

**VINEYARD
ORDINANCE 2025-02**

**AN ORDINANCE OF THE VINEYARD CITY COUNCIL AMENDING THE
VINEYARD MUNICIPAL CODE TITLE 5 BUSINESS LICENSES AND
REGULATIONS, SECTION 8.04.020 LITTER; HANDBILLS, AND SECTION
9.04.260 NUMBER OF ANIMALS**

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

WHEREAS, Vineyard staff has found it necessary to amend Title 5 Business Licenses and Regulations, Title 8 Public Health and Safety, and Title 9 Animal Services and Control; and

WHEREAS, the Vineyard City Council has determined that it is in the best interest of the public to adopt the proposed Municipal Code amendments.

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

SECTION 1: **AMENDMENT** “5.02.010 Definitions” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.010 Definitions

As used in VMC 5.06, VMC 5.10 and VMC 5.14:

- A. "Business" means and includes all activities engaged in within this municipality 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.
- B. "Business owner" is defined as one of the following:
 - 1. In a sole proprietorship, the sole proprietor.
 - 2. In a partnership, each general partner.
 - 3. In a limited liability company, each officer of the company.
 - 4. In a corporation, each officer and director of the corporation.
 - 5. For the purpose of this Title, business owner may also be referred to as applicant, licensee, owner of other similar term to be in context with the particular regulation.
- C. "Engaging in business" 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, or occupation ~~or other calling~~, except the rendering of personal services by an employee to his employer under any contract of personal employment.

- D. "Place of business" means each separate location maintained or operated by the licensee within this municipality from which business activity is conducted or transacted.
- E. "Employee" means the operator, owner or manager of a place of business and any persons employed by such person in the operation of said place of business in any capacity and also any salesman, agent or independent contractor engaged in the operation of the place of business in any capacity.
- F. The term "wholesaler" means a person doing a regularly organized wholesale or jobbing business and selling to retail merchants, jobbers, dealers or other wholesalers, for the purpose of resale.
- G. The term "wholesale" means a sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.
- H. "Each separate place of business" shall mean each separate establishment or place of operation, whether or not operating under the same name, within the municipality, including a home or other place of lodging if the same is held out by advertisements, listings or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible, personal property at either retail or wholesale, or both, in the municipality.

SECTION 2: **AMENDMENT** "5.02.020 Business License Required" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.020 Business License Required

It shall be a class B misdemeanor for any person to transact, engage in or carry on any business, trade, or profession, ~~or to operate a vending, arcade, or coin-operated machine~~ without first receiving the type of license required by the municipality. Any person engaging without a license, in an activity for which a license is required, including circumstances where a license has expired, been suspended or revoked, shall, in addition to applicable criminal penalties, be required to pay all applicable fees as though a license has been issued during the period of unlicensed activity.

SECTION 3: **AMENDMENT** "5.02.050 (Reserved)" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.050 ~~(Reserved)~~ Commercial Use of City Property

- A. No business may be conducted on City owned property or facilities without entering an agreement with the City for that purpose and obtaining a business license.

SECTION 4: AMENDMENT “5.02.060 Applications For License” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.060 Applications For License

- A. ~~All applications for license shall include but not be limited to:~~
~~The name of the person desiring a license. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on. The class of license desired, if such licenses are divided into classes. The place where such business, calling, trade or profession is to be carried on, giving the street number if the business calling, trade or profession is to be carried on in any building or enclosure having such number. The period of time for which such license is desired to be issued.~~
A business owner, as defined in Vineyard Municipal Code 5.02.010, will apply for a business license on a form approved by Vineyard City together with the payment of all applicable fees in accordance with the Vineyard City Consolidated Fee Schedule. The application shall indicate all business owners and persons (excluding shareholders or their equivalent) having a legal or equitable ownership interest in the subject business, trade, profession or other activity. Applicants for a business license shall submit a properly completed application form that includes, but may not be limited to:
1. Name of applicant and/or authorized agent, address, email address, and contact telephone numbers.
 2. If the primary management is going to be performed by someone other than the applicant, the name, email address, and contact telephone numbers of the primary person in charge of the overall day to day management of the business, trade, profession, occupation or activity.
 3. A written description of the business, trade, profession, occupation or activity for which a license is requested, including any other business names which may be used.
 4. The address of the property where the subject business, trade, profession, occupation or activity is to be conducted.
 5. The State Tax and Federal Tax number of the subject business, corporation, trade, profession, occupation or activity, if applicable.
 6. The Utah Department of Commerce business registration/entity number of the subject business, trade, profession, occupation or activity, if applicable.
 7. Any other information required by federal, state, county or Vineyard City statute, resolution or ordinance, or as reasonably required by the City.

