession is carried on, so that the same may be easily seen. When such certificate of license shall have expired it shall be removed by the licensee from such place in which it has been posted; and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room, store, office or place of business after the period of such certificate or license has expired.

6-01-125. Misuse of License Certificates.

It shall be unlawful to counterfeit a license certificate or to deface or mutilate or remove the same while it is required to be posted.

6-01-126. Duplicate Certificate of License.

A duplicate license may be issued under the provisions of this Title for a certificate that has been lost or destroyed upon the licensee filing an affidavit attesting to such fact and paying to the License Official a duplicate license fee as set forth in the City's Consolidated Fee Schedule.

6-01-130. Reciprocal Recognition of Business Licenses.

(a) A business license shall not be required for operation of any vehicle or equipment in the City when:

(1) Such vehicle is merely passing through the City; or

(2) Such vehicle is used exclusively in interstate commerce.

(b) A business license shall not be required of any person whose only business activity in the City is the mere delivery in the City of property sold by him at a regular place of business maintained by him outside the City where:

(1) Such person's business is at the time of such delivery licensed by the Utah city or county in which such place of business is situated; and

(2) The authority licensing such business grants to licensees of the City making deliveries within its jurisdiction the same privileges, upon substantially the same terms as are granted by this Section; and

(3) Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of the City for compliance with health or sanitary standards prescribed by the City; and

(4) The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol issued by the licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.

(c) Except as otherwise provided herein, a business license shall not be required of any person who is duly licensed in another county or another city in Utah, has no business location in the City and the county or other licensing city would also reciprocate if the same business were located in the City.

(1) Before reciprocity is granted, the person must fill out a business license application and show proof of a valid business license in a qualifying city or county.

(2) Reciprocity shall not be granted to solicitors, mobile food units or any business requiring police checks or police I.D. cards.

(d) The City Recorder shall, at the request of any person, upon payment of copying and postage costs, certify a copy of this section to any city or county of the State of Utah.

6-01-140. Constructive Notice of Time Periods.

(a) All businesses, owners, licensees, or applicants are obligated to be aware of and are deemed to have constructive notice of all time periods and/or deadlines and the effect of noncompliance with said time periods and/or deadlines as set forth in this Title relating to the application, issuance, renewal, expiration, appeal or other action relating to business licenses, alcohol licenses, or any other licensing matters set forth in this Title.

(b) Nothing in this Title shall be construed as requiring the City to take any affirmative action to notify businesses, owners, licensees, or applicants of any time periods and/or deadlines or the effect of noncompliance with said time periods and/or deadlines set forth in this Title relating to the application, issuance, renewal, expiration, appeal or other action relating to business licenses, alcohol licenses, or any other licensing matters as set forth in this Title.

6-01-150. Penalty.

(a) Any violations of this Title shall be a Class B misdemeanor.

(b) Each day of noncompliance shall constitute a separate violation.

6-01-160. Closure of Business.

A business must notify the City in writing if they are closing. The notice should specify the date of closure and must be filed with the City within thirty (30) days of closure. If a business does not notify the City of closure and would like to reopen within one (1) year of their last license expiration date, they must pay any past due fees and penalties. If a business has not notified the City of closure and applies for a new business license at the same address, providing the same services, within one (1) year of their license expiration date, then the application will be considered a renewal and all past due fees and penalties must be paid.

CHAPTER 6-02: ASSESSMENTS AND LICENSE FEES

6-02-010. Definitions.
6-02-020. Provisions as Regulatory Measure.
6-02-030. License Fee - Required to Do Business.
6-02-040. License Fee - Not Required When.
6-02-050. License Fee Additional to all Regulatory Licenses.
6-02-055. Board of Equalization.
6-02-060. Fee - No Undue Burden on Interstate Commerce.
6-02-070. License Fees Levied.
6-02-080. Joint Licenses.
6-02-090. Branch Establishments.
6-02-100. License Fees - Debt to City - Collection.
6-02-110. Fees - Delinquent Payments - Penalty.
6-02-120. Information Not to be Made Public.
6-02-130. Recordkeeping Required.
6-02-140. Filing False Return Prohibited.

6-02-010. Definitions.

For the purpose of this Chapter, the following terms shall have the meanings herein prescribed:

(a) "Business" means and includes all activities engaged in within the corporate limits of Farmington City carried on for the business of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically prescribed.

(b) "Employee" means the operator, owner or manager of said place of business and any persons employed by such person in the operation of the place of business in any capacity, and also any salesman, agent or independent contractor engaged in the operation of said place of business in any capacity.

(c) "Engaging in Business" means and includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, and the rendering of 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.

(d) "Person" means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise.

(e) "Place of Business" means each separate location maintained or operated by the licensee within the City from which business activity is conducted or transacted.

6-02-020. Provisions as Regulatory Measure.

The ordinance codified in this Chapter is intended to serve as a means for the City to recoup the administrative costs associated with issuance and renewal of business licenses issued within the City.

6-02-030. License Fee - Required to Do Business.

It is unlawful for any person to engage in business within the City without first paying all license fees required by this Chapter, as set forth in the City's Consolidated Fee Schedule, and any other City or State taxes, fees or assessments.

6-02-040. License Fee - Not Required When.

No license fee shall be imposed under this Chapter upon any person:

(a) Engaged in business for solely religious, charitable ~~eleemosynary~~ or other types of strictly nonprofit purpose who is tax exempt in such activities under the laws of the United States and the state of Utah;

(b) Engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State;

(c) Transacting business as a trustee, receiver, or other public officer acting pursuant to judicial order or supervision; or

(d) Not maintaining a place of business within the City who has paid a like or similar license tax or fee to some other taxing unit within the state, and which taxing unit exempts from its license tax or fee, by reciprocal agreement, businesses domiciled in the City and doing business in such taxing unit.

6-02-050. License Fee Additional to all Regulatory Licenses.

The license fee imposed by this Chapter shall be in addition to any and all other taxes or license fees imposed by any other provisions of the ordinances of Farmington City.

6-02-055. Board of Equalization.

The City Council is hereby constituted a board of equalization for the equalization of license rates. The board shall have the authority to examine license fee information, to hear complaints of persons aggrieved by their license assessments, and to make corrections of any assessments found to be illegal, unequal or unjust. Any corrections made by said board shall be entered in a record of license abatements and the members of the board shall approve the entries before the City may adjust the accounts. The board shall meet as needed which shall ordinarily be during regular City Council meetings. All complaints made before the first day of January of each year must be presented to the board prior to January 31 or be forever barred, and all complaints made subsequent to the first day of January must be presented to the board within thirty days of the date of assessment.

6-02-060. Fee - No Undue Burden on Interstate Commerce.

None of the license fees provided for by this Chapter shall be applied so as to occasion an undue burden on interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, such person may apply to the City Council for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show the method of applicant's business, the gross volume or estimated gross volume of business, and such other information as the Council may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Council may designate a person to conduct an investigation, comparing the applicant's business with other businesses of like nature. The Council or the Council's designee shall make findings of facts; shall determine whether the fee fixed by this Chapter is discriminatory, unreasonable or unfair as to applicant's business; and shall determine, or if investigated by the Council's designee, shall recommend to the Council, a license fee for the applicant in an amount that is nondiscriminatory, reasonable and fair. If the

Council is satisfied that such license fee is the amount that the applicant should pay, the license fee shall be fixed in such amount. If the regular license fee has already been paid, the Council shall order a refund of the amount over and above the fee fixed by the Council. In fixing the fee to be charged, the Council shall have the power to use methods which will assure that the fee assessed shall be uniform with those assessed on businesses of like nature.

6-02-070. License Fees Levied.

(a) Fees for Businesses Located in the City. There is hereby levied upon the business of every person engaged in business in the City at a place of business within the City, an annual license fee as set forth in the City's Consolidated Fee Schedule.

(b) Fee for Applications filed after June 30th. The Business License Fee for any license application filed after June 30th of any year shall be one-half the amount of the fee that would be payable for a full year license.

~~(c) Fee for Businesses Located Outside the City. There is levied upon every person engaged in business in the City, not having a place of business in the City, and not exempt as provided by Section 6-2-040 of this Chapter, or its successor, a license fee based upon fifty percent (50%) of the business license fee set forth in the City's Consolidated Fee Schedule.~~

(c~~d~~) Nonrefundable Application Fee. In the event any initial or renewal business license application is denied by the City or is withdrawn by the applicant, the City shall be entitled to retain the sum of thirty-five dollars ($35) as a nonrefundable business license application fee from any license fees paid or payable to the City, unless another nonrefundable business license application fee is otherwise provided for under the ordinances of the City.

(d~~e~~) Enhanced Service Fees. It is hereby determined by the City Council of Farmington City that Police Services are provided at enhanced levels to some businesses within the City. The Council has considered the number of calls for police service from all businesses within the City occurring over a period of one year and hereby determines that ~~10~~ 5 police calls per year represents the basic level of municipal services provided by the City. The Council further determines that for each police call in excess of ~~10~~ 5 for a calendar year, the business receives an enhanced level of municipal services, and that a fee of $~~10.00~~ $20.00 for each police call in excess of ~~10~~ 5 is an amount that is reasonably related to the City's cost of providing the enhanced municipal services. For purposes of calculating the portion of the business license fee which is allocable to "enhanced service fees," the City shall determine the number of police calls received for the business by the City during the twelve month period immediately preceding the date of application and shall fix the fee in an amount that is reasonably related to the City's cost to provide the municipal service. However the enhanced service fee related to calls for police service shall not, in any case, exceed ~~$300.00~~ $500.00.

(e~~f~~) Fee for Special Hearings. Any person desiring a license for which a special public hearing is required shall pay the hearing fee listed in the appendix before said hearing shall be set or advertised.

6-02-080. Joint Licenses.

Whenever any person is engaged in two or more businesses at the same location within the City, such person shall not be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify on its face all such businesses. The license fee shall be computed as if all said businesses were one business being conducted at such location. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license tax for such business.

6-02-090. Branch Establishments.

A separate license must be obtained for each branch establishment or location of business engaged in, within the City, as if such branch establishment or location were a separate business, and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that warehouses and distributing places used in connection with or incident to a business licensed under this Chapter shall not be deemed to be separate places of business or branch establishments.

6-02-100. License Fees - Debt to City - Collection.

Any license fee due and unpaid under this Chapter and all penalties thereon shall constitute a debt to Farmington City, and shall be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

6-02-110. Fees - Delinquent Payments - Penalty.

License fees for renewal of an existing business license shall be due on or before January 1st of each year. In the event any fee is not paid on or before such date, a penalty shall be assessed pursuant to the provisions of Section 6-01-080 of this Title, or its successor section, which penalty shall become part of the license fee imposed by this Chapter.

6-02-120. Information Not to be Made Public.

(a) Information furnished to the License Official, as required by this Chapter, shall not be made public nor shall it be subject to the inspection of any person except the City ~~Administrator~~ Manager or his or her authorized agent. ~~or to those persons first authorized to do so by order of the Mayor.~~

(b) It is unlawful for any person to make public or to inform any other person as to the content of any information provided in conjunction with a license application, or to permit the inspection of any such information, except as is authorized in this Section.

6-02-130. Recordkeeping Required.

It shall be the duty of every person liable for the payment of any license fee imposed by this Chapter to keep and preserve for a period of three (3) years such books and records as will accurately reflect the amount of any license fee for which he or she may be liable under the provisions of this Chapter.

6-02-140. Filing False Return Prohibited.

It is unlawful for any person to make a return that is false, knowing the same to be so.

CHAPTER 6-03: REVOCATION, SUSPENSION OR DENIAL OF LICENSES

6-03-010. Denial of a Business License.
6-03-020. Reasons for Suspension or Revocation.
6-03-030. Enforcement.
6-03-040. Procedure for Suspension or Revocation.
6-03-050. Appeal Procedure.
6-03-060. Hearing.
6-03-070. Decision of the City Council.
6-03-080. Appeal of City Council Decision.
6-03-090. Licensing After Revocation.
6-03-100. Validity of Business License During Appeal.
6-03-110. Enforcement Through Litigation

6-03-010. Denial of a Business License.

After a person has made application to the City for a business license, the application may be denied for any of the following reasons:

(a) The applicant does not meet the qualifications for a license as provided under this Title.

(b) For a new application, nonpayment of a returned check for the required license fees at the time the application is made. For a business license renewal application, nonpayment of the required license fees plus penalty three (3) months after it is due.

(c) Any reviewing department, division or agency of the City provided for in this Title has disapproved the application pursuant to any applicable provision of the City Code.

(d) False or incomplete information given on the application.

(e) Noncompliance with any requirement or condition set by the Planning Commission or Planning and Zoning Division, if applicable, under a conditional use permit or by the Board of Adjustment or Planning and Zoning Division, if applicable, granting a variance or special exception.

(f) Noncompliance with any City, State or federal statutes or any Health Department regulations governing the applicant's proposed business.

(g) Any other reason expressly provided for in this Title.

6-03-020. Reasons for Suspension or Revocation.

An existing business license may be suspended or revoked for any of the following reasons:

(a) The license does not now meet the qualifications for a license as provided under this Title.

(b) False or incomplete information given on an application.

(c) The licensee has violated or is violating any provision of this Title or provision of the City Code, State or federal statutes or regulations governing the licensee's business.

(d) The licensee has obtained or aided another person to obtain a license by fraud or deceit.

(e) The licensee has failed to pay any taxes or fees to the City when due.

(f) The licensee has refused authorized representatives of the City access to the licensed premises for the purpose of an inspection or has interfered with such representatives while in the performance of their duty in making such inspection.

(g) The licensee is not complying with a requirement or condition set by the Planning Commission or Planning and Zoning Division, if applicable, under a conditional use permit; by the Board of Adjustment or Planning and Zoning Division, if applicable, granting a variance or special exception; by the City Council, or by agreement.

(h) Violation of this Title by the agents or employees of a licensee and violations of any other laws by the agents or employees committed while acting as an agent or employee of the licensee; or

(i) Any other reason expressly provided for by ordinance.

6-03-030. Enforcement.

(a) The Business License Official shall have the authority without a hearing, to deny a license for the reasons provided for in this Chapter.

(b) The Business License Official shall have the authority to suspend or revoke a license without a hearing, for reasons provided for in this Chapter. However, the suspension or revocation shall not take effect until the time period for appealing the decision as set forth in this Chapter has passed.

(c) The Business License Official may, on his/her own initiative or in response to complaints from the general public or any City department or division, investigate and gather evidence of violations of this Title or other circumstances which may give rise to a denial, suspension or revocation.

6-03-040. Procedure for Suspension or Revocation.

The Business License Official shall cause written notice to be given by personal service or registered mail to the licensee at the licensee's business address of his or her decision to suspend or revoke a license, the reason for such decision, that operation of a business after the effective date of the suspension or revocation is a Class B misdemeanor, the licensee's right to appeal the Business License Official's decision and have a hearing, and the appeal procedure.

6-03-050. Appeal Procedure.

(a) Appeals of the Business License Official's decision to deny, suspend or revoke a license may be made by filing a written notice of appeal with the City Manager within fifteen (15) days of receipt of the notice of denial, suspension or revocation. All appeals shall be conducted in accordance with the provisions of *Utah Code Ann.* § 10-3-703.7, and the City Manager is hereby designated an Administrative Law Judge for the purpose of hearing such appeals.

(b) The notice of appeal shall be in writing and shall set forth with specificity the reasons for which the appeal is taken.

6-03-060. Hearing.

(a) The hearing shall be at a time, place, and day set by the City Manager, but not later than twenty-one (21) days after receipt of the notice of appeal.

(b) At the hearing, the Business License Official or his or her designee shall present the reasons for the decision to deny, suspend or revoke the license.

(c) The applicant or licensee, in person or through his or her attorney, may then present any evidence showing reason why the decision was in error.

(d) All witnesses shall be sworn to testify truthfully. Either party is entitled to confront and cross-examine any witnesses.

(e) Any oral or documental evidence may be received, but the City Manager shall exclude all privileged, irrelevant, immaterial, or unduly repetitious evidence.

(f) If the denial, suspension, or revocation appealed from is based on a finding by the Building Department or Fire Department that the business was or would be in violation of any Uniform Construction Codes or on a finding by the County Health Department that the business was or would be in violation of any County Health Department regulations, then that finding shall be binding upon the City Manager, and the Manager's decision may be based only on whether the license was properly denied, suspended, or revoked because of the Building Department, Fire District or County Health Department finding.

(g) If the denial, suspension, or revocation appealed from is based on a determination by the Business License Official that grounds existed pursuant to this Code, the City Manager may examine the factual nature of the grounds and determine whether such grounds are sufficient to sustain the decision of the Business License Official.

(h) The City Manager does not have the authority to waive compliance with applicable provisions of the Business License ordinances, nor can the Manager extend deadlines set forth in the ordinances or change the substance or form of the ordinances.

6-03-070. Decision of the City Manager.

The City Manager, after hearing all the evidence, shall announce its decision within fifteen (15) days from the date of hearing. The Manager may affirm, reverse or modify the decision of the Business License Official. The decision shall be in writing and shall be based upon findings of fact.

6-03-080. Appeal of City Manager Decision.

(a) Any decision of the City Manager made pursuant to the provisions of this Chapter may be appealed by any aggrieved party by filing a petition for review of the administrative decision with the District Court within thirty (30) days from the date on which the administrative decision is made.

(b) In such petition for review, the petitioner may only allege that the City Manager's decision was arbitrary, capricious, or illegal.

6-03-090. Licensing After Revocation.

A person, whose license has been revoked, may not be issued a license for a period of ~~twelve (12)~~ twenty-four (24) months after the revocation.

6-03-100. Validity of Business License or Regulatory License During Appeal.

Throughout the administrative appeal process as outlined above, a licensee holding a suspended or revoked business license or regulatory license may continue to operate his or her business in accordance with federal, State and local laws pending final decision on all appeals, or until the time for appeal has passed, whichever occurs first.