8. Proof that the business is properly licensed or registered with the State of Utah, if applicable.
 9. A space for the applicant or applicants authorized agent to sign under penalty of law that all the information contained in the application is accurate and true.
 10. Any application materials or information specifically required in another section of this Title.
 11. Any applicant subject to the provisions of this Chapter must submit a business statement that provides detail about the anticipated business activities, the expected number of employees, future expansion plans, and any other information that can be used to ensure proper review. The business statement should represent both the immediate and anticipated future business practices and will be reviewed regularly to ensure that the business complies with the business statement. Future uses may be limited to those indicated in the business statement.
 12. Change in ownership will require a new business license application, initial business license fee, as well as the accompanying reviews and inspections.
- B. ~~In the event that the license application relates to a coin-operated machine or device, the application shall identify the machine or device to which it applies and the location thereof.~~
- C. Upon receipt of the application the business ~~License~~ administrator ~~Assessor~~ shall have the license application and the proposed business location reviewed for zoning, fire, and building code compliance~~;~~ and any other applicable federal, state, or county licenses or permits. If the license application meets the requirements of the City Code, including the payment of all required fees, the certificate of license shall be issued, ~~upon payment of all required fees.~~
- D. All requirements must be met and the business license must be issued within 90 days from the date the application was received. If the business license is not issued within 90 days from the date the application was received, the business license application shall expire and no further action shall be taken on the proposed license without a new application and payment of new application fees.
- E. If the license application does not meet the requirements of one or more City Codes the applicant shall be notified and the license certificate shall not be issued.
- F. At the request of an applicant who has been denied a license for code violations, the application may be held open for a period of not more than 60 days to allow the applicant to cure any City Code violations identified by the business ~~License~~ administrator ~~Assessor~~. If the code violations are not cured and a business license certificate is not issued by the City with 60 days from the date of the application, the application shall expire and no further action shall be taken on the proposed license without a new application and payment of new application fees.
- G. Filing an application for a business license does not authorize the applicant to engage in the proposed business activity. Operating a business while the application is pending approval shall be considered as operating a business without a license and may be punishable as a crime under section 5.02.020 or by a civil administrative citation under section 2.26.040G.

SECTION 5: **AMENDMENT** “5.02.070 Certificate” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.070 Certificate

~~All certificates of license shall be signed by the business license administrator, and shall contain the following information: The name of the person to whom such certificate has been issued. The amount paid. The type of license and the class of such license if licenses are divided into classes. License period will be one year. The place where such business, calling, trade or profession is to be conducted.~~

Every certificate of license shall:

- A. Specify by name the person to whom it is issued;
- B. Designate the particular business licensed;
- C. Designate the location at which the business shall be operated;
- D. Be posted in a conspicuous place.

No license granted or issued under the provision of this chapter shall authorize any person to whom a license is issued to engage in business at any place other than the location indicated on such license or other than the business that is properly licensed by Vineyard City.

SECTION 6: **AMENDMENT** “5.02.080 Display” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.080 Display

- A. Every certificate of license issued under this title shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When such certificate of license has 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 within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person ready to be shown on request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is

granted.

~~B. In the event the license is for a coin-operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.~~

SECTION 7: AMENDMENT “5.02.100 Revocation Or Denial Of Business License 3” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.100 Revocation Or Denial Of Business License ~~3~~

- A. ~~Any license issued pursuant to the provisions of this code or of any ordinance of this municipality may be revoked and any application denied by the governing body because of:~~ An application for a new business license, or for renewal of an existing business license, may be denied, or an existing business license may be revoked, for the following reasons:
1. ~~The failure of the licensee or applicant to comply with the conditions and requirements of this code or any ordinance of the municipality. The applicant or licensee, or his or her business, does not meet zoning or other requirements set forth in this Code;~~
 2. False or incomplete information was provided on a business license application;
 3. The licensee or applicant has violated without full remediation, or is violating, any provision of this Title, or any other provision of the City Code, state or federal statutes, or other regulations relating to or governing the applicant's or licensee's business;
 4. The licensee has obtained, the applicant has attempted to obtain, or the licensee or applicant has aided another Person to obtain, a license by fraud or deceit;
 5. The applicant for a renewal, or licensee, has failed to pay Utah County property taxes and/or personal property taxes, or Vineyard City utility service charges, sales tax, or any other fee or fine owed to the City;
 6. The applicant for a renewal, or licensee, has failed to renew their Vineyard City business license within 30 days after the expiration of their existing license;
 7. The applicant or licensee has refused to allow authorized representatives of the City to make a lawful inspection of the business or has interfered with such representatives while in the lawful performance of their duty in making such an inspection;
 8. The applicant or licensee is not complying with a requirement or condition established by the Planning Commission or Community Development Department, if applicable, under a conditional use permit, by the land use

authority, if applicable, the conditions of a variance or special exception, or by other agreement with the City;

9. Violation of this Title by the agents or employees of a licensee or applicant, and violations of other laws by the agents or employees of the applicant or licensee while acting as an agent or employee of the licensee or applicant; or any other reason expressly provided for in this Title;

10. Unlawful activities conducted or permitted on the premises where the business is conducted.

- B. ~~Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the governing body intends to revoke the business license or deny the application to renew, together with the reason or reasons therefor, at a regular or special meeting of the governing body (which shall be at least ten days and not more than 30 days from the date notice is sent) and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked or the application denied.~~
- C. ~~The preceding section shall not apply to applications for licenses for businesses which have not previously been licensed by the municipality, and such applicants need only be informed that their application has been denied.~~

SECTION 8: **AMENDMENT** “5.02.110 Branch Establishments” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.110 Branch Establishments

A separate license must be obtained for each separate place of business in the municipality . Warehouses and distributing places used in connection with or ancillary to a business licensed under this chapter are not considered separate places of business, but are considered ~~or~~ branch establishments. Branch establishments require a business license application, but not a fee, and after all inspections are complete, the branch establishment will be added to the business's primary business license. Each business license issued by the City authorizes the licensee to engage only in the manner designated on the business license application filed with the city.

SECTION 9: **AMENDMENT** “5.02.160 Business Licensed On An Annual Fee” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.02.160 Business ~~Licensed On An Annual Fee~~License Fees

1. Initial Fee: All businesses shall pay an initial ~~annual~~ licensing fee in the amount as may be set forth from time to time in the City's general fee resolution.

2. Renewal Fee: After the first licensing period of one (1) year, a ~~license~~ renewal fees shall be paid annually in advance for the term of the renewed license.

3. Fee Refunds: License fees shall not be refunded because the business or activity for which the same was obtained has been for any reason discontinued, or for any other reason; provided, however, a license fee or a portion thereof may be refunded if the same was erroneously required or if the amount thereof was erroneously calculated or if the subject business was discontinued at the request or requirement of Vineyard City.

SECTION 10: AMENDMENT “5.10 Intoxicants” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.10 ~~Intoxicants~~ Alcoholic Beverages

SECTION 11: AMENDMENT “5.10.010 License To Sell Beer Or Liquor At Retail” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.10.010 License To Sell Beer Or Liquor At Retail

- A. It shall be a class B misdemeanor for any person to engage in the business of selling beer or liquor at retail, in original containers or draft, without first having procured a license therefor from the governing body and paid the license fee required by this section.
- B. It shall be a class B misdemeanor for any person to sell beer or liquor after the revocation of the license issued pursuant to this section.
- 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. All licensees shall comply with the Utah ~~a~~ Alcoholic Beverage Control Act and the regulations of the Alcoholic Beverage Services ~~Control~~ Commission.

SECTION 12: AMENDMENT “5.10.030 Retail Licenses” of the Vineyard

Municipal Code is hereby *amended* as follows:

AMENDMENT

5.10.030 Retail Licenses

Retail licenses issued here-under shall be of the following ~~three~~ kinds and shall carry the following privileges and be known as class "A," class "B," ~~and~~ class "C", ~~and class~~ "D" ~~Temporary seasonal licenses",~~ class "E", class "A liquor license for ~~private clubs~~ bars", class "B liquor license for restaurants" and class "C liquor temporary ~~event liquor~~ liquor license."

- A. Class "A" retail licenses issued here-under shall entitle the licensee to sell beer on the premises licensed in original containers for consumption off the premises in accordance with the Utah Alcoholic Beverage Control Act and the ordinances of this municipality.
- B. Class "B" retail licenses shall entitle the licensee to sell beer in the original containers on the premises for consumption on or off the premises in accordance with the Utah Alcoholic Beverage Control Act and the ordinances of this municipality.
- C. Class "C" licenses for retail shall entitle the licensee to sell draft beer for consumption on the premises and to sell beer in accordance with the Utah Alcoholic Beverage Control Act and the ordinances of this municipality.
- D. Class "D" "Temporary Seasonal beer licenses" of any class ~~by~~ may be issued for a period of time not to exceed one year which period shall be determined by the governing body.
- E. Class "E Bar beer license". This license ~~S~~ shall entitle the licensee to sell beer for consumption on the premises of a bar licensed for the sale of liquor by the State of Utah pursuant to Utah Code 32B-6-401 et seq.
- F. Class "A Liquor License for Bars" This license shall permit the sale of liquor in a bar licensed for such sale by the State of Utah pursuant to Utah Code 32B-6-401 et seq. and licensed by the City pursuant to Utah Code 11-10-1.
- G. Class "B Liquor License for Restaurants." This license shall permit the sale of liquor in a restaurant licensed for such sale by the State of Utah pursuant to Utah Code 32B-6-1 or 2 and licensed by the City pursuant to Utah Code 11-10-1.
- H. Class "C Temporary Liquor License." This license shall permit the sale of liquor at a single temporary event and location when licensed for such sale by the State of Utah pursuant to Utah Code 32B-~~9~~-303 and licensed by the City pursuant to Utah Code 11-10-1.