6-03-110. Enforcement Through Litigation.

In all cases where a business has failed to obtain a business license, or keep such license in force, in violation of City ordinances requiring that a business hold a valid business license in order to carry on any business within this City, then such business is operating contrary to law and a civil action may be brought in the name of Farmington City against the person failing to obtain or keep in force such licenses to recover the amount not paid, and/or to enjoin further conduct of such business. The City may, if it prevails, recover a reasonable attorney's fee incurred in such a civil action.

CHAPTER 6-04: REGULATORY LICENSES

6-04-010. Cumulative
6-04-020. Amusement Parks
6-04-030. Solicitors
6-04-040. Theaters
6-04-050. Video Stores
6-04-060. Retail Fireworks

6-04-010. Cumulative.

Unless otherwise provided, the licenses required by this Chapter are in addition to those required under any other Chapter of this Title.

6-04-020. Amusement Parks.

(a) Definitions. For the purpose of this Chapter, the following words shall have the meanings defined herein:

(1) "Amusement Park" shall mean any commercially operated park open to the public located on at least ten (10) acres with various amusement rides and devices for entertainment, booths and games or other types of recreational facilities, and the sale of food and drink.

(2) "Person" shall mean an individual, firm, corporation, partnership, association, or club.

(b) License Required. It shall be unlawful for any person to operate an amusement park or engage in the amusement park business without first obtaining a license pursuant to this Section, and paying the appropriate license fee, as set forth in Chapter 2 of this Title, including an enhanced service fee where applicable.

(c) Gambling Prohibited. No amusement park owner or any employee shall permit, allow or condone any gambling, gaming, wagering or betting in any form in connection with the operation or play of any games or automatic amusement devices located within the amusement park.

(d) Special Beer License. An amusement park holding a valid Class D license under Section 6-5-100 shall be entitled to sell beer. ~~to organized picnic groups only and not to the general public.~~ Such sales shall be for consumption on the amusement park premises in original containers or in draft. ~~All sales and deliveries of beer under the Class D license shall be made directly to the organized picnic group.~~ It shall be unlawful to sell beer to any person under the age of twenty-one (21) years. Beer must always be attended by an individual at least twenty-one (21) years of age who accepts responsibility for any distribution. It shall be unlawful to sell or dispense any beer in an amusement park between the hours of 12:00 o'clock midnight and 12:00 o'clock noon of any day.

(e) Exclusive License. The amusement park license shall include all food stands, dance halls, games, rides, theaters, entertainment, swimming pools and water parks, and all other activities of the amusement park, excluding beer licenses and other required regulatory licenses. Notwithstanding anything in this Chapter to the contrary, all amusement park activities and facilities shall be operated in conformance with City ordinances and regulations governing those activities and facilities.

6-04-030. Solicitors.

(a) Purpose. The purpose of this ordinance is to protect Farmington City residents from unreasonable intrusions upon residential privacy, consumer fraud, and deceptive, high-pressure, factually unbalanced, or otherwise unfair consumer sales practices, in a manner consistent with the constitutional rights of residential commercial solicitors to communicate their messages to willing residential listeners.

(b) Definitions. For the purposes of this Section, the following definitions shall apply:

I. "Applicant" means a person or organization that applies for a Certificate of Registration.

II. "Application" means the form provided by the City to apply for a Certificate of Registration or the process of applying for a Certificate of Registration.

III. "Certification of Registration" means the written authorization to engage in commercial solicitation from the Community Development Department of Farmington City.

IV. "Home Solicitation Sale" means a sale of goods or services in which the seller or a person acting for him initiates contact and engages in a face-to-face solicitation of the sale at a residence of the resident and the resident's agreement or offer to purchase is there given to the solicitor or a person acting for him. Home solicitation sale shall not include a sale made between parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale, or a sale made within a residence to a third person invited therein by the resident where such sale was not initiated by unsolicited contact by a non-resident of the residence.

V. "Registered solicitor" means any person registered pursuant to this Section who has obtained a valid Certificate of Registration (or "Certificate") from the Community Development Department of Farmington City.

VI. "Residence" and "residential" refers to any (1) living unit contained within any building or structure that is occupied by any person as a dwelling in conformity with the zoning laws of Farmington City, together with the lot or other real property on which such residence is located; (2) any apartment, hospital room, nursing home room, assisted living home room, group home, or other similar location; and (3) any building or structure that houses the residence together with the lot or other real property on which such building or structure is located.

VII. "Resident" means any person living in a residence.

VIII. "Solicit" "solicited" "soliciting" or "solicitation" means any of the following activities engaged in with a resident at his or her place of residence:

(i) Seeking to obtain orders for the sale or exchange of services, goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;

(ii) Seeking to obtain prospective customers to apply for or to purchase insurance, financial services, subscriptions to publications, or publications;

(iii) Seeking to obtain contributions of money, services, or anything of value for the benefit of any person, association, organization, corporation, or program; and

(iv) Seeking to obtain orders or prospective customers for goods or services.

(v) Seeking to obtain appointments or other opportunities to engage in any of the activities listed in subsections b(8)(i) through (iv) above.

IX. "Solicitor" means a person engaged in soliciting residents at their residences.

(c) Unregistered Solicitation Prohibited.

(1) All persons desiring to engage in soliciting within Farmington City who are not exempt under Subsection (d) of this Section shall, prior to the commencement of solicitation, obtain from the Farmington City Registration Officer a Certificate of Registration as solicitor. The executed original of this Certificate of Registration shall be maintained by the registration officer, and a legible copy shall be worn by the registered solicitor at all times while soliciting in the City and shall be produced for inspection upon the request of any resident being solicited or any Farmington City Police Officer. The Farmington City Registration Officer shall be designated by the City Manager.

(2) Unless a registered solicitor is wearing a Certificate of Registration or is exempt from registration under the provisions of this Section, a person who is present in or at a residence within Farmington City for the purpose of engaging in solicitation is hereby declared to be committing a nuisance that is punishable as set forth in this Section.

(d) Exemptions from Registration. The following activities are exempt from the registration requirements of Subsection (e) of this Section:

(1) Invited Solicitation. Solicitation which occurs as the result of a resident's prior and express invitation to the solicitor to come onto such resident's property. An invited solicitation shall not include the circumstance where the resident invites back a solicitor who initiated the contact with the resident at the residence. A resident's failure to post a "No Soliciting" notice in accordance with Subsection (g) of this Section shall not be construed as an exemption from registration under this Section, as an invitation to solicitation by such resident, or as an expression of such resident's desire to hear or receive solicitations.

(2) Noncommercial Solicitation. Solicitation which occurs as an incident to political, religious, or other noncommercial door-to-door canvassing, pamphleteering, or other dissemination of ideas.

(3) State Regulated Charitable Solicitation. Solicitation on behalf of (1) a charitable organization as defined by *Utah Code Ann.* §13-22-2(1), or (2) an organization listed in *Utah Code Ann.* §13-22-8(1); provided that (A) with respect to solicitation on behalf of a charitable organization as defined by §13-22-8(1), the solicitor claiming this exemption or the charitable organization has provided written verification of the organization's charitable status to the Farmington City Registration Officer prior to the commencement of solicitation within the City; (B) with respect to solicitation on behalf of an organization or entity described in *Utah Code Ann.* §13-22-8(1)(g), the principal or other person authorized by the school or the applicable school district shall provide written notice to the City that the school or school district has approved the solicitation prior to the commencement of solicitation within the city; and (C) any solicitor relying on this exemption shall carry with him while soliciting photo identification showing the nature of his affiliation with the charitable or other organization exempt from registration under this subsection on whose behalf he is soliciting.

(4) Minor Solicitation. Solicitation involving the sale, exchange, or contribution of money, services, goods, or other consideration valued at less than $50.

(5) Any solicitor claiming an exemption under this section shall bear the burden of proving his or her eligibility for, or the applicability of, the exemption claimed.

(e) Application for Certificate of Registration, Review, Issuance, Denial.

(1) Information and Documents Required. The Farmington City Registration Officer shall provide a standard form for use for application for registration of solicitors to include the information set forth herein. The applicant shall state upon oath or affirmation that the information is truthfully provided to the best of the knowledge and belief of the applicant. The applicant shall supply the following information upon or with the application for registration:

(i) The applicant's true, correct and legal name, including any former names or aliases used within the last ten (10) years;

(ii) The name of any organization(s) for which the applicant will be soliciting;

(iii) The applicant's home and business address, and the address where the applicant can be contacted locally;

(iv) The names and addresses of applicant's directors, officers, and managers, if any;

(v) Proof that either the applicant, or the organization(s) for which applicant will be soliciting, has registered with the Utah State Department of Commerce;

(vi) A special events sales tax number for either the applicant, or for the organization(s) for which the applicant will be soliciting, if applicable;

(vii) The purpose for which soliciting will be done;

(viii) Whether the applicant is a person against whom a judgment based upon fraud, deceit, misrepresentation, false statements, or dishonesty has been entered within five years of the date of application;

(ix) Whether the applicant has, within five years of the date of application, been enjoined by any court, or is the subject of an administrative order issued in this or another state, if the injunction or order includes a finding or admission of fraud, material misrepresentation, or if the injunction or order was based on a finding of lack of integrity or truthfulness;

(x) Whether the applicant has been convicted of any felony, or a misdemeanor involving fraud, deceit, misrepresentation, false statements, or dishonesty, within five years of the date of application;

(xi) Whether the applicant has been criminally convicted of violating any of *Utah Code Ann.* §§ 76-5-401, 76-5-401.1, 76-5-401.2, 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404, 76-5-404.1, 76-5-405, 76-5-412, 76-5-413, 76-5a-3, 76-9-702, 76-9-702.5, or 76-9-702.7, or the corresponding laws of another state; or is otherwise subject to registration as a sex offender under Utah law or the corresponding law of another state;

(xii) Whether the applicant has been denied a Certificate of Registration under this Section, as amended, within the year preceding the date of application, and whether the applicant has corrected the deficiency on which the previous application was based;

(xiii) Whether the applicant has had a Certificate of Registration under this Section, as amended, revoked within the year preceding the date of application, and whether the applicant has corrected the reason for which the Certificate of Registration was revoked;

(xiv) Whether the applicant's Certificate of Registration has been revoked within the year preceding the date of application for violation of the non-transferability provision of this Section, as amended;

(xv) Whether the applicant has been convicted of a violation of this Section, as amended, within one year preceding the date of application;

(xvi) The findings of a background check on the applicant conducted by the Utah Bureau of Criminal Investigations ("BCI") within the last 180 days. The applicant may apply for this service at the BCI offices at 3888 West 5400 South, Salt Lake City, or at such other location as the BCI shall provide from time to time. The application shall not be deemed complete until the applicant has delivered the findings of the BCI background check to the License Officer, and receipt of the background check by the Registration Officer shall be a condition precedent to issuance of a Certificate of Registration;

(xvii) An acknowledgment that solicitation will not commence until the solicitor is in full compliance with this Section.

(2) Incorrect or Incomplete Information. If any information contained in the application for registration becomes incorrect or incomplete, the applicant or registered solicitor shall, within 30 days after the information becomes incorrect or incomplete, correct the application or file the complete information required herein.

(3) Fees. The applicant shall pay application and processing fees as set by the City from time to time; provided, however, that the total of any such fees shall not exceed reasonable administrative costs incurred by the City to process an application and maintain the related records.

(5) Proof of Identification Required. Initial proof of identification can be faxed to the City or emailed to the City along with the completed application form, provided that in-person identification is verified with one of the following prior to or at the time of the issuance of the Certificate of Registration. No Certificate of Registration shall be issued to any applicant until the applicant submits one of the following to establish proof of identification:

(i) A valid drivers license issued by any State;

(ii) A valid United States Uniformed Service Identification Card;

(iii) A valid passport issued by the United States;

(iv) Any other official document issued by the United States or any State thereof which contains the name and photograph of the applicant.

(6) Registration Complete upon Completion of Application. Registration shall be deemed complete when the License Officer has received all of the information and documents listed in Subsection (e)(1) of this Section and the applicant has paid the applicable fee. The Certificate of Registration shall be issued within five (5) business days following the applicant's completion of registration, unless one of the circumstances listed in Subsection (e)(4) of this Section applies.

(7) Form of Certificate and Badge.

(i) Each Certificate of Registration issued by the Registration Officer shall be numbered, shall list the name of the individual solicitor and of any organization on whose behalf the registered solicitor is authorized to solicit, the date on which the Certificate of Registration expires, and shall be dated and signed by the Registration Officer or his or her authorized designee.

(ii) Each registered solicitor shall wear a badge prominently on his or her person, consisting of a copy of the Certificate of Registration issued by the City, a 1 ½ inch by 1 ½ inch (approximate) photograph of the solicitor that was taken within one year preceding the issuance of the Certificate of Registration to be supplied by the solicitor, and the name and address of any entity with which the solicitor is associated. Such badge shall be worn at all times while the solicitor is engaged in soliciting.

(iii) All badges are and remain the property of the City.

(iv) By issuing a Certificate of Registration, the City does not guarantee the accuracy of any representation contained in the application for registration or the Certificate of Registration, nor does it warrant that any statement made by the registered solicitor is truthful. The City makes no certification as to the worthiness of any organization, its products or services, on whose behalf a solicitation is made nor as to the moral character of the registered solicitor.

(4) Grounds for Denial. A Certificate of Registration shall not be issued in any of the following circumstances:

(i) When the applicant has falsified information on the application;

(ii) When the applicant is a person against whom a judgment based upon fraud, deceit, misrepresentation, false statements, or dishonesty has been entered within five years of the date of application;

(iii) When the applicant has, within the past five years, been enjoined by any court, or is the subject of an administrative order issued in this or another state, if the injunction or order includes a finding or admission of fraud, material misrepresentation, or if the injunction or order was based on a finding of lack of integrity or truthfulness;

(iv) When the applicant has been convicted of any felony, or a misdemeanor involving fraud, deceit, misrepresentation, false statements, or dishonesty, within five years of the date of application;

(v) When the applicant has been criminally convicted of violating any of *Utah Code Ann.* §§ 76-5-401, 76-5-401.1, 76-5-401.2, 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404, 76-5-404.1, 76-5-405, 76-5-412, 76-5-413, 76-5a-3, 76-9-702, 76-9-702.5, or 76-9-702.7, or the corresponding laws of another state; or is otherwise subject to registration as a sex offender under Utah law or the corresponding law of another state;

(vi) When the applicant has been denied a Certificate of Registration under this Section, as amended, within the year preceding the date of application, unless the applicant has corrected the deficiency on which the previous application was based;

(vii) When the applicant has had a Certificate of Registration under this Section, as amended, revoked within the year preceding the date of application, unless the applicant has corrected the reason for which the Certificate was revoked;

(viii) When an applicant's Certificate of Registration has been revoked within the year preceding the date of application for violation of the non-transferability provision of this Section, as amended;

(ix) When the applicant has failed to supply any of the documents or information listed in Subsection (e)(1) of this Section, or has failed to pay any of the fees set by the City in accordance with this Section;

(x) When the applicant has been convicted of a violation of this Section, as amended, within one year preceding the date of application.

(v) The following statement shall appear on each Certificate of Registration: "FARMINGTON CITY MAKES NO CERTIFICATION AS TO THE WORTHINESS OF ANY ORGANIZATION, ITS PRODUCTS OR SERVICES, ON WHOSE BEHALF A SOLICITATION IS MADE NOR AS TO THE MORAL CHARACTER OF THE REGISTERED SOLICITOR."

(8) Renewal. A Certificate of Registration shall be valid for a period of one (1) year from the date of issuance. Any registered solicitor in good standing may have his or her Certificate of Registration renewed for an additional period of not to exceed one (1) year upon request within thirty (30) days prior to the expiration of the Certificate of Registration and payment of a renewal fee as set by the City from time to time; provided, however, that the total of any such fee shall not exceed reasonable administrative costs incurred by the City to process the Certificate of Registration renewal and maintain the related records. A registered solicitor is not in good standing if he satisfies one or more grounds for denial or revocation within the meaning of this Section. An applicant desiring to obtain a Certificate of Registration subsequent to the expiration of any renewal period shall make a new application in accordance with the provisions of this Section.

(9) Non-transferability. Certificates of Registration shall be issued only in the name of the applicant and the firm, corporation or association on whose behalf the applicant is authorized to solicit. The Certificate of Registration is non-transferrable in all respects. It shall constitute a violation of this Section for a solicitor whose Certificate of Registration authorizes soliciting on behalf of a person or firm named in a Certificate of Registration to solicit on behalf of any other person or firm, organization, or association or for any purpose other than that specified in the application. Any Certificate of Registration used by a person other than the person to whom it was originally issued is void, and the City is authorized to confiscate and immediately cancel any such Certificate of Registration.

(10) Certificate Registry. The Registration Officer shall maintain and make available for public inspection a record of every application received together with any information pertaining thereto, all Certificates of Registration issued, and all pending and denied applications, with the exception of any portion of the application received and any information pertaining thereto that qualifies as private or protected within the meaning of the Government Records Access and Management Act, *Utah Code Ann.* § 63-2-101 *et seq.* Each application shall be numbered in consecutive order and each Certificate of Registration issued shall be assigned a number exclusive to the registered solicitor. Each Certificate of Registration renewed shall be identified with the duplicate number of the application upon which it was initially issued. The Registration Officer shall furnish to the Chief of Police or the Director of Public Safety a listing of all Certificates of Registration issued and renewed and such Chief or Director shall maintain such listing for public inspection and for identification.