SECTION 13: **AMENDMENT** "5.10.110 Bond Required" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.10.110 Bond Required

No license required by this section shall be granted by the governing body until the applicant shall have filed with the City business license administrator a continuous surety bond ~~and insurance~~ in the sum ~~and~~ as required by Section 32B-6 et seq. U.C.A. 1953 guaranteeing faithful performance of the provisions of this Chapter. ~~†~~The bond shall be made in favor of ~~this municipality~~ Vineyard and shall be forfeited if the licensee violates any term of condition of the license or any of the provisions of this Chapter or the Alcoholic Beverage Control Act.

SECTION 14: **AMENDMENT** “5.10.140 Restrictions” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.10.140 Restrictions

- A. It is unlawful for any person to sell beer or liquor at any public dance or to any person intoxicated, or under the influence of any intoxicating beverage.
- B. No license shall be granted to sell beer or liquor in any dance hall, theater, or within school 600 feet of a public or private school, church, library, public playground or public park, as measured from the nearest entrance of the licensed premises by following the shortest route of ordinary pedestrian travel to the property boundary of the public or private school, church, library, public playground or public park; or within 200 feet of a public or private school, church, library, public playground or public park, measured in a straight line from the nearest entrance of the licensed premises to the nearest property boundary of the public or private school, church, library, public playground or public park unless granted a variance pursuant to Utah Code 32B-1-202.
- C. It shall be unlawful to sell beer or liquor to any person under the age of 21, or to sell beer or liquor for consumption on the premises unless so licensed.
- D. It shall be unlawful for a holder of a license that allows the on-premise consumption of beer to sell or otherwise furnish or dispose of beer, or allow it to be drunk or consumed on the premises or to allow beer out of original containers to remain on the licensed premises, whether or not open to the public, after the closing hour of 1:00 a.m. and before 10:00 a.m. of any day.
- E. Any person having a Class "B", "C", "D", or "E" beer license, or his agents or employees, shall remove or cause to be removed from the licensed premises all patrons, customers or individuals not employed on the premises by the time above stated in D.
- F. It shall be unlawful for any person having a Class "B", "C", "D", or "E" beer license or for his agents or employees to permit any patron, customer or individual not employed on the premises to remain on such premises after the closing time above provided; provided however, no licensed premises may employ more than two persons on the premises after the closing hour without the permission of the chief of police or the mayor.

- G. Licensed premises shall be kept brightly illuminated at all times while it is occupied or open for business, and no booth, or kind of stall shall be maintained unless all tables, chairs and occupants are kept open to full view from the main floor and the entrance of such licensed premises. It shall be unlawful to advertise the sale of beer or liquor except under such regulations as are made by the Alcoholic Beverage ~~Control~~Services Commission of Utah, provided that a simple designation of the fact that beer or liquor is sold under City license may be placed in or upon the window or front of the licensed premises.
- H. It shall be unlawful for any person to sell beer or liquor except in the manner for which he has been so licensed pursuant to the provisions of this section.
- I. It shall be unlawful to keep or maintain a nuisance as defined in this section.
- J. It shall be unlawful for any Class "A" retail beer licensee or its employees to sell, offer for sale, or furnish beer at the licensed premises from 1:00 a.m. to 6:00 a.m.
- K. It shall be unlawful for any Class "B" retail beer licensee or its employees to sell, offer for sale, or furnish beer at the licensed premises from 1:00 a.m. to 10:00 a.m.
- L. It shall be unlawful for any Class "C" retail beer licensee or its employees to sell, offer for sale, or furnish beer at the licensed premises from 1:00 a.m. to 10:00 a.m.
- M. It shall be unlawful for any Class "D" temporary seasonal beer licensee or its employees to sell, offer for sale, or furnish beer from 1:00 a.m. to 10:00 a.m.
- N. It shall be unlawful for any Class "E" bar beer licensee or its employees to sell, offer for sale, or furnish beer at the licensed premises from 1:00 a.m. to 10:00 a.m.
- O. It shall be unlawful for any Class "A" liquor licensee or its employees to sell, offer for sale, or furnish liquor at the licensed premises from 1:00 a.m. to 10:00 a.m.
- P. It shall be unlawful for any Class "B" liquor licensee or its employees to sell, offer for sale, or furnish liquor at the licensed premises from 12:00 a.m. to 11:30 a.m.
- Q. It shall be unlawful for any Class "C" liquor licensee or its employees to sell, offer for sale, or furnish liquor at the licensed premises from 1:00 a.m. to 10:00 a.m.

SECTION 15: **AMENDMENT** "5.10.160 Inspections" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.10.160 Inspections

- A. All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the municipality or the Alcoholic Beverage ~~Control~~Services Commission, or the state board of health, and every licensee shall, at the request of the board of health furnish to it samples of beer which he shall have for sale.
- B. Any license granted pursuant to this section may be revoked on a finding by the governing body that the licensee has had ten days or more notice from the board of health that the licensee is violating one or more health ordinance, rule or regulation.
- C. The governing body may direct the chief of police to close down any business

licensed under this section where the board of health has determined that continued operation of the business presents an imminent danger to the health of the community or persons who may eat or drink at the business.