(11) Revocation of Certificate. Any Certificate of Registration issued pursuant to the provisions of this Section shall be revoked by the Registration Officer if, following issuance of the Certificate of Registration, the Registration Officer determines that the registered solicitor was convicted of a violation of this Section or committed an act or became subject to a condition that would disqualify him or her from receiving a Certificate of Registration under

Subsection (e)(4) of this Section. Notice of revocation shall be immediately given to the registered solicitor by personal service or certified mail to the address listed on the application and, if applicable, to the organization for which the registered solicitor was soliciting. The notice shall set forth the factual basis for the revocation and, if applicable, the specific provision(s) of Subsection (e)(4) of this Section that identifies and defines the disqualifying conduct. Immediately upon the giving of such notice, the Certificate of Registration shall become void and shall remain so until the revocation is rescinded. Upon receiving notice of revocation of any Certificate of Registration, the registered solicitor shall forthwith return the related badge to the City.

(12) Appeal. An applicant whose registration is denied by the License Officer or a registered solicitor whose Certificate of Registration is revoked by the License Officer shall have the right to appeal such denial or revocation to the Council at a meeting to be held no later than twenty (20) business days following the City's receipt of the applicant's notice of appeal. The notice of appeal shall be in writing and shall be delivered either in person upon written receipt or by certified U.S. mail to the Farmington City Recorder, with a copy to the Registration Officer, within ten (10) business days of the applicant's or registered solicitor's receipt of the decision from which the appeal is taken. Such notice of appeal shall identify the applicant or registered solicitor, set forth the decision of the Registration Officer that is being appealed, and state the grounds for appeal. Within ten (10) business days of the meeting at which the applicant's or registered solicitor's appeal is heard, the City Council shall issue a decision either affirming or reversing the actions of the Registration Officer in denying an applicant's registration or revoking the registered solicitor's Certificate of Registration.

(f) Deceptive Soliciting Practices Prohibited.

(1) No solicitor shall make any materially false or fraudulent statement in the course of soliciting. No solicitor shall fail to state a material fact necessary to make statements made, in the context of the circumstances under which they are made, not misleading.

(2) A solicitor shall immediately disclose to the resident at the beginning of any face-to-face solicitation, either verbally or by means of a writing to be handed to the resident, (i) the name of the solicitor; (ii) the name and address of the entity with whom the solicitor is associated or for which the solicitor is engaging in solicitation; and (iii) the purpose of the solicitor's contact with the resident.

(3) No solicitor shall use a fictitious name, an alias, or any name other than his or her legal name.

(4) No solicitor shall represent directly or by implication that the City endorses the solicitation, or that the granting of a Certificate of Registration implies endorsement by the City of the solicitor or his or her product or service.

(g) "No Soliciting" Notices.

(1) Any resident may give notice of his or her unwillingness to listen to solicitations or receive solicitors by displaying at his or her residence a placard or sign no smaller than 16 square inches stating "No Soliciting," "No Solicitors," "No Trespassing" or words of similar import. Such placard or sign

shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.

(2) The display of a "No Soliciting" or similar sign or placard shall constitute notice to any solicitor that the resident is unwilling to listen to solicitations.

(h) Certain Solicitations Prohibited.

(1) It shall be a violation of this Section for any solicitor to attempt to solicit at a residence at or on which has been posted a "No Soliciting" sign or placard in accordance with Subsection (g) of this Section. All solicitors are under the legal obligation to affirmatively check each residence for any such sign or placard. If such sign or placard is posted, a solicitor shall desist from any efforts to solicit at the residence and shall immediately depart therefrom.

(2) It is a violation of this Section for any solicitor to knock on the door, ring the door bell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Soliciting" or similar sign or placard. It is a violation of this Section for any solicitor through ruse, deception, or concealment of a purpose to solicit, to take action calculated to secure an audience with the occupant of a residence that has posted a "No Soliciting" or similar sign or placard.

(3) It is a violation of this Section for any solicitor who is at any time asked by the resident to leave, to fail to immediately and peacefully depart.

(i) Time of Day. It shall be unlawful for any person, whether a registered solicitor or not, to solicit any person at a residence before 8:00 a.m. or after 9:00 p.m Mountain Time on business days, or before 9:00 a.m. or after 9:00 p.m. Mountain Time, on Saturdays, Sundays, or legal holidays as set forth in *Utah Code Ann.* § 63-13-2, unless the solicitor has express prior permission from the resident to do so.

(j) Right to Residential Solicitation Sale. In any residential solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the solicitor shall present to the resident and obtain resident's signature to a written statement which informs the resident of his or her unconditional right to cancel the sale on or before the third business day after the date of sale. Any documents memorializing the sale shall accurately set forth the date of the sale. Such notice of "Buyer's right to cancel" shall be in the form required by *Utah Code Ann.* §70C-5-103, or a current or amended version thereof or any State or federal law modifying or amending such provision.

(k) Penalties. Any person who engages in soliciting without complying with the requirements of this Section or violates any other terms or provisions of this Section shall be guilty of a class 'B' Misdemeanor and shall be punished by a fine of not to exceed $1,000.00 and/or a jail sentence of not to exceed six (6) months. A second offense within five years of a prior conviction under this Section may be prosecuted and punished as a class A Misdemeanor.

(l) Private Right of Action. A resident who has suffered injury or damage as the result of violation of this Section shall have the right to bring a civil action for damages against the violator in the appropriate court within the State of Utah

6-04-040. Theaters.

(a) Definition. "Theater" means any commercial facility presenting a motion picture, play, concert, or other dramatic or musical entertainment in exchange for a valuable consideration.

(b) License Required. It shall be unlawful for any person to operate a theater or transact any theater business without first obtaining a license pursuant to this Section, and paying the appropriate license fee as set forth in Chapter 2 of this Title, including any enhanced service fee where applicable.

(c) Application. In addition to the information required by Section 6-01-100, every application for a theater license shall specify:

(1) The address and seating capacity of the theater.

(2) If the applicant is a partnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors must be stated.

(3) If the business is to be operated by a person other than the applicant, said operate must join in the application and file the same information required of the applicant.

(4) If the application is for a motion picture or live theater, the applicant shall specify which classified theater license the applicant is seeking.

(d) Obscenity. No theater shall hold, conduct or carry on or permit any motion picture exhibition or entertainment of any sort which is obscene as defined by applicable laws and court decisions.

6-04-050. Video Stores.

(a) Definition. Video Store means any place of business or individual or group which sells or rents videos or video tapes, dvd's, blue ray or video games in exchange for valuable consideration.

(b) License Required. It shall be unlawful for any video store to operate or transact any business without first obtaining a license pursuant to this Section, and paying the appropriate business license fee as set forth in Chapter 2 of this Title, including an enhanced service fee where applicable.

(c) Application. In addition to the information required by Section 6-1-100, every application for a video store license shall specify:

(1) If the applicant is a Partnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors must be stated.

If the business is to be operated by a person other than the applicant, said operator must join in the application and file the same information required of the applicant.

(2) The days and hours of operation.

(d) Obscenity. No video store shall sell, rent, display or provide any video tapes, videos, dvd's, blue ray, video games or other materials of any sort which are obscene as defined by the applicable laws and court decisions.

6-04-060. Retail Fireworks.

(a) Definitions.

(1) Building means an enclosed structure with a roof, which is intended for use or is used by human beings.

(2) Firework as used in this Chapter, shall have the same meaning as set forth in Utah Code Annotated Section 11-3-2(1), and Section 53-7-202, or their successor sections, as amended.

(3) Authorized Firework means a Class C common state approved explosive or a trick noisemaker as such is defined in Utah Code Annotated Section 53-7-202.

(4) Retail Fireworks Outlet means any person, corporation, partnership, or other entity which sells authorized fireworks to any member or members of the public. It does not include in-store sales.

(5) Temporary Stand means any physical structure erected on a temporary basis from which fireworks are sold.

(b) Sales Without License Prohibited.

(1) Owner of Outlet. The owner of a Temporary Stand shall be guilty of a class B misdemeanor if any person sells a Firework from the inventory of such stand when such stand does not hold a valid license and temporary permit that authorize the operation of a Retail Fireworks Outlet.

(2) Salespersons. Any person selling a Firework at retail without a valid license and temporary permit authorizing him or her to sell Fireworks shall be guilty of a separate class B misdemeanor.

(3) Separate Offenses. For purposes of (a) and (b) above, each act of selling at a particular time and to a particular customer shall constitute a separate offense.

(c) Outlet License Requirements. The License Official shall issue a license permitting operation of a Retail Fireworks Outlet to any person who fulfills all of the following requirements:

(1) Application. The licensee shall complete and sign an application in substantially the following form, which may be amended from time to time by the signing applicant.

APPLICATION TO OPERATE RETAIL FIREWORKS OUTLET

Name of Applicant:
Address:
Home Telephone:
Work Telephone:

Who will own the retail fireworks outlet?

Where will the outlet be located?

Where will the outlet's inventory be kept?

Note: Misrepresentation in, or future nonconformity with statements made in this application will be grounds for revocation of any license issued to you. You must therefore keep the information in this application accurate and up-to-date.

Signature of Applicant

(2) Temporary Permit. The Applicant shall also obtain a temporary land use permit as required under Section 11-28-120, of the Farmington Code prior to commencing operations.

(3) Stand Design. The stand shall be of sturdy but temporary construction, having a roof, and enclosing no more than ~~200~~ 500 square feet. The greatest non-diagonal dimension of the stand shall not exceed 24 feet. The stand shall have at least two doors which open outward and which measure at least 3 feet wide by 6 feet 8 inches high. The stand shall also have an interior aisle running the entire length of the stand and from one door to the other, which must be kept free of any obstructions. The stand shall be exempt from the requirements of the ~~Uniform~~ International Building Code.

(4) Distances. The Retail Fireworks Outlet shall be located at least the following minimum distances from the buildings or items named:

(i) At least one 100 yards from any school building, health care institution, church or other building used primarily for religious worship or ritual, gasoline filling station, or any building or site where flammable liquid is stored or present.

(ii) 50 feet from any other building.

(iii) ~~100~~ 300 feet from any other Retail Fireworks Outlet.

(iv) 20 feet from any boundary dividing tracts of land owned in fee by different persons, unless the adjacent owner gives written permission to location of the stand nearer to the boundary and an executed original of such permission is furnished to the City.

(5) Clearing Combustible Material. The site of the Retail Fireworks Outlet shall be clear of dry grass, weeds, trash, or other combustible matter for 50 feet in any direction from the stand.

(6) Smoking. On all sides of the stand, a sign shall be posted with letters 4 inches high reading: "Smoking Prohibited within 50 Feet."

(7) Fire Fighting Equipment. The Retail Fireworks Outlet shall have, within easy reach inside the stand, fire extinguishers with a combined rating of at least 2A:10-B:C.

(8) Display. The Fireworks held for sale must be displayed, if at all, only behind a counter or at a place which is not accessible to customers.

(9) Packaging. Fireworks shall be stored, handled, displayed, and sold only in closed packages.

(10) Storage. No more than 200 pounds gross weight of Fireworks shall be stored or held for sale at any time in the stand. No Fireworks shall be kept overnight in the stand. Inventory which cannot be kept in the stand must be kept in a one-hour fire-rated roofed room located at a place where a stand could be located under this section.

(11) Security. The stand shall at all times be locked on the outside with locks which can readily and quickly be opened from the inside.

(12) Zoning. The Retail Fireworks Outlet must conform to the applicable provisions of the City Zoning Ordinances, including, but not limited to, the setback and sign requirements.

(13) Heating and Light. The stand shall not be illuminated by an open flame or exposed heating elements. Heating and lighting appliances shall be approved by Underwriters' Laboratories or similar authority, and shall be maintained in good condition.

(14) Occupation of Stand. No person shall sleep overnight in the stand.

(15) Other Merchandise. The Retail Fireworks Outlet shall sell no merchandise other than Fireworks.

(16) Sales Restrictions.

(i) Fireworks may only be sold on or between June ~~20~~ 26 and July ~~25~~ 26; on or between December 20 and January 2; and 15 days before and on the Chinese New Year.

(A) A sign, clearly visible to the general public, shall be posted at all Fireworks sales locations, indicating the legal dates for discharge of Fireworks as set forth in this Chapter. Sign lettering shall be not less than 1" high with a minimum 3/16" stroke on a contrasting background.

(ii) Fireworks shall not be sold to any person under the age of 16 years, unless accompanied by an adult.

(17) Insurance. The owner or operator of the Retail Fireworks Outlet shall furnish to the license official certificate showing insurance coverage in the following types and amounts, and showing the City as an additional insured:

(1) Personal injury and public liability coverage $300,000, plus an additional $200,000 per employee on duty at any time.

(2) Property damage $200,000, liability coverage.

(3) Products liability coverage $500,000.

~~(17)~~(18) Inspection. The City Fire Marshall shall inspect the Retail Fireworks Outlet prior to issuance of a license but after such Outlet has been made ready for operation, and shall examine such outlet for conformity with this section.

~~(18)~~(19) Fee. The owner or operator of the Retail Fireworks Outlet shall pay to the City a fee as set forth in the City's Consolidated Fee Schedule for temporary stands which shall not be refundable for any reason. This fee must be received by the City before the Retail Fireworks Outlet is inspected by the City for compliance with this section.

~~(d) Salesperson's License. The License Official shall issue to any person who fulfills all of the following requirements a license permitting the licensee to sell Fireworks at retail:~~

~~(1) Employment. The person applying for the license ("Applicant") furnishes to the License Official a written statement signed by the holder of a valid Outlet license issued pursuant to Subsection (c) of this Section, which statement recites that the applicant is employed by the signer for the purpose of selling Fireworks.~~

~~(2) Age. The Applicant is eighteen years of age or older, as demonstrated from the Applicant's driver's license or birth certificate.~~

~~(3) Examination. In a short, written examination, the Applicant demonstrates that he or she knows and understands the requirements of subsections (c)(3), (c)(4), (c)(5), (c)(6), (c)(7), (c)(8), (c)(9), (c)(10), (c)(11), and (c)(15) of this Section.~~

~~(4) Re-issuance of License. Upon full compliance with the applicable requirements, the License Official may reissue a license to a person whose license has been revoked.~~

~~(e)~~(d) Transfer Prohibited. A license which has been issued to one person shall not be valid in the hands of another person.

~~(f)~~(e) Other Provisions in this Title.

(1) Other Licenses. Persons holding licenses issued pursuant to this Chapter shall be responsible for obtaining other licenses necessary under this Title.

(2) Incorporation. The provisions contained in other Chapters of this Title shall apply to this Chapter, except where inconsistent with the provisions of this Chapter or where inapplicable to the facts and circumstances of Fireworks retailing.

CHAPTER 6-05: BEER LICENSES

6-05-010. Authority.
6-05-020. Definitions.
6-05-030. Classification of Beer Retailer Licenses.
6-05-040. Beer License Application.
6-05-050. Applicant Qualifications.
6-05-060. Criminal Background Checks.
6-05-070. Review and Issuance of License.
6-05-080. Off-Premise Beer Retailer.
6-05-090. On-Premise Beer Retailer - Restaurant.
6-05-100. Club License
6-05-110 Temporary Special Event.
6-05-120. General Restrictions.
6-05-130. Reserved.
6-05-140. Fees.
6-05-150. Expiration and Renewal.
6-05-160. Sale or Transfer of License.
6-05-170. Local Consent - Limited.
6-05-180. State Offenses.
6-05-190. Violations.
6-05-200. Severability.

6-05-010. Authority.

The provisions of this Chapter are enacted pursuant to the authority set forth in *Utah Code Ann.* § 10-8-42, as amended, § 10-8-84, as amended, and applicable provisions of the Utah Alcoholic Beverage Control Act, as set forth in *Utah Code Ann.* §§ 32B-1-101, *et seq.*, as amended. The provisions and regulations set forth in this Chapter are an exercise of the police powers of the City for the protection of the public health, safety, welfare, and morals.

6-05-020. Definitions.

The following words and phrases used in this Chapter shall have the following meanings. The definitions set forth herein are intended to follow and be consistent with similar definitions set forth in *Utah Code Ann.* § 32B-1-102, as amended, of the Utah Alcoholic Beverage Control Act. To the extent used in this Chapter, all other terms set forth in *Utah Code Ann.* § 32B-1-102, as amended, are hereby adopted by reference as if more particularly set forth herein.

(a) "Alcoholic Beverage" means "beer" or "liquor," as such terms are more particularly defined in this Section.

(b) "Alcoholic Product" means a product that contains at least .5% of alcohol by volume, and is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal to or greater than .5% of alcohol by volume. Alcoholic product includes an "alcoholic beverage" as more particularly defined in this Section.

(c) "Beer" means a product that contains at least .5% of alcohol by volume, but not more than 4% of alcohol by volume or 3.2% by weight; and is obtained by fermentation, infusion, or decoction of malted grain. Beer may or may not contain hops or other vegetable products. Beer includes a product that contains alcohol in the percentages described herein and is referred to as beer, ale, porter, stout, lager, or a malt or malted beverage. Beer does not include a "flavored malt beverage" as more particularly defined in this Section.

(d) "Beer Retailer" means a business that is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for consumption on or off the premises; and to whom a license is issued for an off-premise beer retailer or for an on-premise beer retailer, in accordance with the provisions of this Chapter.

(e) "Church" means a building set apart for the purpose of worship, in which religious services are held, with which clergy is associated, and that is tax exempt under the laws of the State of Utah.

(f) "Dining Club" means an establishment as defined by *Utah Code Ann.* § 32B-6-404(3).

(g) "Dining Club License" means a license issued in accordance with *Utah Code Ann.* § 032B-5-101 through 32B-5-310 and *Utah Code Ann.* § 32B-6-401 through 32B-6-409.

(h) "Commission" means the Utah Alcoholic Beverage Control Commission.

(i) "Community location" means a public or private school, a church, a public library, a public playground, or a public park.

(j) "Flavored malt beverage" means a beverage that contains at least .5% alcohol by volume, that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer as described in 27 C.F.R. Sec. 25.55, as amended, to which is added a flavor or other ingredient containing alcohol, except for a hop extract, and for which the producer is required to file a formula for approval with the U.S. Alcohol and Tobacco Trade and Tax Bureau pursuant to 27 C.F.R. Sec. 25.55, as amended, or that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55, as amended. Flavored malt beverage is considered "liquor" for purposes of this Chapter.