SECTION 16: **AMENDMENT** “5.12.030 Definitions” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.12.030 Definitions

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

"Advocating" means speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities.

"Appeals Officer" means the Mayor or Mayor's designee responsible for receiving the information from the City and appellant regarding denial or suspension of a certificate and issuing a decision as required by this Chapter.

"Appellant" means the person or entity appealing a denial or suspension of a certificate, either personally as an applicant or registered solicitor, or on behalf of an applicant or registered solicitor.

"Applicant" means an individual who is at least sixteen (16) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a certificate permitting door-to-door solicitation.

"Application Form" means a standardized form provided by the City to an applicant to be completed and submitted as part of registration.

"BCI background check" means an original or copy, dated no older than one-hundred eighty (180) days prior to the date of the application, of either:

- A. a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to an applicant or equivalent report prepared by the corresponding public safety agency of the applicant's home state if the applicant is not a Utah resident; or
- B. if the applicant is a Utah resident, an equivalent BCI report from a local Utah police department; or
- C. verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the

applicant.

"Business" means a commercial enterprise licensed by the City as a person or entity under this Title, having a fixed or temporary physical location within the City.

"Certificate" means a temporary, annual, or renewal certificate permitting door-to-door solicitation in the City applied for or issued pursuant to the terms of this Chapter.

"Charitable Activities" means advocating by persons or entities that either are, or support, a charitable organization.

"Charitable Organization" includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity:

A. that is:

1. a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;
2. for the benefit of a public safety, law enforcement, or firefighter fraternal association; or
3. established for any charitable purpose; and

B. that is tax exempt under applicable provisions of the Internal Revenue Code of 1986, as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.

C. A charitable organization includes a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization that has its principal place of business outside the City or State of Utah as set forth in the Utah Charitable Solicitation Act, as amended from time to time.

"Competent Individual" means a person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.

"Completed Application" means a fully completed application form, a BCI background check, two (2) copies of the original identification relied on by the applicant to establish proof of identity, and the tendering of fees.

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

"Disqualifying Status" means anything specifically defined in this Chapter as requiring the denial or suspension of a certificate, and any of the following:

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

1. felony homicide,
 2. physically abusing, sexually abusing, or exploiting a minor,
 3. the sale or distribution of controlled substances, or
 4. sexual assault of any kind;
- B. criminal charges are currently pending against the applicant or registered solicitor for:
1. felony homicide,
 2. physically abusing, sexually abusing, or exploiting a minor,
 3. the sale or distribution of controlled substances, or
 4. sexual assault of any kind;
- C. the applicant or registered solicitor has been criminally convicted of a felony within the last ten (10) years;
- D. the applicant or registered solicitor has been incarcerated in a federal or state prison within the past five (5) years; or
- E. the applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
1. moral turpitude, or
 2. violent or aggravated conduct involving persons or property;
- F. a final civil judgment been entered against the applicant or registered solicitor within the last five (5) years indicating that:
1. the applicant or registered solicitor had either engaged in fraud, or intentional misrepresentation, or
 2. a debt of the applicant or registered solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19);
- G. the applicant or registered solicitor is currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
- H. the applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction; or
- I. the applicant or registered solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

"Door-to-Door Solicitation" means the practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale or attempting to further the sale of goods and or services.

"Entity" includes a corporation, partnership, limited liability company, or other lawful entity, organization, society, or association.

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

"Final Civil Judgment" means a civil judgment that would be recognized under state law as a judgment to which collateral estoppel would apply.

"Goods" means one (1) or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.

"Home Solicitation Sale" means to make or attempt to make a sale of goods or services by a solicitor at a residence by means of door-to-door solicitation, regardless of the:

- A. means of payment or consideration used for the purchase;
- B. time of delivery of the goods or services; or
- C. previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant or similar designation.

"Licensing Officer" means the City employee(s) or agent(s) responsible for receiving from an applicant or registered solicitor a completed application and either granting, suspending, or denying the applicant's certificate.

"No Solicitation Sign" means a reasonably visible and legible sign that states "No Soliciting," "No Solicitors," "No Salespersons," "No Trespassing," or words of similar import.

"Political Position" means any actually held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

"Registered Solicitor" means any person who has been issued a current certificate by the City.

"Registration" means the process used by the City Licensing Officer to accept a completed application and determine whether or not a certificate will be denied, granted, or suspended.

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

"Residence" means any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the City, together with the lot, or other real property on which the living unit is located. This does not include a sidewalk, public street, or public right-of-way.