(k) "Heavy beer" means a product that contains more than 4% alcohol by volume and is obtained by fermentation, infusion, or decoction of malted grain. Heavy beer is considered "liquor" for the purposes of this Chapter.

(l) "Licensee" means any person granted a license or a permit by the City under the provisions of this Chapter. This term shall also include staff of the Licensee as more particularly defined in this Section.

(m) "Licensed Premises" means any room, house, building, structure or place occupied by any person licensed to sell beer on any premises under this Title; provided, that in any multi-roomed establishment, an applicant for an On-Premise Beer Retailer - Restaurant license shall designate a room or portion of the building of such business for the sale of beer, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premises.

(n) "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 other drink or drinkable liquid; and contains at least .5% alcohol by volume and is suitable to use for beverage purposes. Liquor includes "heavy beer," "wine," and a "flavored malt beverage," but does not include "beer," as such terms are defined in this Section.

(o) "Person" means an individual, partnership, firm, corporation, limited liability company, association, business trust, or other form of business enterprise, including a receiver or trustee, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

(p) "Premises" means a building, enclosure, or room used in connection with the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product, unless otherwise defined by law or rules adopted by the Commission.

(q) "Restaurant" means a business location at which a variety of foods are prepared; at which complete meals are served to the general public; and that is engaged primarily in serving meals to the general public.

(r) "School" means a building used primarily for the general education of minors. School does not include a nursery school, an infant day care center, or a trade or technical school.

(s) "Sell" or "offer for sale" means any transaction, exchange, or barter whereby, for consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or under any pretext is promised or obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise defined in this Chapter or the rules adopted by the Commission.

(t) "Staff" means an individual who engages in activity governed by this Chapter: on behalf of a business, including a licensee, permittee, or certificate holder; at the request of the business, including a licensee, permittee, or certificate holder; or under the authority of the business, including a licensee, permittee, or certificate holder. Staff includes an officer, director, employee, personnel management, an agent of the licensee (including a managing agent), an operator, or representative.

(u) "State Store" means a facility for the sale of packaged liquor located on premises owned or leased by the state and operated by state employees. "State store" does not include a licensee, permittee, or package agency.

(v) "Trail" means a linear corridor of property which is planned as part of the Parks and Trails Master Plan or recognized as a City facility by the Parks and Trails Master Plan, although not classified as a park, and maintained by the City for the purpose of recreation and alternate transportation as a part of the transportation system. A trail is not a park as such term is used in the definition of "community location" as more particularly set forth herein.

(w) "Wine" means an alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substances, whether or not another ingredient is added. Wine is considered "liquor" for purposes of this Chapter.

6-05-030. Classification of Beer Retailer Licenses.

This City is authorized to license and regulate the retail sale of beer within the City for off-premise or on-premise consumption in accordance with applicable provisions of the Utah Alcoholic Beverage Control Act. The City may issue the following classification of beer licenses for the retail sale of beer within the City for off-premise or on-premise consumption in accordance with the terms and conditions of this Chapter. No other beer retailer licenses shall be permitted or granted by the City.

(a) Off-Premise Beer Retailer;

(b) On-Premise Beer Retailer - Restaurant;

(c) Temporary Special Event; and

(d) Dining Club.

6-05-040. Beer License Application.

Before a person may store, sell, offer for sale, furnish or permit consumption of beer for on-premise or off-premise consumption within the City, the person shall first obtain the required classification of beer license from the City. Any person desiring a beer license from the City shall file a completed application with the Business License Official on forms provided by the City. The application shall be accompanied by the following:

(a) The applicable nonrefundable beer license application fee in the amount specified in the City Fee Schedule for the type of license for which the person is applying;

(b) The applicable beer license fee in the amount specified in the City Fee Schedule for the type of license for which the person is applying, which license fee is refundable if the license is not issued;

(c) A copy of the applicant's current business license;

(d) Evidence of proximity to any community location in accordance with applicable proximity requirements for the type of license for which the person is applying;

(e) A floor plan, and boundary map where applicable, of the premises to be licensed, including any consumption area, and the area where the applicant proposes to keep, store, sell, offer for sale, or furnish beer;

(f) In the case of an applicant that is an entity, partnership, corporation, or limited liability company, proper verification evidencing that the person or persons signing the license application are authorized to so act on behalf of the entity, partnership, corporation, or limited liability company;

(g) Any other information the City may require to sufficiently evaluate the merits of the application;

(h) If the application is for an On-Premise Beer Retailer – Restaurant license, the following shall also be required to be submitted with the application:

(1) Evidence that the licensee is carrying public liability insurance in an amount and form satisfactory to the City;

(2) Evidence that the licensee is carrying dramshop insurance coverage of at least one million dollars ($1,000,000.00) per occurrence and two million dollars ($2,000,000.00) in the aggregate; and

(3) A signed consent form stating that the licensee will permit any authorized representative of the Commission, City, law enforcement or health department unrestricted right to enter the premises of the licensee; and

(i) If the application is for a Temporary Special Event license, the following shall also be required to be submitted with the application:

(1) The times, dates, location, estimated attendance, nature, and purpose of the temporary special event; and

(2) A signed consent form stating that the licensee will permit any authorized representative of the Commission, City, law enforcement or health department unrestricted right to enter the premises during the temporary special event.

6-05-050. Applicant Qualifications.

Applicant qualification requirements for the issuance of a beer license from the City shall be the same as the applicant requirements set forth in *Utah Code Ann.* § 32B-1-304, as amended, regarding applicant requirements for the issuance of a State license. The City shall not issue a beer license to any person who has been convicted of any of the crimes enumerated therein or fails to meet the qualifications set forth therein. The provisions of Section 32B-1-304, as amended, are adopted by this reference as if fully set forth herein. Any references therein to "commission" or "director" shall refer to the "City" and "Business License Official," respectively. The City may immediately suspend or revoke a beer license in accordance with the provisions, procedures and grounds set forth in Section 32B-1-304, as amended. All applicants for a beer license shall also meet the age restrictions set forth in *Utah Code Ann.* § 32B-1-304, as amended, prohibiting the issuance of a license to a minor.

6-05-060. Criminal Background Checks.

(a) Required. Unless otherwise provided in Subsection (e), the following individuals shall be required to submit a fingerprint card in a form acceptable to the City and consent to a criminal background check by the Utah Bureau of Criminal Investigation and the Federal Bureau of Investigation in accordance with the provisions of this Section:

(1) An individual applying for a beer license from the City;

(2) An individual who with regard to an entity that is applying to the City for a beer license is a partner, managing agent, manager, officer, director, 20% stockholder of a corporation, or 20% member owner of a limited liability company;

(3) An individual employed to act in a supervisory or managerial capacity for the licensee; and

(4) An individual who becomes involved in an entity in a capacity listed herein on or after the day on which the entity receives a beer license from the City.

(b) Procedures. Criminal background checks shall be conducted in accordance with the provisions of *Utah Code Ann.* § 32B-1-307, as amended, regarding background checks for State issued license.

(c) Use of Information. Any criminal background checks conducted by the City pursuant to this Section shall comply with the provisions and restrictions set forth in *Utah Code Ann.* § 32B-1-306, as amended, regarding authorized use of criminal history information.

(d) Cost of Background Check. The individual required to submit a fingerprint card and submit to a criminal background check as provided herein shall pay for the cost of such fingerprint card and criminal background check.

(e) State Criminal Background Check. In the event that any individual listed in Subsection (a) has been issued a State beer or alcohol license in conjunction with the application for a City-issued beer license, the State conducted criminal history background check on such individual shall be deemed sufficient for purposes of applying for a City-issued beer license; provided, such criminal history background check has been conducted on the subject individual within sixty (60) days from the date of application for the City-issued license and such criminal history background check has been deemed acceptable for purposes of being granted a State-issued beer or alcohol license in accordance with applicable provisions of *Utah Code Ann.* § 32B-1-306, as amended.

6-05-070. Review and Issuance of License.

(a) Staff Review. Upon receipt of an application for a beer retailer license, the Business License Official shall review the application and gather information regarding the application and applicant qualifications. The Business License Official shall also distribute copies of the application and all other necessary information to appropriate departments of the City for their review and comment. Upon completion of review and investigation of the application and applicant qualifications, the Business License Official shall determine whether or not to grant the requested license based on the criteria set forth in this Section and applicable requirements of this Chapter.

(b) Criteria. Before issuing a beer license under the provisions of this Chapter, the Business License Official shall determine that the applicant has complied with all qualifications and requirements for making application for the applicable license and that the application is complete. The Business License Official shall also determine that the person applying for the license is not disqualified under the provisions of *Utah Code Ann.* § 32B-1-304, as amended, and that the application complies with the specific licensing requirements specified in this Chapter for the type of license for which the person is applying.

(c) No beer license shall be issued to any person that is disqualified under the provisions of *Utah Code Ann.* § 32B-1-304, as amended, or any person who is not lawfully present in the United States.

6-05-080. Off-Premise Beer Retailer.

(a) Off-Premise Beer Retailer License. The City is authorized to license and regulate the retail sale of beer for off-premise consumption in accordance with and subject to the restrictions of the Utah Off-Premise Beer Retailer Act, as set forth in *Utah Code Ann.* §§ 32B-7-101, *et seq.*, as amended. An Off-Premise Beer Retailer license issued by the City shall authorize the licensee to sell beer on the licensed premises for consumption off-premises, in accordance with applicable provisions of this Chapter and State law.

(b) Local License Required. Before a person may store, sell, or offer for sale beer at retail for off-premise consumption, the person shall obtain an Off-Premise Beer Retailer license from the City.

(c) Operational Restrictions. An Off-Premise Beer Retailer licensee shall comply with the general operational requirements set forth in *Utah Code Ann.* § 32B-7-202, as amended, regarding, among other regulations, the purchase of beer, the sale of beer by minors, signage and display requirements, staff identification badges, and recordkeeping.

(d) Alcohol Training and Education. The following persons shall be required to have a valid record that the individual completed an alcohol training and education seminar in accordance with the provisions of *Utah Code Ann.* § 32B-5-404, as amended: any individual who directly supervises the sale of beer to a patron for consumption off the premises of the off-premise beer retailer; or any individual who sells beer to a patron for consumption off the premises of the off-premise beer retailer. The City may immediately suspend the license of an Off-Premise Beer Retailer licensee that allows staff to directly supervise the sale of beer or to sell beer to a patron without having a valid record of training as required by law.

(e) Administrative Penalties for Sale to Minors. In addition to any criminal penalty that may be imposed, an individual may be subject to administrative penalties imposed by the City in accordance with the provisions and procedures of the Off-Premise Beer Retailer Enforcement Act, as set forth in *Utah Code Ann.* §§ 32B-7-301, *et seq.*, as amended, for persons who have completed the required alcohol training and are thereafter found in violation of any law involving the sale of an alcoholic beverage to a minor. Administrative penalties may also be

imposed against the licensee for such violations in accordance with the provisions and procedures of *Utah Code Ann.* § 32B-7-303, as amended.

(f) Employee Identification. Staff of an Off-Premise Beer Retailer licensee who directly supervises the sale of beer or who sells beer to a patron for consumption off-premises shall comply with the identification badge requirements set forth in *Utah Code Ann.* § 32B-7-202, as amended. Each licensee shall maintain a record of all current staff identification badges in accordance with applicable provisions of *Utah Code Ann.* § 32B-7-202, as amended. The City may impose a fine of $250 against any Off-Premise Beer Retailer licensee that does not comply or require its staff to comply with this Subsection.

(g) On-Premises Consumption Prohibited. It shall be unlawful for an Off-Premise Beer Retailer licensee to permit the consumption of beer on any Off-Premise Beer Retailer licensed premises.

(h) Container Restrictions. An Off-Premise Beer Retailer licensee shall not possess, sell, offer for sale, or furnish beer in a container larger than two (2) liters.

(i) Sale of Beer by Minors. A minor may not sell beer on the premises of a beer retailer for off-premise consumption unless the sale is done under the supervision of a person twenty-one (21) years of age or older who is on the premises and the minor is at least sixteen (16) years of age.

(j) Hours of Sale. An Off-Premise Beer Retailer licensee may sell beer beginning at the hour of 7:00 a.m. and ending at the hour of 1:00 a.m.

(k) Sales Restrictions. Beer may not be sold, delivered, or furnished to any:

(1) Minor;

(2) Person actually, apparently, or obviously under the influence of any intoxicating beverage or controlled substance;

(3) Known habitual drunkard; or

(4) Known interdicted person.

(l) Advertising Sale. It shall be unlawful for any Off-Premise Beer Retailer licensee to advertise the sale of beer in violation of the Utah Alcoholic Beverage Control Act.

(m) Limit on Beer Sales. Each Off-Premise Beer Retailer licensee shall limit beer sales to no more than thirty percent (30%) of its total business.

(n) Records Requirements. All holders of an Off-Premise Beer Retailer license shall maintain records separately showing quarterly expenditures and sales for beer and non-beer items. Each licensee shall retain all invoices, vouchers, sales slips, receipts and other records disclosing all expenditures and purchases from all suppliers. Such records shall be available for inspection and audit by the City or its representatives and maintained for a period of three (3) years. Failure to properly maintain such records for inspection and audit shall be cause for revocation of the Off-Premise Beer Retailer license.

(o) Gross Sales Percentages. If any inspection or audit discloses that the sales of beer on the licensed premises are in excess of thirty percent (30%) for any quarterly period, the City shall immediately put the licensee on a probationary status and closely monitor the licensee's beer sales during the next quarterly period to determine that the licensee is able to prove to the satisfaction of the City that the sales of beer meet or are less than thirty percent (30%) of total

business sales. Failure of the licensee to provide satisfactory proof of the required beer percentage within the probationary period shall result in issuance of an order to show cause by the City to determine why the license should not be revoked by the City.

(p) Compliance. Each person granted an Off-Premise Beer Retailer license and the staff of such licensee shall abide by the conditions and requirements set forth in this Chapter and State law requirements. Failure to comply may, in addition to criminal or civil penalties, result in suspension or revocation of the license or other disciplinary action taken against individual staff.

6-05-090. On-Premise Beer Retailer - Restaurant.

(a) On-Premise Beer Retailer – Restaurant. The City is authorized to license and regulate the retail sale of beer for on-premise consumption in accordance with and subject to the restrictions of the Utah Alcoholic Beverage Control Act, including, but not limited to, *Utah Code Ann.* §§ 32B-6-704, *et seq.*, as amended. An On-Premise Beer Retailer - Restaurant license issued by the City shall authorize the licensee to sell beer on the licensed premises for on-premise consumption, in accordance with applicable provisions of this Chapter and State law. Only bona fide restaurants shall be entitled to an On-Premise Beer Retailer – Restaurant licenses.

(b) State and Local License Required. Before a restaurant may sell beer at retail for on-premises consumption, it must first obtain an On-Premise Beer Retailer - Restaurant license from the City and the required State license from the Utah Alcoholic Beverage Control Commission. Issuance of the On-Premise Beer Retailer - Restaurant license by the City shall be deemed local consent for the issuance of a State Beer-Only Restaurant License. Pursuant to *Utah Code Ann.* § 32B-6-704, as amended, the suspension or revocation of a licensee's State license shall automatically prohibit the licensee from continuing to operate under the City license.

(c) Operational Restrictions. An On-Premise Beer Retailer - Restaurant licensee shall comply with the general provisions and restrictions set forth in *Utah Code Ann.* § 32B-6-901, *et seq.*, as amended, regarding licensing and operational requirements for beer-only restaurant licenses, and applicable provisions of *Utah Code Ann.* § 32B-5-301, *et seq.*, regarding operational requirements for on-premise retailer licensees. A person granted an On-Premise Beer Retailer - Restaurant license from the City and staff of the licensee shall comply with all of the conditions and requirements set forth herein. The provisions of State law referenced in this Section are adopted by reference as if fully set forth herein.

(d) Location Restrictions. Except as otherwise provided in Subsection (e), the premises of an on-premise beer retailer license may not be located within six hundred (600) feet of a community location as measured from the nearest entrance of the outlet by following the shortest route of ordinary pedestrian travel to the property boundary of community location or within two hundred (200) feet of a community location measured in a straight line from the nearest entrance of the proposed beer retailer premises to the nearest property boundary of the community location.

(e) Variance. The City Council may approve or give written consent to the Commission to authorize a variance to reduce the proximity requirements of Subsection (d) in accordance with the procedures and criteria set forth in *Utah Code Ann.* § 32B-1-202, as amended.

(f) Alcohol Training and Education. The following persons shall be required to have a valid record that the individual completed an alcohol training and education seminar in accordance with the provisions of *Utah Code Ann.* § 32B-5-403, as amended: any individual who manages operations at the licensed premises for consumption on the licensed premises; any individual who supervises the furnishing of a beer to a patron for consumption on the licensed premises; or any individual who serves a beer to a patron for consumption on the licensed

premises. The City may immediately suspend the license of an On-Premise Beer Retailer – Restaurant licensee if any of the individuals set forth herein fail to complete an alcohol training seminar as required by law.

(g) Container Restrictions. An On-Premise Beer Retailer – Restaurant licensee shall not sell, offer for sale, or furnish beer for on-premise consumption in a size of container that exceeds two (2) liters or to an individual patron in a size of container that exceeds one (1) liter.

(h) Hours of Sales. Hours for beer sales for on-premise beer retailers is governed by State law, pursuant to which the hours of sale are from 11:30 a.m. until 1:00 a.m.

(i) Total Business Sales. An On-Premise Beer Retailer – Restaurant shall maintain at least seventy percent (70%) of its total restaurant business from the sale of food, exclusive of service charge.

(j) Records. All holders of an On-Premise Beer Retailer - Restaurant license shall maintain records separately showing quarterly expenditures and sales for beer and food. Each licensee shall retain all invoices, vouchers, sales slips, receipts and other records disclosing all expenditures and purchases from all suppliers. Such records shall be maintained in accordance with provisions of *Utah Code Ann.* § 32B-5-302, regarding on-premise beer retailer record requirements. Such records shall be available for inspection and audit by the City or its representatives and maintained for a period of three (3) years. Failure to properly maintain such records for inspection and audit shall be cause for revocation of the On-Premise Beer Retailer - Restaurant license.

(k) Restaurant Business Percentages. If any inspection or audit discloses that the sales of food are less than seventy percent (70%) for any quarterly period, the City shall immediately put the licensee on a probationary status and closely monitor the licensee's food sales during the next quarterly period to determine that the licensee is able to prove to the satisfaction of the City that the sales of food meet or exceed seventy percent (70%). Failure of the licensee to provide satisfactory proof of the required food percentage within the probationary period shall result in issuance of an order to show cause by the City to determine why the license should not be revoked by the City.

(l) Compliance. Each person granted an Off-Premise Beer Retailer - Restaurant license and the staff of such licensee shall abide by the conditions and requirements set forth in this Chapter and State law requirements. Failure to comply may, in addition to criminal or civil penalties, result in suspension or revocation of the license or other disciplinary action taken against individual staff.

6-05-100. Dining Club License

(a) Dining Club License. The City is required to give local consent for Dining Club applicants prior to the State issuing a Dining Club License. Prior to granting such local consent pursuant to section 6-05-170 of this chapter, the applicant shall apply for a business license with the City.

(b) State and Local License Required. Before a Dining Club may sell alcohol, it must first obtain a Business license from the City and the required State license from the Utah Alcoholic Beverage Control Commission. Local consent shall be determined per section 6-05-170 of this Chapter. Pursuant to *Utah Code Ann.* § 32B-6-704, as amended, the suspension or revocation of a licensee's State license shall automatically prohibit the licensee from continuing to operate under the City license.

(c) Location Restrictions. Except as otherwise provided in Subsection (d), the premises of Dining Club license may not be located within six hundred (600) feet of a community

location as measured from the nearest entrance of the outlet by following the shortest route of ordinary pedestrian travel to the property boundary of community location or within two hundred (200) feet of a community location measured in a straight line from the nearest entrance of the proposed beer retailer premises to the nearest property boundary of the community location.

(d) Variance. The City Council may approve or give written consent to the Commission to authorize a variance to reduce the proximity requirements of Subsection (d) in accordance with the procedures and criteria set forth in *Utah Code Ann.* § 32B-1-202, as amended.

(e) Alcohol Training and Education. The following persons shall be required to have a valid record that the individual completed an alcohol training and education seminar in accordance with the provisions of *Utah Code Ann.* § 32B-5-403, as amended: any individual who manages operations at the licensed premises for consumption on the licensed premises; any individual who supervises the furnishing of alcohol to a patron for consumption on the licensed premises; or any individual who serves a beer to a patron for consumption on the licensed premises. The City may immediately suspend the license of an On-Premise Beer Retailer – Restaurant licensee if any of the individuals set forth herein fail to complete an alcohol training seminar as required by law.

(f) Hours of Sales. Hours for Dining Clubs is governed by State law, pursuant to which the hours of sale are from 10:00 a.m. until 12:59 a.m.

(g) Total Business Sales. Dining Clubs shall maintain at least sixty percent (60%) of its total restaurant business from the sale of food, exclusive of service charge.

(h) Records. All holders of a Dining Club License (issued by the state) shall maintain records separately showing quarterly expenditures and sales for beer and food. Each licensee shall retain all invoices, vouchers, sales slips, receipts and other records disclosing all expenditures and purchases from all suppliers. Such records shall be maintained in accordance with provisions of *Utah Code Ann.* § 32B-5-302, regarding Dining Club retailer record requirements. Such records shall be available for inspection and audit by the City or its representatives and maintained for a period of three (3) years. Failure to properly maintain such records for inspection and audit shall be cause for revocation of the Business license.

(i) Restaurant Business Percentages. If any inspection or audit discloses that the sales of food are less than seventy percent (60%) for any quarterly period, the City shall immediately put the licensee on a probationary status and closely monitor the licensee's food sales during the next quarterly period to determine that the licensee is able to prove to the satisfaction of the City that the sales of food meet or exceed seventy percent (60%). Failure of the licensee to provide satisfactory proof of the required food percentage within the probationary period shall result in issuance of an order to show cause by the City to determine why the license should not be revoked by the City.

(j) Compliance. Each person granted local consent for a Dining Club License and the staff of such licensee shall abide by the conditions and requirements set forth in this Chapter and State law requirements as outlined in the Alcoholic Beverage Control Act. Failure to comply may, in addition to criminal or civil penalties, result in suspension or revocation of the license or other disciplinary action taken against individual staff.

(k) Restriction of Number of Licenses. The total number of Dining Club Licenses in the City shall not exceed one (1) per every ten thousand (10,000) population of the City, based on the latest housing population estimate provided by the City Manager and determined by the average household size and number or residential units in the City.

6-05-110. Temporary Special Event.

(a) Temporary Special Event License. A Temporary Special Event license shall authorize the licensee to sell, offer for sale, or furnish beer at retail for on-premise consumption at a temporary event that does not last longer than thirty (30) days and shall authorize the storage, service and consumption of beer at such temporary event.

(b) State and Local License Required. Before a person may sell beer at retail for on-premises consumption at a special event, it must first obtain a Temporary Special Event license from the City and the required license or permit from the Utah Alcoholic Beverage Control Commission. Pursuant to *Utah Code Ann.* § 32B-9-404, as amended, the suspension or revocation of a licensee's State license shall automatically prohibit the licensee from continuing to operate under the City license.

(c) General Restrictions. A Temporary Special Event licensee shall comply with the general restrictions set forth in *Utah Code Ann.* § 32B-9-204, as amended.

(d) Operational Restrictions. A person granted a Temporary Special Event license from the City and the staff of the licensee shall comply with all of the general operations requirements set forth in *Utah Code Ann.* § 32B-9-204, as amended, for event permits, and *Utah Code Ann.* § 32B-9-406, as amended, regarding specific operational requirements for temporary event beer permits. The provisions of Section 32B-9-406, as amended, are adopted by this reference as if fully set forth herein.

(e) Compliance. Each person granted a Temporary Special Event license and the staff of the licensee shall abide by the conditions and requirements set forth in this Chapter and all State law requirements. Failure to comply may result in suspension or revocation of the license or other disciplinary action taken against staff or the licensee.

(f) Records. All holders of a Temporary Special Event license shall maintain records which shall disclose the gross sales of beer sold for consumption during the temporary event. Each licensee shall retain all invoices, vouchers, sales slips, receipts and other records and other commodity purchases from all suppliers. Such records shall be available for inspection and audit by the City license official at any time during the temporary special event and for a period of eighteen (18) months after the end of the temporary event. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the license. Licensees shall also comply with the records requirements set forth in *Utah Code Ann.* § 32B-9-406, as amended.

(g) Restriction on Number. No person may be issued more than three (3) Temporary Special Event licenses in any calendar year.

6-05-120. General Restrictions.

(a) It is unlawful for any person to sell beer within the City without first having procured a license therefor from the City as provided in this Chapter and paying the license fee and any other applicable fees as set forth in the City Fee Schedule.

(b) It is unlawful for any person to sell beer after the revocation of a license issued pursuant to this Chapter.

(c) 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 for which it shall be issued. It shall be unlawful for any licensee to violate any of the terms of his or her license.

(d) Any person granted a beer license under the provisions of this Chapter, and staff of such licensee, shall comply with the provisions of this Chapter and all applicable State statutes,

rules and regulations regarding retail licensees, including, but not limited to applicable provisions of the Utah Alcoholic Beverages Control Act, as more particularly set forth in *Utah Code Ann.* §§ 32B-1-101, *et seq.*, as amended, and the rules and regulations of the Utah State Alcoholic Beverage Control Commission promulgated pursuant thereto, including, but not limited to, the rules set forth in Utah Administrative Code R81, as amended.

(e) Licensees and licensed premises shall meet and comply with applicable Zoning Ordinance regulations and restrictions and any other applicable City Ordinance requirements.

6-05-130. Reserved.

6-05-140. Fees.

Applications for beer licenses under this Chapter shall be accompanied by the applicable application and license fees set forth in the City Fee Schedule.

6-05-150. Expiration and Renewal.

(a) Expiration. All beer licenses issued or renewed pursuant to the provisions of this Chapter shall expire on December 31st of each year; provided, Temporary Special Event licenses shall expire on the date set forth in the temporary license.

(b) Application for Renewal. Each licensee desiring to renew a beer license granted pursuant to this Chapter shall by no later than December 31st of each year file with the Business License Official a completed annual renewal application for renewal of his or her license on forms provided by the City. Each application for renewal shall be complete and shall be accompanied by the applicable renewal fee as set forth herein.

(c) Fees for Renewal. The fee for renewal of a beer license shall be set forth in the City Fee Schedule.

(d) Failure to Comply. Failure to comply with the renewal requirements set forth herein shall result in an automatic forfeiture of the license effective on the date the existing license expires. Any licensee who fails to obtain a license renewal within the required time limit shall close the licensed premises on or before the expiration date of the then license and shall keep the premises closed for any and all business for the sale of beer until the date a new license is issued by the City.

(e) Additional Fees. In addition to the forfeiture provisions of Subsection (d), in the event renewal fees are not received by the City by January 31st of the year when due, the licensee must pay a penalty of fifty percent (50%) of the fees due as part of the renewal fee, in addition to any applicable beer license fees. In the event the renewal fees are not received by the City by February 28th of the year when due, the license shall be deemed forfeited and the licensee must reapply for a beer license and pay all applicable application and license fees.

6-05-160. Sale or Transfer of License.

(a) No Sale of License. A person granted a beer license under the provisions of this Chapter shall not sell, transfer, assign, exchange, barter, give or attempt in any way to dispose of the license to another person whether for monetary gain or not. A beer license issued hereunder has no monetary value for the purpose of any type of disposition.

(b) No Location Transfer. A person granted a beer license under the provisions of this Chapter shall not transfer the license issued pursuant to the provisions of this Chapter from one location to another.

(c) No Ownership Transfer. Except for corporate or company ownership changes set forth in Subsections (d)(2) and (d)(3), no ownership transfers of any license issued under the provisions of this Chapter shall be permitted.

(d) Notification of Change. In addition to the ownership transfer prohibitions of this Section, all licensees shall be required to notify the City immediately of any change in ownership of the licensee or persons associated with the licensee if the licensee is an entity. In order to ensure compliance with this Section, the City may suspend or revoke a beer license if the licensee does not immediately notify the City of any change in:

(1) ownership of the premises of the retail license;

(2) for a corporate owner, the:

(i) corporate officers or directors of the retail licensee; and

(ii) shareholders holding at least twenty percent (20%) of the total issued and outstanding stock of the corporation; or

(3) for a limited liability company:

(i) managers of the limited liability company; or

(ii) members owning at least twenty percent (20%) of the limited liability company.

6-05-170. Local Consent - Limited.

(a) Restaurant Liquor Licenses. The issuance of an On-Premise Beer Retailer – Restaurant license under the provisions of this Chapter shall be required as a prerequisite for any restaurant seeking a State liquor license, including, but not limited to, the following:

(1) Beer-Only Restaurant License;

(2) Full-Service Restaurant License;

(3) Limited-Service Restaurant License; and

(4) Dining Club License.

(b) Temporary Special Event. This issuance of a Temporary Special Event permit under the provisions of this Chapter shall be required as a prerequisite for any person seeking a State-issued Temporary Beer Event Permit. This issuance of a Temporary Special Event permit by the City shall be deemed local consent for purposes of the Utah Alcoholic Beverages Control Act requiring such consent for the issuance of the State-issued Temporary Beer Event Permit.

(c) Local Consent Form. The City Council shall have a public vote to grant or deny local consent. Upon an affirmative, simple majority vote, the authorized individual shall sign the Local Consent form for State licensing of restaurants complying with the provisions of Subsection (a) and temporary beer events complying with the provisions of Subsection (b).

(d) No Other Local Consent. The City shall not grant local consent for any State issued liquor licenses within the City other than those liquor licenses enumerated in Subsections (a) regarding restaurant liquor licenses, and Subsection (b) regarding temporary beer events.

(e) Compliance. Any person or licensee granted local consent under the terms and provisions of this Chapter shall comply with all applicable provisions of the Alcoholic Beverage Control Act, as amended.

6-05-180. State Offenses.

To the extent applicable to the retail sale of beer within the City and subject to the jurisdiction of the City, the offenses set forth in Title 32B, Chapter 4, of the Utah Code, as amended, known as the Criminal Offenses and Procedures Act, are hereby adopted by reference as if fully set forth herein.

6-05-190. Violations.

Unless otherwise expressly provided in this Chapter or by State law, any violations of this Chapter be deemed a class B misdemeanor. Any violations of this Chapter shall be subject to criminal and/or civil penalties and procedures. In addition to the criminal penalties, upon a defendant's conviction of any offense defined in this Chapter, the court may order restitution, defense costs, and other applicable criminal penalties as set forth in *Utah Code Ann.* § 32B-4-305, as amended. In addition to criminal or civil penalties, any violations of this Chapter shall also be subject to administrative enforcement action such as suspension, probation or revocation of beer license, suspension, probation, or revocation of business license.

6-05-200. Severability.

If a provision of this Chapter or the application of a provision to a person or circumstance is held invalid, the remainder of this Chapter shall be given effect without the invalid provision or application. The provisions of this Chapter are severable.

CHAPTER 6-06: SEXUALLY ORIENTED BUSINESSES

6-06-010. Title for Citation.
6-06-020. Purpose and Findings.
6-06-030. Application of Provisions.
6-06-040. Definitions.
6-06-050. Obscenity and Lewdness - Statutory Provisions.
6-06-060. Location and Zoning Restrictions.
6-06-070. Business License Required.
6-06-080. Business Categories - Number of Licenses.
6-06-090. License - Fees.
6-06-100. License - Bond.
6-06-110. License - Premises Location and Name.
6-06-120. Issuance of License.
6-06-130. Inspection
6-06-140. Expiration of License; Denial of Renewal.
6-06-150. Suspension.
6-06-160. Revocation.
6-06-170. Judicial Review.
6-06-180. No Transfer of License.
6-06-190. License - Display.
6-06-200. License - Statement in Advertisements.
6-06-210. Regulations and Unlawful Activities.
6-06-220. Outcall Services - Operation Requirements.
6-06-230. Additional Regulations for Adult Motels.
6-06-240. Adult Business - Design of Premises.
6-06-250. Regulations Pertaining to Exhibition of Sexually Explicit Films and Videos.
6-06-260. Semi-Nude Entertainment Business - Design of Premises.
6-06-270. Semi-Nude Entertainment Business - Location Restriction.
6-06-280. Semi-Nude Dancing Agencies.
6-06-290. Performers - Prohibited Activities.
6-06-300. Patrons - Prohibited Activities.
6-06-310. Existing Businesses - Compliance Time Limits.
6-06-320. Exterior Portions of Sexually Oriented Businesses.
6-06-330. Signage.
6-06-340. Massages or Baths Administered by Person of Opposite Sex.
6-06-350. Hours of Operation.
6-06-360. Exemptions.
6-06-370. Notices.
6-06-380. Injunction.
6-06-390. Severability.

6-06-010. Title for Citation.

The provisions codified in this Chapter shall be known and may be referred to as the "Sexually Oriented Business and Employee Licensing Ordinance."

6-06-020. Purpose and Findings.

(a) Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

(b) Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *Iacobucci v. City of Newport, Ky*, 479 U.S. 92 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *California v. LaRue*, 409 U.S. 109 (1972); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir.1997); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir.1986); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir.1995); *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir.1984); and *N.W. Enterprises v. City of Houston*, 27 F.Supp. 2d 754 (S.D. Tex.1998), as well as studies conducted in other cities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the City Council finds that:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.

(2) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located.

(3) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(4) Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses, for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea,

human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections.

(7) As of June, 2001, the total number of reported cases of AIDS in the United States caused by the immunodeficiency virus (HIV) was 793,025.

(8) The total number of cases of genital chlamydia trachomatis infections in the United States reported in 2000 was 702,093, a 6% increase over the year 1999.

(9) The total number of cases of early (less than one year) syphilis in the United States reported during the twelve year period 1996-2000 was 212,672.

(10) The number of cases of gonorrhea in the United States reported annually remains at a high level, with a total of 1,730,911 cases reported during the period 1996-2000.

(11) The surgeon general of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug use, exposure to infected blood and blood components, and from an infected mother to her newborn.

(12) According to the best scientific evidence available, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(13) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those activities and maintain those facilities.

(14) Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(15) Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity.

(16) Nude dancing in adult establishments increases the likelihood of drug-dealing and drug use.

(17) Alcohol consumption in adult establishments increases the likelihood of crime, illegal drug use, and illegal sexual activity, and encourages undesirable behavior that is not in the interest of the public health, safety, and welfare.

(18) The findings noted in paragraphs numbered (1) through (17) raise substantial governmental concerns.

(19) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(20) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and operators of sexually oriented businesses. Further, such licensing procedure will place a heretofore non-existent incentive on operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the

licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(21) Removal of doors on adult booths and requiring sufficient lighting on the premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult establishments.

(22) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and criminal activity.

(23) It is desirable, in the prevention of crime and the spread of communicable diseases, to obtain a limited amount of information regarding certain employees who may engage in the conduct this ordinance is designed to prevent, or who are likely to be witnesses to such activity.

(24) The fact that an applicant for a sexually oriented business license has been convicted of a sex-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention to this ordinance.

(25) The barring of such individuals from operation or employment in sexually oriented businesses for a period of five (5) years for a previous felony conviction serves as a deterrent to further criminal conduct, and prevents conduct which leads to the transmission of sexually transmitted diseases.

(26) The general welfare, health, morals, and safety of the citizens of this City will be promoted by enactment of this ordinance.