"Responsible Person or Entity" means the person or entity responsible to provide the following to an applicant, registered solicitor, and a competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:

- A. maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;
- B. facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and
- C. refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

"Sale of Goods or Services" means the conduct and agreement of a solicitor and a competent individual in a residence regarding a particular good(s) or service(s) that entitles the consumer to rescind the same within three (3) days under any applicable federal, state, or local law.

"Services" means those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

"Soliciting" or "Solicit" or "Solicitation" means any of the following activities:

- A. seeking to obtain sales or orders for the exchange of goods, wares, merchandise, or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
- B. seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;
- C. seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
- D. seeking to obtain orders or prospective customers for goods or services;
- E. seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale; or
- F. other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling.

"Solicitor" or "Solicitors" means a person(s) engaged in door-to-door solicitation.

"Submitted in Writing" means the information for an appeal of a denial or suspension of a certificate, submitted in any type of written statement to the City Licensing Officer by certified, registered, priority, overnight, or delivery confirmation mail, facsimile, or hand delivery.

"Substantiated Report" means an oral, written, or electronic report:

- A. submitted to and documented by the City;
- B. by any of the following:
 - 1. a competent individual who is willing to provide law enforcement or other City employees with publicly available identification of their name, address, and any other reliable means of contact;
 - 2. City law enforcement or Licensing Officer; or
 - 3. any other regularly established law enforcement agency at any level of government;
- C. that provides any of the following information regarding a registered solicitor:
 - 1. documented verification of a previously undisclosed disqualifying status of a registered solicitor;
 - 2. probable cause that the registered solicitor has committed an act that would give rise to disqualifying status which has not yet been determined to be a disqualifying status;
 - 3. documented, eye-witness accounts that the registered solicitor has engaged in

- repeated patterns of behavior that demonstrates failure by the registered solicitor to adhere to the requirements of this Chapter; or
4. probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the City.

"Waiver" means a written form provided to an applicant by the City wherein the applicant agrees the City may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this Chapter, and which contains applicant's notarized signature.

SECTION 17: **AMENDMENT** "5.12.040 Exemptions From Chapter" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

5.12.040 Exemptions From Chapter

- A. The following are exempt from registration under this Chapter:
1. a person specifically invited to a residence by a competent individual prior to the time of the person's arrival at the residence;
 2. a person whose license, permit, certificate or registration with the State of Utah permits the person to engage in door-to-door solicitation to offer goods or services to an occupant of the residence;
 3. a person delivering goods to a residence pursuant to a previously made order, or a person providing services at a residence pursuant to a previously made request by a competent individual;
 4. a person advocating or disseminating information for, against, or in conjunction with, any religious belief, or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and
 5. a person representing a charitable organization. The charitable exemption shall apply to any student soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the solicitation has been approved in writing by the student's school administration, and that such student solicitors carry current picture student identification from the educational institution for which the student is soliciting.
 6. a person who is attaching commercial handbills for a business to the doors or doorknobs of a residence. The business shall, however, have an active Vineyard Business License if it is located within city boundaries.
- B. Persons exempt from registration are not exempt from the duties and prohibitions set forth in Sections 170, 180, and 190 of this Chapter while advocating or soliciting.

SECTION 18: **AMENDMENT** “5.12.090 When Registration Begins” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.12.090 When Registration Begins

The Licensing Officer shall not begin the registration process unless the applicant has submitted a complete application. The original identification submitted to establish proof of identity shall be returned after the Licensing Officer verifies the applicant’s identity. A copy of

the identification may be retained by the Licensing Officer. If an original BCI background check is submitted by the applicant, the Licensing Officer shall make a copy of the BCI background check and return the original to the applicant.

SECTION 19: **AMENDMENT** “5.14 Itinerant Merchants” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.14 ~~Itinerant Merchants~~ Temporary and Seasonal Uses

A. LICENSE REQUIRED. It shall be unlawful for:

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

B. DEFINITIONS

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

dealer, trader, merchant or auctioneer.

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

C. APPLICATION FOR LICENSE.

1. Applicants for permits and licenses under this section, shall file a sworn application in writing signed by the applicant, if an individual, by all partners, if a partnership, and by the president if a corporation, or by an agent, including a state or regional agent, with the business license administrator which shall give the following information:
 - a. The name of the applicant, and if the applicant is an employee or agent of a corporation, the name of the corporation.
 - b. The address of the applicant, and if the applicant is an agent or employee of a corporation, the address of the corporation.
 - c. A brief description of the nature of the business and the goods to be sold and from whom and where the applicant obtains the goods to be sold.
 - d. If the applicant is employed by or an agent of another person, the name and permanent address of such other person or persons.
 - e. The length of time for which the applicant desires to engage in business within the municipality.
 - f. ~~The place or places within the municipality where the applicant~~

~~propose to carry on his or her business.~~ A description of the property to be used, rented, or leased for the temporary or seasonal use, including all information necessary to accurately portray the property.