(27) When more than one sexually oriented business use occupies the same location or business address, the secondary effects caused by such businesses are increased. Secondary effects are eliminated or controlled to a greater degree when only a single sexually oriented business use is allowed to occupy the same location.

6-06-030. Application of Provisions.

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, including but not limited to those codified in other chapters and provisions of the Business Regulations of the City.

6-06-040. Definitions.

For the purpose of this Chapter, the following words shall have the following meanings:

(a) "Adult Arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(b) "Adult Bookstore" or "Adult Video Store" means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, electronic media or other visual representations that are characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas"; or

(2) Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities." A principal business purpose exists if materials offered for sale or rental depicting or describing "specified sexual activities" or "specified anatomical areas" generate 20% or more of the business's income, or account for 20% or more of inventory, or occupy 20% or more of total floor space. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "adult bookstore" or "adult video store." Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(3) "Adult Cabaret" means a nightclub, bar, restaurant, café or similar commercial establishment that regularly, commonly, habitually, or consistently features:

(i) Persons who appear in a state of nudity or semi-nudity; or

(ii) Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(iii) Films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(iv) persons who engage in "exotic" or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

(c) "Adult Motel" means a hotel, motel or similar commercial establishment that:

(1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or

(2) Offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or

(3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four (24) hours.

(d) "Adult Motion Picture Theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(e) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(f) "Director" means the Chief of Police and such employee(s) of the City Police Department as he or she may designate to perform the duties of the Director under this ordinance.

(g) "Employee" means a person who performs any service on the premises of a sexually oriented business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

(h) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(i) "Escort Agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(j) "Establishment" means and includes any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;

(2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(3) The additions of any sexually oriented business to any other existing sexually oriented business; or

(4) The relocation of any sexually oriented business; or

(5) A sexually oriented business or premises on which the sexually oriented business is located.

(k) "Licensed Day-Care Center" means a facility licensed by the State of Utah, whether situated within the City or not, that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

(l) "Licensee" means a person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

(m) "Live Theatrical Performance" means a play, skit, opera, ballet, concert, comedy, or musical drama.

(n) "Nude Model Studio" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

(o) "Nudity" or a "State of Nudity" means the appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

(p) "Patron" means any person who contracts with or employs any escort services or escort or the customer of any business licensed pursuant to this Chapter.

(q) "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

(r) "Premises" means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to Section 6-06-070 of this ordinance.

(s) "Semi-nude" means a state of dress in which opaque clothing covers no more than the female breast below a point immediately above the top of the areola; and the male or female genitals, pubic region, and anus shall be fully covered by an opaque covering no narrower than four inches wide in the front and five inches wide in the back, which shall not taper to less than one inch wide at the narrowest point.

(t) "Semi-nude Dancing Agency" means any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer licensed pursuant to this Chapter for performance or appearance at a business licensed for adult theaters.

(u) "Semi-nude Entertainment Business" means a business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude entertainment business if the business holds itself out as such a business.

(v) "Sexual Encounter Center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(2) Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

A principal business purpose exists if the services offered are intended to generate business income.

(w) "Sexually Oriented Business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center or semi-nude entertainment business.

(x) "Sexually Oriented Business Employees" means those employees who work on the premises of a sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees, whether or not hired as employees, agents, or as independent contractors. Sexually Oriented Business Employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers, and similar employees. Sexually oriented business employees shall not include cooks, serving persons, and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this Chapter, including escorts, models, guards, escort runners, drivers, chauffeurs, and other similar employees, shall be considered sexually oriented business employees.

(y) "Specified Anatomical Areas" means:

(1) The human male genitals in a discernibly turgid state, even if fully and opaquely covered;

(2) Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

(z) "Specified Criminal Activity" means any of the following offenses:

(1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the criminal or penal code of this state, other states, or other countries;

(2) For which:

(i) Fewer than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(ii) Fewer than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense;

(iii) Fewer than five (5) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period;

(3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

(aa) "Specified Sexual Activities" means:

(1) Acts of:

(i) Masturbation,
(ii) Human sexual intercourse,
(iii) Sexual copulation between a person and a beast,
(iv) Fellatio,
(v) Cunnilingus,
(vi) Bestiality,
(vii) Pederasty,
(viii) Buggery, or
(ix) Any anal copulation between a human male and another human male, human female, or beast;

(2) Manipulating, caressing or fondling by any person of:
(i) The genitals of a human,
(ii) The pubic area of a human,
(iii) The uncovered female nipple and areola;

(3) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

(bb) "Substantial Enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25%) percent, as the floor areas existed on January 1, 2004.

(cc) "Transfer of Ownership or Control" of a sexually oriented business means and includes any of the following:

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

6-06-050. Obscenity and Lewdness - Statutory Provisions.

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 the provisions of Title 14 of this Code, "lewdness" as defined in this Code, or other applicable federal or State statutes prohibiting obscenity.

6-06-060. Location and Zoning Restrictions.

It is unlawful for any sexually oriented business to do business at any location within the City not zoned for such business. Sexually oriented businesses licensed as adult business or semi-nude entertainment businesses pursuant to this Chapter shall only be allowed in areas where they are specifically designated as permitted or conditional uses pursuant to Title 11 of the Farmington City Code.

6-06-070. Business License Required.

(a) It shall be unlawful:

(1) For any person to operate a sexually oriented business without a valid sexually oriented business operator's license ("operator's license") issued by the Director pursuant to this ordinance; or

(2) For any person who operates a sexually oriented business to employ a person to work and/or perform services on the premises of the sexually oriented business, if such employee is not in possession of a valid sexually oriented business employee license ("employee license") issued to such employee by the Director pursuant to this ordinance; or

(3) For any person to obtain employment with a sexually oriented business if such person is not in possession of a valid sexually oriented business employee license issued to such person by the Director pursuant to this ordinance.

(4) It shall be a defense to subsections (2) and (3) of this Section if the employment is of limited duration and for the sole purpose of repair and/or maintenance of machinery, equipment, or the premises.

(b) An application for a sexually oriented business operator's license must be made on a form provided by the City. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Prior to issuance of an operator's license, the premises must be inspected by the health department, building department, and zoning department. Prior inspection by the health department and building department shall be required only when the provisions set forth in Sections 6-06-250 and/or 6-06-240 are applicable.

~~(c) An application for a sexually oriented business employee license must be made on a form provided by the City.~~

~~(d)~~(c) All applicants for a license must be qualified according to the provisions of this ordinance. The application may request, and the applicant shall provide, such information reasonably necessary (including fingerprints) to enable the City to determine whether the applicant meets the qualifications established under this ordinance. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.

~~(e)~~(d) If a person who wishes to own or operate a sexually oriented business is an individual, he or she must sign the application for an operator's license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10%) percent or greater interest in the business must sign the application for an operator's license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, all corporate officers and directors must sign the application for an operator's license as applicant.

~~(f)~~(e) Applications for an operator's license, whether original or renewal, must be made to the Director by the intended operator of the enterprise. Applications must be submitted to the office of the Director or the Director's designee during regular working hours. Application forms shall be supplied by the Director. The following information shall be provided on the application form:

(1) The name, street address (and mailing address if different) of the applicant(s);

(2) The applicant's Social Security number and/or his/her state or federally issued tax identification number;

(3) The name under which the establishment is to be operated and a general description of the services to be provided. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state: 1) the sexually oriented business's fictitious name; and 2) submit the required registration documents;

(4) Whether the applicant has been convicted, or is awaiting trial on pending charges, of a "specified criminal activity" as defined herein, and, if so, the "specified criminal activity" involved, the date, place, and jurisdiction of each;

(5) Whether the applicant has had a previous license under this ordinance or other similar sexually oriented business ordinance from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation;

(6) Whether the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses;

(7) The single classification of license, as found in Section 6-06-080, for which the applicant is filing;

(8) The telephone number of the establishment;

(9) The address and legal description of the tract of land on which the establishment is to be located;

(10) If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the business license is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the business license is sought;

(11) If the establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance of the business license). If the expected startup date is to be more than ten (10) days following the date of issuance of the business license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same;

(12) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section 6-06-250 hereunder.

~~(g)~~(f) Each application for an operator's license shall be accompanied by the following:

(1) Payment of the application fee in full;

(2) If the establishment is a State of Utah corporation, a certified copy of the articles of incorporation, together with all amendments thereto;

(3) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;

(4) If the establishment is a limited partnership or limited liability company formed under the laws of the State of Utah, a certified copy of the certificate of limited partnership or limited liability company, together with all amendments thereto;

(5) If the establishment is a foreign limited partnership or limited liability company, a certified copy of the certificate of limited partnership or limited liability company and the qualification documents, together with all amendments thereto;

(6) Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed;

(7) If the persons identified as the fee owner(s) of the tract of land in item (6) is not also the owner of the sexually oriented business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the sexually oriented business to have or obtain the use and possession of the tract or portion thereof that is to be used for the sexually oriented business;

(8) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 1,000 feet of the property to be certified; and the property lines of any established religious institution/synagogue, school, public park or recreation area within 1,000 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted;

(9) Any of items (2) through (8) above shall not be required for a renewal application if the applicant states that the documents previously furnished to the Director with the original application or previous renewals thereof remain correct and current.

~~(h)~~(g) Applications for an employee license to work and/or perform services in a sexually oriented business, whether original or renewal, must be made to the Director by the person to whom the employee license shall issue. Each application for an employee license shall be accompanied by payment of the application fee in full. Application forms shall be supplied by the Director. Applications must be submitted to the office of the Director or the Director's designee during regular working hours. Each applicant shall be required to give the following information on the application form:

(1) The applicant's given name, and any other names by which the applicant is or has been known, including "stage" names and/or aliases;

(2) Age, and date and place of birth;

(3) Height, weight, hair color, and eye color;

(4) Present residence address and telephone number;

(5) Present business address and telephone number;

(6) Date, issuing state, and number of photo driver's license, or other state issued identification card information;

(7) Social Security Number; and

(8) Proof that the individual is at least eighteen (18) years old.

The personal information provided in this subsection shall be confidential, and shall not be disclosed to the public except to the extent required by state or federal law.

~~(i)~~(h) Attached to the application form for any license under this ordinance shall be the following:

(1) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.

(2) A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant, in this or any other city, county, state, or country, has ever had any license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name(s) under which the license was sought and/or issued, the name(s) of the issuing or denying jurisdiction, and describe in full the reason(s) for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

(3) A statement whether the applicant has, within the past five (5) years, been convicted, or is awaiting trial on pending charges, of a "specified criminal activity" as defined herein and, if so, the "specified criminal activity" involved, the date, place and jurisdiction of each.

~~(j)~~(i) Every application for a license under this ordinance shall contain a statement under oath that:

(1) The applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is true and correct; and

(2) The applicant has read the provisions of this Chapter.

~~(k)~~(j) A separate application and operator's license shall be required for each sexually oriented business classification as set forth in Section 6-06-080.

~~(l)~~(k) The fact that a person possesses other types of state or city permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented business operator or employee license.

6-06-080. Business Categories - Number of Licenses.

(a) 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 semi-nude dancing agency on the same premises.

(b) The categories of sexually oriented businesses are:

(1) Outcall services;
(2) Adult businesses;
(3) Semi-nude entertainment businesses;
(4) Semi-nude dancing agency.

6-06-090. License - Fees.

Each applicant for a sexually oriented business or employee license shall be required to pay regulatory license fees as set forth in the Consolidated Fee Schedule.

6-06-100. License - Bond.

Each applicant for a sexually oriented business license shall post, with the Director, a cash or corporate surety bond payable to Farmington City in the amount of two thousand dollars. 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 days after notice of the fine, unless an appeal is filed as provided by this Chapter. 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 within fifteen days of the date of notice of any draw against it.

6-06-110. License - Premises Location and Name.

(a) 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) 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.

6-06-120. Issuance of License.

(a) Upon the filing of an application for a sexually oriented business employee license, the Director shall issue a temporary license to said applicant. The application shall then be referred to the appropriate City departments for investigation to be made on the information contained in the application. The application process shall be completed within thirty (30) days from the date of the completed application. After the investigation, the Director shall issue an employee license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) The applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(2) The applicant is under the age of eighteen (18) years; or

(3) The applicant has been convicted of a "specified criminal activity" as defined herein; or

(4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule, or regulation, or prohibited by a particular provision of this ordinance; or

(5) The applicant has had a sexually oriented business employee license revoked by the City within two (2) years of the date of the current application.

If the sexually oriented business employee license is denied, the temporary license previously issued is immediately rendered null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as forth in subsection (i) of this Section.

(b) A license issued pursuant to subsection (a) of this Section, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. While engaged in employment or performing services on the sexually oriented business premises, an employee shall, at all times, possess the license in such manner as to be available for immediate inspection upon lawful request.

(c) A license issued pursuant to subsection (a) of this Section shall be subject to annual renewal upon the written application of the applicant and a finding by the Director that the applicant has not been convicted of any "specified criminal activity" as defined in this ordinance, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within thirty (30) days of the completed application. The renewal of a license shall be subject to the fee as set forth in Section 6-6-090. Non-renewal of a license shall be subject to appeal as set forth in subsection (i) of this Section.

(d) If application is made for a sexually oriented business operator's license, the Director shall approve or deny issuance of the license within thirty (30) days of receipt of the completed application. The Director shall issue a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) An applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(2) An applicant is under the age of eighteen (18) years;

(3) An applicant has been denied a license by the City to operate a sexually oriented business within the preceding twelve (12) months, or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months;

(4) An applicant is overdue in payment to the City for taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to the sexually oriented business for which license is sought, or the property on which the sexually oriented business is located or will be located;

(5) An applicant has been convicted of a "specified criminal activity" as defined herein;

(6) The premises to be used for the sexually oriented business have not been approved by the health department, building department, and zoning department as being in compliance with applicable laws and ordinances, if such approval is required under other sections of this ordinance;

(7) The license fee required under this ordinance has not been paid;

(8) An applicant of the proposed establishment is in violation of or is not in compliance with one or more of the provisions of this ordinance.

(e) A license issued pursuant to subsection (d) of this Section, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business, and the business classification as set forth in Section 6-06-080 for which the license is issued. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(f) If so required under other sections of this ordinance, the health department, building department, and zoning department shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the completed application by the Director. The certification shall be promptly presented to the Director. Failure of an appropriate department to timely certify its inspection shall not be grounds for refusing to issue a license within the mandatory time period prescribed in subsection (d). In the event the Director fails to render a decision on the application within the time specified herein, the operator shall be permitted to commence operation of the business.

(g) A sexually oriented business license shall issue for only one business classification, as set forth in Section 6-06-080.

(h) In the event that the Director determines that an applicant is not eligible for a sexually oriented operator's license, the applicant shall be given notice in writing of the reasons for the denial within thirty (30) days of the receipt of the completed application by the Director, provided that the applicant may request, in writing at any time before the notice is issued, that such period be extended for an additional period of not more than ten (10) days in order to make modifications necessary to comply with this ordinance. Notice of denial shall be sent to the applicant in accordance with the notice provisions set forth in Section 6-06-370.

(i) An applicant may appeal the decision of the Director regarding a denial to the City Council by filing a written notice of appeal with the City Recorder within ten (10) days from receipt of the notice of denial. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Director may, within fifteen (15) days from the date of filing of the notice of appeal, submit a responsive ~~memorandum~~ staff report to the City Council. After reviewing such ~~memoranda~~ report, as well as the Director's written decision, if any, and exhibits submitted to the Director, the City Council shall vote either to uphold or overrule the Director's decision. Such vote shall be taken within twenty-one (21) calendar days after the date on which the City Recorder receives the notice of appeal. The status quo immediately prior to denial of the license shall be maintained during the pendency of the appeal. Judicial review of a denial by the Director and City Council may be made pursuant to Section 6-06-170 of this ordinance. The status quo shall continue to be maintained during the pendency of judicial review.

(j) A license issued pursuant to this Section shall be subject to annual renewal upon the written application of the applicant and a finding by the Director that the applicant has not been convicted of any "specified criminal activity" as defined in this ordinance, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within thirty (30) days of the completed application. The renewal of a license shall be subject to the fee as set forth in Section 6-06-090.

6-06-130. Inspection.

The City shall regularly inspect the premises of the sexually oriented business in order to ensure compliance with the provisions of this ordinance. An applicant or licensee shall permit

representatives of the Police Department and/or Health Department to inspect the premises at any time the establishment is open for business. Such inspection shall be limited to visual assessment of the activities conducted in areas to which patrons have access or are allowed access; to requests for inspection of the licenses required under this ordinance; and to requests for identification of those individuals who reasonably appear to be under the age of 18.

6-06-140. Expiration of License; Denial of Renewal.

(a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 6-06-070. Application for renewal should be made at least thirty (30) days before the expiration date. When application is made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

(b) When the Director denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. Notwithstanding the provisions of this section, in the event a licensee appeals the non-renewal of a license, the status quo immediately prior to non-renewal shall be maintained throughout the pendency of the appeal, up to and including judicial review on the merits as set forth in Section 6-06-170.

6-06-150. Suspension.

The Director shall suspend a license for a period not to exceed thirty (30) days if he or she determines that licensee or an employee of licensee has:

(a) Violated or is not in compliance with any section of this ordinance;

(b) Operated or performed services in a sexually oriented business while intoxicated by the use of alcoholic beverages or controlled substances;

(c) Refused to allow prompt inspection of the sexually oriented business premises as authorized by this ordinance;

(d) With knowledge, permitted gambling by any person on the sexually oriented business premises.

A licensee may appeal the suspension of a license to the City Council in accordance with the procedure set forth in Section 6-06-120. Notwithstanding any other provisions of this section, in the event a licensee appeals the suspension of a license, the status quo immediately prior to suspension shall be maintained throughout the pendency of the appeal, up to and including judicial review on the merits as set forth in Section 6-04-170.

6-06-160. Revocation.

(a) The Director shall revoke a license if a cause of suspension in Section 6-06-150 occurs and the license has been suspended within the proceeding twelve (12) months.

(b) The Director shall revoke a license if he or she determines that:

(1) A licensee gave materially false or misleading information in the material submitted during the application process;

(2) A licensee was convicted of a "specified criminal activity" on a charge that was pending prior to the issuance of the license;

(3) A licensee has, with knowledge, permitted the possession, use, or sale of controlled substances on the premises;

(4) A licensee has, with knowledge, permitted the sale, use, or consumption of alcoholic beverages on the premises;

(5) A licensee has, with knowledge, permitted prostitution on the premises;

(6) A licensee has, with knowledge, operated the sexually oriented business during a period of time when the licensee's license was suspended;

(7) A licensee has, with knowledge, permitted any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the licensed premises;

(8) A licensee is delinquent in payment to the City or State for any taxes, fees, fines, or penalties relating to the sexually oriented business or the premises thereon;

(9) A licensee has, with knowledge, permitted a person under eighteen (18) years of age to enter or remain in the establishment; or

(10) A licensee has attempted to sell his business license, or has sold, assigned, or transferred ownership or control of the sexually oriented business to a non-licensee of the establishment;

(11) A licensee has, with knowledge, permitted a person or persons to engage in specified sexual activities on the premises of the sexually oriented business.

(c) When the Director revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a license for one (1) year from the date revocation became effective. A licensee may appeal the revocation of a license to the City Council in accordance with the procedure set forth in Section 6-06-120. Notwithstanding any other provision of this Section, in the event the licensee appeals the revocation of a license, the status quo immediately prior to revocation shall be maintained throughout the pendency of the appeal, up to and including judicial review on the merits as set forth in Section 6-06-170.

6-06-170. Judicial Review.

Within thirty (30) days of a denial of an initial or renewal application by the Director and City Council, or suspension or revocation of a license by the Director, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction.

6-06-180. No Transfer of License.

(a) A licensee shall not transfer his/her employee license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application and set forth in the operator's license.

(b) An operator's license shall not be transferable from one location to another.

6-06-190. License - Display.

It is unlawful for any sexually-oriented business location within 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 their employee license on their person while engaged in licensed activities within the corporate

boundaries of the City. If the individual is semi-nude, such license shall be visibly displayed in the same room in which the individual is performing. Individuals or businesses engaged in licensed activities within the corporate boundaries of the City violate the law if they fail to show the appropriate licenses when requested to do so by police, City licensing officials, health officials or other enforcement personnel.

6-06-200. License - 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 such advertisement shall include the City license number.

6-06-210. Regulations and Unlawful Activities.

It is unlawful for any sexually oriented business or sexually oriented business employee to:

(a) Allow persons under the age of eighteen 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;

(b) Allow, offer, or agree to conduct any outcall business with persons under the age of eighteen years;

(c) To allow, offer, or agree to allow any alcohol to be stored, used, or consumed on or in the licensed premises;

(d) Allow the outside door to the premises to be locked while any customer is in the premises;

(e) Allow, offer, or agree to gambling on the licensed premises;

(f) Allow, offer, or agree to any sexually oriented business employee touching any patron or customer; except that outcall employees and customers may touch, except that any touching of specified anatomical area, whether clothed or unclothed, is prohibited;

(g) Allow, offer, or agree to illegal possession, use, sale, or distribution of controlled substances on the licensed premises;

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

(i) 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;

(j) Allow, offer, commit, or agree to any sex act as validly defined by City ordinances or State statute in the presence of any customer or patron;

(k) Allow, offer, or agree to any employee appearing before any customer or patron in a state of nudity;

(l) Allow, offer, or agree to allow a patron or customer to masturbate in the presence of a sexually oriented business employee or on the premises of a sexually oriented business.

(m) Appear in a state of nudity before a patron on the premises of a sexually oriented business.

6-06-220. Outcall Services - Operation Requirements.

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

(a) All businesses licensed to provide outcall services pursuant to this Chapter shall provide to each patron a written contract in receipt of pecuniary compensation for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount such services shall cost 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 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) All outcall businesses 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 businesses whose premises are licensed within the corporate limits of the City, private rooms or booths where the patrons may meet with the outcall employee shall not be provided at the open office or any other location owned or leased by the service, nor shall patrons meet outcall employees at the business premises.

(c) 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) All employees of outcall services who provide outcall services within the City shall be licensed in accordance with this Chapter, regardless of the primary location of the business.

6-06-230. Additional Regulations for Adult Motels.

(a) Evidence that a sleeping room in a hotel, motel, or a similar commercial enterprise has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this Chapter.

(b) It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial enterprise that does not have a sexually oriented business license, rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

(c) For purposes of subsection (b) of this Section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

(d) Violation of subsection (b) of this Section shall constitute a misdemeanor.

6-06-240. Adult Business - Design of Premises.

(a) In addition to the general requirements of disclosure for a sexually oriented business, any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business, shall conform to the following:

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

(2) 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.

(3) 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.

(4) 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 ratings for illumination capacity.

(b) It shall be the duty of the licensee and the licensee's employees to insure that the views from the manager's station in subsection (1) of this Section remain unobstructed by any doors, walls, merchandise, display racks, or any other materials at all times that any patron is present within the premises, and to insure 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.

(c) 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 employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present within the premises.

6-06-250. Regulations Pertaining to Exhibition of Sexually Explicit Films and Videos.

(a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction, that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the business license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six

(6") inches. The Director may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since said diagram was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Director or his designee.

(4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (5) of this Section remains unobstructed at all times. No doors, walls, partitions, curtains, merchandise, display racks, or other object(s) shall obstruct from view of the manager's station any portion of the premises to which patrons have access. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted, as designated in the application filed pursuant to subsection (1) of this Section.

(7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot-candle as measured at the floor level.

(8) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(9) No viewing room or booth may be occupied by more than one person at any time.

(10) No opening of any kind shall exist between viewing rooms or booths.

(11) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no more than one person at a time occupies a viewing booths or rooms, and to ensure that no person attempts to make an opening of any kind between the viewing booths or rooms.

(12) The operator of the sexually oriented business shall, each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.

(13) The operator of the sexually oriented business shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(14) The operator of the sexually oriented business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48") inches of the floor.

(b) A person having a duty under Subsections (1) through (14) of this Section is in violation of this Chapter if he/she, with knowledge, fails to fulfill that duty.

6-06-260. Semi-Nude Entertainment Business - Design of Premises.

(a) It is unlawful for business premises licensed for semi-nude entertainment to:

(1) 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;

(2) Allow any door on any room used for the business to be lockable from the inside. Doors to an office to which patrons shall not be admitted, outside doors, and restroom doors are exempt from this requirement;

(3) 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 high and six inches 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.

(b) Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet, which separation shall be delineated by a physical barrier at least three feet high.

6-06-270. Semi-Nude Entertainment Business - Location Restriction.

It is unlawful for any business licensed for semi-nude entertainment to be located within five hundred (500) feet of a business licensed for the sale or consumption of alcohol.

6-06-280. Semi-Nude Dancing Agencies.

(a) 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 semi-nudity for pecuniary compensation in or for any semi-nude entertainment business or adult theater licensed pursuant to this Chapter, unless such engaging individual or entity is licensed pursuant to this Chapter.

(b) 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 semi-nudity or nudity, either gratuitously or for compensation, in or for any business licensed pursuant to this Chapter, unless such dancer, model or performer is licensed pursuant to this Chapter.

6-06-290. Performers - Prohibited Activities.

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

(a) Appear before any customer or patron in a state of nudity;

(b) Touch in any manner any other person;

(c) Throw any object or clothing off the stage area;

(d) Accept any money, drink, or any other object directly from any person; or

(e) 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

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

6-06-300. Patrons - Prohibited Activities.

It is unlawful for any person or any patron of any business to touch in any manner any performer; to place any money or object on or within the costume or person of any performer; or to give or offer to give 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.

6-06-310. Existing Businesses - Compliance Time Limits.

The provisions of this Chapter shall be applicable to all persons and businesses described herein, whether the herein-described activities were established before or after the effective date of the provisions codified in this Chapter and regardless of whether such persons and businesses are currently licensed to do business in the City.

(a) All such persons and businesses requiring outcall service licenses shall have forty-five days (45) from the effective date of the ordinance codified in this Chapter, or until their current license expires, whichever is first in time, to comply with the provisions of this Chapter.

(b) All semi-nude dancing agency licensees shall have seventy-five (75) days from the effective date of the ordinance codified in this Chapter, or until their license must be renewed, whichever is first, to comply with the provisions of this Chapter.

(c) All adult businesses and semi-nude entertainment businesses that are not covered under subsections (a) and (b) shall have one hundred thirty-five (135) days from the effective date of the ordinance codified in this Chapter, or until their current license must be renewed, whichever is first, to comply with the provisions of this Chapter.

6-06-320. Exterior Portions of Sexually Oriented Businesses.

(a) It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

(b) It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.

(c) It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic

color. This provision shall not apply to a sexually oriented business if the following conditions are met:

(1) The establishment is a part of a commercial multi-unit center; and

(2) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

(d) Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

6-06-330. Signage.

(a) In addition to applicable City ordinances regarding signs, the following sign regulations shall apply to all sexually oriented businesses within the City. In the event of conflict between the provisions of this Section and the provisions of the City sign ordinances, the more restrictive provisions shall apply. Notwithstanding any other city ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.

(b) Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:

(1) Not contain any flashing lights;

(2) Be a flat plane, rectangular in shape;

(3) Not exceed seventy-five (75) square feet in area; and

(4) Not exceed ten (10) feet in height or ten (10) feet in length.

(c) Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

(d) Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

(e) Secondary signs shall have only one (1) display surface. Such display surface shall:

(1) Be a flat plane, rectangular in shape;

(2) Not exceed twenty (20) square feet in area;

(3) Not exceed five (5) feet in height and four (4) feet in width; and

(4) Be affixed or attached to any wall or door of the enterprise.

(f) The provisions of item (1) of subsection (b) and subsections (c) and (d) shall also apply to secondary signs.

6-06-340. Massages or Baths Administered by Person of Opposite Sex.

It shall be unlawful for any sexually oriented business, regardless of whether in a public or private facility, to operate as a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex.

6-06-350. Hours of Operation.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) a.m. and eleven o'clock (11:00) a.m. on weekdays and Saturdays. No sexually oriented business shall open for business or remain open for business on Sunday or any legal holiday recognized by the State of Utah.

6-06-360. Exemptions.

(a) It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:

(1) By a proprietary school, licensed by the State of Utah, a college, junior college, or university supported entirely or partly by taxation;

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

(b) Notwithstanding any other provision in this ordinance, movies rated G, PG, PG-13, or R, by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this ordinance.

6-06-370. Notices.

(a) Any notice required or permitted to be given by the Director or any other City office, division, department or other agency under this ordinance to any applicant, operator or owner of a sexually oriented business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or any notice of address change that has been received by the Director. Notices mailed as above shall be deemed given upon signature for receipt. In the event that any notice given by mail is returned by the postal service, the Director or his designee shall cause it to be posted at the principal entrance to the establishment. Notice by posting shall be deemed given twenty-four (24) hours from time of posting.

(b) Any notice required or permitted to be given to the Director by any person under this ordinance shall not be deemed given until and unless it is received in the office of the Director.

(c) It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the Director in writing of any change of residence or mailing address.

6-06-380. Injunction.

A person who operates or causes to be operated a sexually oriented business without a valid operator's license, or in violation of Section 6-6-060 of this ordinance, is subject to a suit for

injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation.

6-06-390. Severability.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

6-06-400. Penalty.

Unless otherwise specifically provided herein or provided by law, any person who violates any provision of this Chapter shall be guilty of a class B misdemeanor, subject to fines, forfeitures, penalties and/or imprisonment as provided by law.

FARMINGTON CITY

H. James Talbot
Mayor

Doug Anderson
John Bilton
Brigham N. Mellor
Cory R. Ritz
James Young
City Council

Dave Millheim
City Manager

City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson, Associate City Planner

Date: October 10, 2014

SUBJECT: **SALES TRAILER REQUEST – BRIGHTON HOMES**

RECOMMENDATION

Approve the enclosed agreement regarding the Brighton Homes' sales trailer request for the Kestrel Bay Estates subject to the conditions set forth therein and the following conditions:

1. That Brighton Homes shall not establish the sales office until the final plat for the first phase of the project is recorded in the office of the Davis County Recorder;
2. The trailer shall not be placed on site until all construction debris has been removed to staff's satisfaction.

BACKGROUND

Brighton Homes is requesting approval for a temporary sales trailer related to the project known as the "Kestrel Bay Estates" located at 540 South 200 West. The temporary use section of the Zoning Ordinances provides for the creation of a real estate sales office only in a model home and not in a trailer. Notwithstanding this, in recent years the City Council has permitted such uses under Section 11-28-120(i)(6) of the Zoning Ordinance titled "Exempt uses" which allows for exemptions to the ordinance as specifically approved in writing by the Council. However, please consider that the proposed site for the temporary trailer is in a highly visible location. Moreover, in the past some developers have posted cash bonds (i.e. $5,000.00) with the City to ensure compliance–Brighton Homes is willing to do this and it is set forth as part of the agreement.

SUPPLEMENTAL INFORMATION

1. Letter from Brighton Homes
2. Photos of similar sales trailers used in other projects
3. Rendered Site Plan

Respectfully Submitted

Eric Anderson
Associate City Planner

Concur

Dave Millheim
City Manager

Brighton Homes Utah
215 N Redwood Rd, Suite 8
North Salt Lake, Utah 84054
September 30, 2014

Eric Anderson
Associate City Planner
Farmington City
160 South Main
Farmington, UT 84025

Dear Eric Anderson:

Brighton Homes Utah is developing a new community named Kestrel Bay with 49 lots at 511 S 111 W. We expect to pour curbing during the first week of October and then have streets in place in mid-October. After that point we will begin work on 3 "spec" homes, including one that will serve as the model home on lot 120.

During the 4-5 months that we will preparing and building the model home, we would like to have a sales office on site so that we don't have to meet with customers in the outdoors in the winter weather. Our proposal is to have Mobile Mini install a sales office on the south side of lot 125 with parking on Continental Dr (620 South). The office would be 12'x44' with skirting, awnings, and an ADA ramp to appear as a semi-permanent structure. As soon as the model home is completed, we would remove the temporary office.

We believe that this temporary office will offer a benefit to Farmington and neighbors by shortening the time it takes to get the community built and giving visitors a safe, warm place to meet with us during the winter months.

I have attached two documents:

- Photo of a similar sales office
- Map of the Kestrel Bay community

Sincerely,

Stan Pugsley
Enclosures

Sample Temporary Sales Office

Kestrel Bay Community Map

Sales Trailer Agreement
Between
Farmington City and Brighton Homes

This agreement dated October 21, 2014 states the conditions under which Farmington City grants Brighton Homes the permission to place a temporary sales trailer at the Kestrel Bay Estates development. Brighton Homes is posting a five thousand-dollar ($5,000) bond, which will be refunded at the removal of the sales trailer.

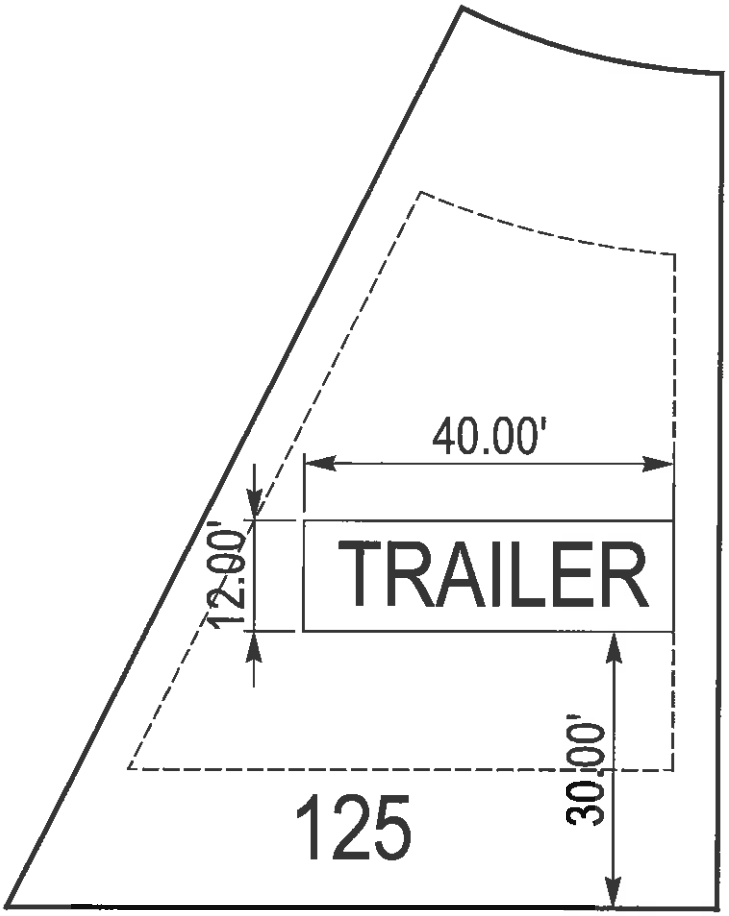
Farmington City requires the following conditions:

1. Trailer installed is as shown in attached picture;
2. Affidavit of approval from current property owners. (see attached)
3. Trailer be installed per the attached site plan with a thirty foot setback from street and side yards as noted. (see attached)
4. Trailer to be installed per the GE tie down requirements;
5. Skirting to be installed so as not to see under the trailer;
6. Deck access to trailer;
7. Portable toilet along with trailer for public use;
8. Driveway and parking area to be of compacted gravel base with parking for six-vehicles, per the attached site plan;
9. Trailer will be within 250 feet of fire hydrant;
10. Power to trailer from an existing power pole or temporary power pole;
11. Trailer to be used for selling new homes in the Kestrel Bay Estates project and for a construction office but not for construction material storage;
12. Trailer to be removed from the community on or before _____ or within 15 days of issuance of use and occupancy of sales office in model home, whichever comes first;
13. The area used by the trailer will be restored to its original condition; and
14. The trailer must have landscaping around the perimeter of the trailer, and the plants must be in temporary pots.