- g. If the applicant is employed by another person, firm or corporation, documents showing that the person, firm or corporation for which the applicant proposes to do business is authorized to do business within the state of Utah.
- h. Site plan delineating where the temporary business will be located and the parking area available for patrons.
- i. ~~Written permission from the property owner where the temporary business will be located in a form acceptable to the city.~~ A copy of the lease agreement with the property owner or manager of the parcel proposed for placement of the temporary or seasonal use indicating the right of the applicant to occupy the site.
- j. Acceptable evidence of a special event sales tax number issued by the state of Utah.
- k. A statement that the applicant agrees to comply strictly with the laws of the State, the City, and the terms of this license as granted, and to furnish any additional information upon request.
- l. All applications to sell fireworks must include insurance certificates evidencing public liability insurance coverage in the amount of two hundred thousand dollars/four hundred thousand dollars (\$200,000.00/\$400,000.00), and property damage insurance coverage in the amount of two hundred thousand dollars (\$200,000.00), and such certificates shall designate the city as an additional insured, and include certificates evidencing products liability insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence.
- m. A cash deposit in the amount of three hundred dollars (\$300.00) for each temporary ~~use~~ stand to be operated by the applicant. Such deposit shall assure compliance with provisions of this Chapter, including, but not limited to, the removal of the stand and the cleaning of the site upon which it was located. In the event the licensee does not comply with the provisions of this Chapter, including, but not limited to, removing the stand or trailer or cleaning the site thereof, the City may remove the stand or trailer, clean the site, or take such other action as is necessary for compliance with this Chapter, or may cause the same to be done by other persons, and the reasonable cost thereof shall be a charge against the licensee and shall be subtracted from the deposit described above.
- n. The applicant shall remove any structure or materials used for the temporary site such as tents, poles, display bins, etc., and shall clean and restore the site to its original condition within five (5) days after retail sales cease.

At the time of filing the application, a fee shall be deposited with the business license administrator. The City Council shall from time to time enact by

resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

D. ~~INVESTIGATION AND~~ ISSUANCE OF LICENSE.

1. The Vineyard Community Development Department may approve said application subject to the following criteria and findings:
 - a. The proposed use is listed as a permitted temporary or seasonal use, or in the opinion of the Vineyard Community Development Department, is similar to the listed uses.
 - b. The temporary or seasonal use shall meet all of the requirements found in VZC 15.26
 - c. The required business license fee shall be paid.
2. ~~On receiving the application, the business license administrator shall issue a temporary license if the applicant meets the above requirement and refer it to the chief of police who shall cause such investigation of the applicant's business and moral character to be made as he deems reasonable and necessary for the protection of the public good.~~
3. ~~The applicant may do business on the temporary license during the period of the investigation. If as a result of the investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse such upon the application together with a statement of his reasons therefor and return the application to the business license administrator who shall notify the applicant that his temporary license has been disapproved and that business shall not be conducted.~~
4. ~~If as a result of such investigation, the character and business responsibility of the applicant is found to be satisfactory, the chief of police shall endorse such upon the application and return it to the business license administrator who shall upon payment of the prescribed license fee deliver to the applicant his permit and issue a license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee and the kind of goods to be sold pursuant to the application together with an expiration date.~~

E. ~~FEES.~~

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

~~legally assessed have been paid in full.~~

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

1. The business license administrator shall issue to each licensee at the time of delivery of his temporary license a ~~badge~~certificate, ~~which shall contain the words "Licensed Transient Merchant,"~~ for which the application was made and the license issued, and the number of the license, in letters and figures easily discernible from a distance of five feet. Such ~~badge~~certificate shall, during the time they are engaged in the business for which they are licensed, be ~~worn constantly by them on the front of their outer garment in such a way as to be conspicuous.~~ posted in a conspicuous place.
2. ~~Any person licensed pursuant to this section shall exhibit their license at the request of any citizen of the municipality.~~
3. ~~It shall be the duty of any police officer of this municipality to require any person seen selling and delivering goods wares and merchandise within the municipality, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this section.~~
4. Revocation of license.
 - a. Permits and licenses issued pursuant to this section may be revoked by law enforcement personnel ~~the chief of police~~ or the business license administrator, or their designee, after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or a false statement contained in the application for the licensed.
 - (2) ~~Fraud, misrepresentation for false statement made in the course of carrying on his business as itinerant merchant.~~
 - (3) Any violation of this section or VZC 15.26.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting the business in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
 - b. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at ~~his~~their last known address or at the address shown on ~~his~~their application. The hearing and notice shall in all other aspects substantially comply with VMC 2.12.
5. Any person aggrieved by the action of the chief of police or the business license administrator in the denial of a permit or a license issued pursuant to this section, or by the action of the City Council of the municipality. Such appeal shall be taken by filing with the council within 14 days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for the hearing on such appeal and notice of such hearing shall be given to the

applicant in the same manner as above proved in Section F;4.