Brighton Homes agrees to the above conditions and if notified by Farmington City that Brighton Homes is in violation of any one condition and the violation is not corrected within 10 days the $5,000 bond will be forfeited.

_____ _____

Mayor, Farmington City Date Brighton Homes Date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125

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH)
: ss
COUNTY OF DAVIS)

I (We), Nathan W. Pugsley, being duly sworn, depose and say that I (We) am (are) the owner(s)* of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Brighton Homes Utah LLC — Nathan W. Pugsley, Manager
(Property Owner) (Property Owner)

(Authorized Agent)

Subscribed and sworn to me this 13th day of October, 2014.

KAYE H. CAZIER
Notary Public • State of Utah
Commission # 609367
COMM. EXP. 05-25-2015

(Notary)

Residing in Davis County, Utah
My commission expires: 5-25-15

*Shall be the owner-of-record as listed by the Davis County Recorder's Office or may be the authorized agent of the owner as listed below.

==========

AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any City Boards considering this application and to act in all respects as our agent in matters pertaining to the attached application.

_____ _____
Property Owner) (Property Owner)

Dated this _____day of _____, 20___, personally appeared before me _____, the signer(s) of the above instrument who duly acknowledged to me that they executed the same.

_____
(Notary)

Residing in Davis County, Utah
My commission expires: _____

CITY COUNCIL AGENDA

For Council Meeting:
October 21, 2014

S U B J E C T: Trail Completion along Frontage Road

ACTION TO BE CONSIDERED:

Staff recommends Option 2B abandoning the trail on the west side of the frontage road and installing 8' wide asphalt trail on the east side to fill in the missing sections of sidewalk. $21,000 will come from the money already allocated to be spent on the west side trail and the remaining $19,000 will be spent from the fund balance.

GENERAL INFORMATION:

See staff report prepared by Chad Boshell.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

FARMINGTON CITY

H. James Talbot
Mayor

Doug Anderson
John Bilton
Brigham N. Mellor
Cory R. Ritz
James Young
City Council

Dave Millheim
City Manager

City Council Staff Report

To: *Honorable Mayor and City Council*

From: Chad Boshell, City Engineer

Date: October 21, 2014

SUBJECT: **FRONTAGE ROAD SIDEWALK (GLOVERS LANE TO 200 WEST)**

RECOMMENDATION

City Staff recommends Option 2B abandoning the trail on the west side of the frontage road and installing 8' wide asphalt trail on the east side to fill in the missing sections of sidewalk. $21,000 will come from the money already allocated to be spent on the west side trail and the remaining $19,000 will be spent from the fund balance.

BACKGROUND

The City, County, and Scott Balling with the Kestrel Bay development have finished installing the 2-42" storm drain lines. The storm drains were installed underneath the existing trail on the west side of the frontage road. Scott Balling and the City has split the costs of the project and the County performed the work. The cost to replace the trail is estimated to be $21,000, split between the City and Scott. The existing trail starts at the 200 West intersection and ends at Glovers Lane. City Staff has expressed concern about the lack of sidewalk on the east side, pedestrians have to cross the Frontage Road to access the trail. The only cross walks to allow a safe crossing are at Glovers Lane and at 200 West. Pedestrians wanting to walk from Rice Farms or the new Kestrel Bay would have to walk on the shoulder of the Frontage Road or cross the road without a cross walk or intersection to access the trail. With the addition of the Kestrel Bay Subdivision a large portion of missing sidewalk will be installed leaving 1,380 feet of sidewalk missing. The City has planned that this sidewalk be 8' wide to act as a trail / sidewalk on the east side. The trail has not been repaved and City Staff and an affected resident have proposed that rather than reinstalling the trail the City use the money designated for the trail replacement and additional money from the fund balance to install a combination of asphalt trail and sidewalk on the east side to connect all sidewalk. The Trails Committee is concerned that if the trail is removed runners will likely use the road rather than sidewalk resulting in decreased safety. After much discussion with City Staff and George Chipman the following options are being proposed to improve the sidewalk along the frontage road:

Option 1 - Replace Damaged Trail

Replace the 1350 feet of trail that was damaged or removed to install the storm drain lines. Half of the cost is to be covered by the City and the other half by Scott Balling. The County had agreed to install the trail but there are questions as to whether they will be able too. The cost assumed no County participation. The total cost to replace the trail is $21,000.

Option 2A - Abandon Trail on the West and Install Missing Sidewalk on the East Side of the Frontage Road

Abandon the existing trail on the west side of the Frontage Road and use the money that was originally intended to replace the trail to install concrete sidewalk and asphalt trail on the east side to fill in the missing links from 200 West to Glovers Lane. It is proposed to install asphalt trail in lieu of concrete for the portion north of Kestrel Bay, when this area develops they will be required to install the sidewalk. For areas south of Kestrel Bay sidewalk will be installed as it is already developed and the likelihood that redevelopment will occur is small. Curb and gutter will also be installed from Glovers Lane north to the south boundary of Rice Farms due to slope constraints causing the sidewalk to be against the curb. The cost to install the missing sidewalk on the east side is $90,000. Out of this cost $21,000 will come from the money already allocated to be spent on the west side trail and the remaining $69,000 will be spent from the fund balance.

Option 2B

If the City decides to install asphalt sidewalk and no concrete sidewalk or curb and gutter the cost to install the east side improvements is $40,000. Out of this cost $21,000 will come from the money already allocated to be spent on the west side trail and the remaining $19,000 will be spent from the fund balance.

Option 3 - Replace the Existing Trail and Install Sidewalk on the East Side

Installing both improvements on the west and east side would cost $111,000 or $61,000 depending on whether concrete sidewalks are installed versus asphalt. This is the Trails Committees preferred option.

The cost estimates used are liable to change depending on bids and unforeseen problems.

SUPPLEMENTAL INFORMATION

None

Respectively Submitted

Chad W. Boshell

Chad Boshell
City Engineer

Reviewed & Concur

Dave Millheim

Dave Millheim
City Manager

CITY COUNCIL AGENDA

For Council Meeting:
October 21, 2014

SUBJECT: City Manager Report

1. Building Activity Report for September
2. Fire Monthly Activity Report for September
3. Executive Summary for Planning Commission held on October 9, 2014
4. Street Vacation along 1000 North

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

Month of September 2014	BUILDING ACTIVITY REPORT - JULY 2014 THRU JUNE 2015				
RESIDENTIAL	**PERMITS THIS MONTH**	**DWELLING UNITS THIS MONTH**	**VALUATION**	**PERMITS YEAR TO DATE**	**DWELLING UNITS YEAR TO DATE**
NEW CONSTRUCTION **********					
SINGLE FAMILY	3	3	$641,000.00	29	29
DUPLEX	0	0	$0.00	0	0
MULTIPLE DWELLING	0	0	$0.00	0	0
OTHER RESIDENTIAL	0	0	$0.00	0	0
SUB-TOTAL	3	3	$641,000.00	29	29
REMODELS / ALTERATION / ADDITIONS **********					
BASEMENT FINISH	4		$31,174.00	10	
CARPORT/GARAGE	1		$18,731.00	4	
ADDITIONS/REMODELS	4		$141,000.00	10	
SWIMMING POOLS/SPAS	0		$0.00	2	
OTHER	6		$113,469.00	19	
SUB-TOTAL	15		$304,374.00	45	
NON-RESIDENTIAL - NEW CONSTRUCTION **********					
COMMERCIAL	0		$0.00	1	
PUBLIC/INSTITUTIONAL	0		$0.00	0	
CHURCHES	0		$0.00	0	
OTHERS	0		$0.00	0	
SUB-TOTAL	0		$0.00	1	
REMODELS / ALTERATIONS / ADDITIONS - NON-RESIDENTIAL **********					
COMMERCIAL/INDUSTRIAL	1		$70,111.00	9	
OFFICE	0		$0.00	0	
PUBLIC/INSTITUTIONAL	0		$0.00	0	
CHURCHES	0		$0.00	0	
OTHER	0		$0.00	0	
SUB-TOTAL	1		$70,111.00	9	
MISCELLANEOUS - NON-RESIDENTIAL **********					
Signs & Awnings	1		$3,800.00	12	
SUB-TOTAL	1		$3,800.00	12	
TOTALS	20	3	$1,019,285.00	96	29

Farmington City Fire Department

Monthly Activity Report

September 2014

Emergency Services

Fire / Rescue Related Calls: **22**

All Fires, Rescues, Haz-Mats, Vehicle Accidents, CO Calls, False Alarms, Brush Fires, EMS Scene Support, etc...

Ambulance Related Calls: **63 / Transported 30 (48%)**

Medicals, Traumatic Incidents, Transfers, CO Calls w/ Symptomatic Patients, Medical Alarms, etc...

Calls Missed / Unable to adequately staff: **4**

Urgent EMS Related Response Times (AVG): **4.4 Minutes** **GOAL 4 minutes or less (+.4min.)**

Urgent Fire Related Response Times (AVG): **6.7 Minutes** **GOAL 4 minutes or less (+ 2.7min.)**

PT Department Man-Hours (*based on the following 28-day pay periods Sept 5th and Sept 19nd*)

Part-Time Shift Staffing:	**1,380**	**Budgeted 1,344 (New Hire Training)**	**Variance + 36**
Part-Time Secretary:	**80**	**Budgeted 80**	**Variance - 0**
Part-Time Fire Marshal:	**80**	**Budgeted 80**	**Variance - 0**
Full-Time Captains:	**N/A**	**48/96 Hour Schedule**	**Variances / Overtime +24**
Full-Time Fire Chief:	**N/A**	**Salary Exempt**	
Training & Drills:	**144**		
Emergency Callbacks:	173.5	**FIRE 29 Hrs. / EMS 144.5 Hrs.**	
Special Event Hours:	**4**	**(YTD) 250**	
Total PT Staffing Hours:	**1,861.5**	**(YTD) 18,069.5**	

Monthly Revenues & Grant Activity YTD

Ambulance:	**Prev. Month**	**Calendar Year**	**FY 2015**
Ambulance Services Billed (previous month):	$ 64,830.27	$370,436.49 YTD	$178,726.22
Ambulance Billing Collected (previous month):	**$ 24,327.54**	**$190,838.60 YTD**	**$88,501.48**
Variances:	***-$40,502.73***	***-$179,597.89 YTD***	***-$90,224.74***

Grants / Assistance / Donations:

Grants Applied For:

None	*$0*	***$126,500 YTD***

Grants / Funds Received / Awarded:

Bureau of Emergency Medical Services / Cardiac Monitor Grant	*$8,000*	***$40,700 YTD***

Scheduled Department Training (To Include Wednesday Evening Drills) & Man Hours

Drill # 1– Officers Monthly Meeting & Training:	19	
Drill #2– FIRE – Advanced Ped Care Re-Certification (PEPP)	84	Avg. Wednesday Night Drill Att.
Drill #3– FIRE – NFPA 1410 Fire Attack Evolutions	29	FFD Personnel This Month: 12
Drill #4– EMS – Street Drugs & Pharmacology / Guest Inst.	24	

Other:

Bronto Certification Training – Appleton MI	**36**	
Total Training / Actual Attended:	**192**	**2,440 YTD**

Fire Prevention & Inspection Activities	**QTY**
Business Inspections:	5
Fire Plan Reviews & Related:	9
Station Tours & Public Ed Sessions:	13

Health, Wellness & Safety Activities	**QTY**	
Reportable Injuries:	0	**1 YTD**
Physical Fitness / Gym Membership Participation %	100%	
Chaplaincy Events:	3	

FFD Committees & Other Internal Group Status		
Process Improvement Program (PIP) Submittals:	**1**	**5 YTD**

Active FFD Committees: Emergency Medical Services (EMS), Apparatus & Equipment, Fire Apparatus & Equipment, Rescue – Heavy Rescue, Water, Rope & Related Equipment, Wildland Apparatus & Equipment, Health, Wellness & Safety, Charity / Fund Raiser, Fire Prevention & Pub-Ed, Haz-Mat, Building and Facilities.

Additional Narrative:

Call volumes (and call-types) followed typical seasonal trends. Emergent EMS response times averaged 4.4 minutes and Emergent FIRE response times averaged 6.7 minutes. Four calls resulted in no-staffing or short-staffing of apparatus (on-duty crew attending to other calls and/or part-time staffing not available due to availability). Ambulance transport percentages came in at 48%. Collections of revenues continue with little predictability due to collection & mandated billing variables. FFD exceeded the typical staffing hours due filling vacation hours for fulltime staff in addition to training one new hire. Training focused on Leadership Development – Command Tactics / S.L.IC.E.-R.S., Practical Fire Attack Evolutions – NFPA 1410, Pediatric Advanced Life Support (PEPP) Recertification's and Street Drugs training update – Guest Instructor. The Council approved the purchase of a "Demo" articulating 116' aerial device (Bronto) at a discounted price September 2nd. Several personnel completed a weeklong / in-depth inspection of the ladder truck in Appleton MI and completed a "Bronto" operating certification from Pierce. FFD is extremely gratefully to the Council, Mayor, City Manager and Financial Director for the time, effort and consideration of this venture.

This new truck was delivered September 29th and is expected to be 100% mission capable by mid spring 2015. All Firefighters will undergo specialized Truck Operations Training and Quint Training prior to operating on T-71. All Engineers / Operators will complete internationally accredited certifications for Aerial apparatus operations in addition to completing factory training from Pierce and Bronto representatives.

Wednesday October 8th is set for our annual Open House & Life Safety Fair. We are excited to see this year's turnout as we continue to challenge our committee group to expand this event. We look forward to seeing you all there!

A final "Shout Out" to our department members who continue to meet the challenges of our growing department. We are blessed to have these public servants on our team!

Please feel free to contact myself at your convenience with questions, comments or concerns:
Cell (801) 643-4142 or email gsmith@farmington.utah.gov

Respectfully,

Guido Smith
Fire Chief

Proud Protectors of Your Life and Property – *Since 1907*

Over 100 Years of Community Pride & Ownership!

FARMINGTON CITY

FARMINGTON
HISTORIC BEGINNINGS · 1847

H. JAMES TALBOT
MAYOR

DOUG ANDERSON
JOHN BILTON
BRIGHAM N. MELLOR
CORY R. RITZ
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson, Associate Planner

Date: October 10, 2014

SUBJECT: EXECUTIVE SUMMARY FOR PLANNING COMMISSION HELD ON OCTOBER 9, 2014

RECOMMENDATION

No action required.

BACKGROUND

The following is a summary of Planning Commission review and action on October 9, 2014 [note: six commissioners attended the meeting—Chair Brett Anderson, Rebecca Wayment, Kris Kaufmann, Karolyn Lehn, Kent Hinckley, and Heather Barnum; excused (alternate) commissioner was Michael Nilson.

Item #3 – Jared Darger/Clearwater Homes (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for the Meadow View Phase II Conservation Subdivision consisting of 24 lots on 8.89 acres located at approximately 1725 West Spring Meadow Lane, and a zone change from A (Agriculture) to AE (Agriculture Estates) related thereto. (S-10-14 & Z-1-14)

Two motions were voted on as follows: voted to recommend the rezone for approval as requested with the findings from the staff report 1,2, and 3. Voted to table the subdivision schematic plan until the October 23, 2014 Planning Commission meeting so that the applicant can resubmit two alternative plans that shows a stub road to the Flanders' property, a trail on the west of the property, the proposed drainage flow for the alteration of the existing drainage ditch, and to give the applicant time to revisit the cul-de-sac length issue (i.e. it is currently 167' over what the ordinance allows.) One plan will illustrate the plan with TDRs and the other will show how open space will be used if required. Additionally, the Planning Commission would like staff to have our traffic engineer perform a preliminary traffic impact study.

Vote: 6-0

Item #4 - Amy Peterson (Public Hearing) – Applicant is requesting conditional use permit approval for a preschool as a home occupation on property located at approximately 250 South 1525 West in an AE (Agriculture Estates) Zone. (C-17-14)

Voted to approve the conditional use permit as written in the staff report.

Vote: 6-0

Item #5 - James Walker (Public Hearing) – Applicant is requesting conditional use permit approval to store equipment used as part of a home occupation on 1 acre of property located at 154 East 200 North in an OTR (Original Townsite Residential) Zone. (C-18-14)

Voted to approve the conditional use permit as written in the staff report, with the added conditions:

6) The conditional use permit is limited to the 4 pieces of equipment listed in the applicant's letter, and
7) The CUP is contingent on the application meeting the definition of a Home Occupation as defined in chapter 35 of the zoning ordinance.

Vote: 6-0

Item #6 - Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of a Text Amendment of Chapter 15 of the Zoning Ordinance regarding permitted and conditional uses in the BR Zone. (ZT-10-14)

Voted to continue this item until the October 23 planning commission meeting due to the late hour and to give the Planning Commission more time to review the proposed use changes in the BR Zone.

Vote: 6-0

Item #7 – Miscellaneous, correspondence, etc.

a. Request for a shed in a side yard. (Action Item)

Voted to allow the applicant to build a shed in his side yard, subject to all Farmington City codes and development standards.

b. Other

Respectfully Submitted

Eric Anderson
Associate Planner

Review & Concur

Dave Millheim
City Manager

Curb and Gutter along 1000 N.

Jared May	
Total Amount Due	2,587.00
Payments Made	-1,250.00
Total Amount Remaining	1,337.00

Ross Ferrin	
Total Amount Due	1,097.46
Payments Made	-943.59
Total Amount Remaining	153.87

Everyone Else Have Paid Their Assessments

CITY COUNCIL AGENDA

For Council Meeting:
October 21, 2014

S U B J E C T: Mayor Talbot & City Council Reports

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.