6. All licenses issued pursuant to this section shall expire on the date specified on the license.

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

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

SECTION 20: **AMENDMENT** "8.04.020 Litter; Handbills" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

8.04.020 Litter; Handbills

A. DEFINITIONS. For the purposes of this section:

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

restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this municipality; or

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

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

B. LITTER IN PUBLIC PLACES. No person shall throw or deposit litter in or on any street, sidewalk or other public place except:

1. In authorized receptacles for collection or in official municipal garbage dumps, or
2. For collection as authorized by the City Council.

C. PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT

SCATTERING. Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.

- D. SWEEPING LITTER INTO GUTTERS PROHIBITED EXCEPT AS OTHERWISE AUTHORIZED BY THE CITY COUNCIL. No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- E. MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.
- F. LITTER THROWN BY PERSONS IN VEHICLES. No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property.
- G. TRUCK LOADS CAUSING LITTER. No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.
- H. LITTER IN PARKS. No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
- I. LITTER IN LAKES AND FOUNTAINS. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere.
- J. THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES. No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the City Council, it is an infraction for any person to hand out, distribute or sell any commercial handbill in any public place, provided, however, that it shall not be unlawful on any sidewalk, street, or other public place for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.
- K. PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES. Unless otherwise authorized by the City Council, no person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any

occupant of a vehicle who is willing to accept it.

- L. DEPOSITING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES. No person shall throw or deposit any commercial or non-commercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.
- M. PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED. No person shall throw, deposit or distribute any commercial or non-commercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.
- N. DISTRIBUTING COMMERCIAL AND NONCOMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this section, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.
- O. EXEMPTION FOR MAIL AND NEWSPAPERS. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.
- P. POSTING NOTICE PROHIBITED. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law.
- Q. LITTER ON OCCUPIED PRIVATE PROPERTY. No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property.
- R. LITTER ON VACANT LOTS. No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person.
- S. HANDBILLS AND POSTERS
 - 1. No person or business shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the

- public, upon any sidewalk, curb, or any other portion or part of any public way or public place or any ~~street light lamp post, electric light, telegraph,~~ telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, ~~box or fixture of the fire alarm or police telegraph system,~~ except such as may be authorized or required by the laws of the United States, or state, and the ordinances of this municipality.
2. It shall be ~~un~~lawful to distribute indiscriminately to the public by leaving at houses or residences in the municipality any cards, circulars, handbills, samples of merchandise, or any advertising matter, ~~whatsoever without having first secured a permit therefor. This Part shall not be construed to apply to the sale of articles by licensed peddlers.~~
 3. Nothing in this section shall be construed to prohibit the following:
 - a. Materials distributed by or on behalf of government agencies or public utilities, which serve a public purpose or disseminate official information.
 - b. Materials distributed by political candidates or their authorized representatives during election campaigns, provided that such distribution complies with applicable state and federal laws.
 - c. Materials distributed in connection with peaceful and lawful public assemblies, gathering, demonstrations, or events authorized by the city.
 4. ~~Applications for such permit shall be made to the business license administrator and shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant and the name of the manufacturer or distributor of such article or service advertised. Licenses shall be issued only to persons of good character.~~
 5. ~~The chief of police shall make or cause to be made an investigation in to the character of each applicant and shall report the results thereof to the business license administrator before any such license is issued.~~

SECTION 21: **AMENDMENT** “9.04.260 Number Of Animals” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

9.04.260 Number Of Animals

No person may harbor or possess more than four (4) dogs or more than four (4) cats, four (4) months of age or older, ~~without purchasing a kennel license or a hobby breeder's license. Ownership of more than four (4) cats without said licenses must be approved by the Animal Regulation Coordinator for a legitimate business purpose.~~

SECTION 22: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 23: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 24: EFFECTIVE DATE This Ordinance shall be in full force and effect from May 14, 2025, and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL MAY 14, 2025.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Sara Cameron	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Jacob Holdaway	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Mardi Sifuentes	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Brett Clawson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Julie Fullmer, Mayor, Vineyard



Pamela Spencer, City Recorder,
Vineyard



CERTIFICATE OF POSTING

I, THE DEPUTY CITY RECORDER FOR VINEYARD, UTAH, HEREBY CERTIFY THAT COPIES OF THE FOREGOING **ORDINANCE SUMMARY** FOR ORDINANCE 2025-02 WERE POSTED AT THE FOLLOWING PUBLIC PLACES WITHIN THE MUNICIPALITY ON THE 21st DAY OF May 2025. WHICH PUBLIC PLACES ARE:

POSTED:

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

AND THAT SAID NOTICE REMAINED SO POSTED AND AVAILABLE UNTIL THE 16th DAY OF JUNE 2025.





Name/Signature

Deputy Recorder
Title