

**ORDINANCE NO. 26-02**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, AMENDING SOUTH OGDEN CITY CODE (SOCC) TITLE 3 CONCERNING LIQUOR CONTROL, BUSINESS LICENSE APPROVAL AND REVOCATION PROCESSES, AND REPLACING “CITY RECORDER” WITH “BUSINESS LICENSE OFFICIAL”**

**SECTION 1 - RECITALS:**

**WHEREAS**, South Ogden City ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

**WHEREAS**, the City Council finds that the State of Utah regulates most laws having to do with the sale and consumption of alcoholic beverages; and,

**WHEREAS**, the City Council finds the Chief of Police recommends amending the City’s laws concerning the sale and consumption of alcoholic beverages to bring them in line with State regulations; and,

**WHEREAS**, the City Council finds that staff recommends amending Title 3 by removing the City Council from all administrative and judicial processes concerning business licensing, including participation in the approval and revocation processes for all business licenses; and,

**WHEREAS**, the City Council finds that it also wishes to amend Title 3 by removing the title “City Recorder” and replacing it with “Business License Official”, therefore allowing business licensing to be administered by someone other than the City Recorder;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH** that Title 3 of the South City Code be changed and amended:

**AMENDED SECTION:**

Upon the adoption of this Ordinance, South Ogden City Code Title 3 is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

**SECTION II - REPEALER OF CONFLICTING ENACTMENTS:**

All orders, ordinances and resolutions regarding the changes enacted and adopted which

have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

**SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:**

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

**SECTION IV - SAVINGS CLAUSE:**

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

**SECTION V - DATE OF EFFECT:**

This Ordinance shall be effective on the 3<sup>rd</sup> day of February, 2026, and after publication or posting as required by law.

**DATED** this 3<sup>rd</sup> day of February, 2026.

**SOUTH OGDEN**, a municipal corporation

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Russell L. Porter, Mayor

Attested and recorded:

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Leesa Kapetanov, MMC  
City Recorder

# **ATTACHMENT “A”**

## **ORDINANCE NO. 26-02**

An Ordinance Of South Ogden City, Utah, Amending South Ogden City Code (Socc) Title 3 Concerning Liquor Control, Business License Approval And Revocation Processes, And Replacing “City Recorder” With “Business License Official”

03 Feb 26

## TITLE 3 BUSINESS AND LICENSE REGULATIONS

### CHAPTER 1 GENERAL LICENSE PROVISIONS

### CHAPTER 2 LIQUOR CONTROL

### CHAPTER 3 TAXES

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### ARTICLE A: LICENSE HEARINGS; HEARING OFFICER

#### 3-1-1: Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

APPLICANT: 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.

APPLICATION: A formal written request for the issuance of any license permitted under this title.

AUTHORIZED OFFICERS: 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 and employees of the county health department, fire department, planning division, inspection services division, code enforcement division, and the business license official.

BUSINESS: Includes every trade, occupation, profession or activity~~All activities engaged in or caused to be~~ engaged in within the City with the object of gain or economic profit, but does not include the acts of employees rendering service to employers, unless otherwise specifically provided.

ENGAGING IN BUSINESS: Any enterprise carried on for the purpose of gain or economic profit, Engaging in selling including, but not limited to, the sale of any tangible real or personal property either at retail or wholesale, the keeping, conducting, operating or maintaining of a "rental dwelling" as defined in chapter 11 of this title, the bartering or trading of property or services, the engaging in the manufacturing of goods or property and the rendering of any personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

PERSON: Includes every individual, partnership, corporation, association, or other legal entity engaged in business.

PLACE OF BUSINESS: A place maintained or occupied by the licensee for the transaction of business. It does not include a place in which goods of the licensee are kept for storage or display only if no services are rendered, business transacted or sales are consummated at such places. (1970 Code § 12-1; amd. 2001 Code)

### 3-1-2: License Required

- A. Every person engaging in business in the City shall secure from the ~~City~~ Reeorder Business License Official a license for such business. A separate license shall be obtained for each separate place of business maintained within the City.
- ~~B. This section shall be interpreted such that each person or legal entity required to be licensed by the State of Utah in order to practice their profession or deliver the services of their business, except where otherwise prohibited by law, shall be required to obtain an individual license whether that person or entity engages in their business individually or in any collective or associational way whether formal or informal. Additionally, persons practicing together and sharing receipts, profits or expenses shall each be charged individually as a licensee.~~
- ~~C.~~ B. Such license shall be issued upon written application ~~therefor~~ in such form as the ~~City~~ Reeorder Business License Official may prescribe and upon the payment of the fees required ~~in this chapter~~, and when it shall be ascertained that all prerequisites for the issuance of such licenses have been satisfied and fulfilled. (Ord. 03-22, 9-2-2003, eff. 9-2-2003)
- ~~D.~~ C. Utah Code section 4-5a-~~101~~ et seq., "Home Consumption and Homemade Food Act," is adopted into this Code as this subsection D and provides guidance, requirements, and limitations on the City's ability to regulate or control several sale or exchange circumstances related to home grown or manufactured food items, in particular the direct-to-sale farmers market transactions, etc. It is the City's intent, under these Utah Code sections, and in adopting this language into this subsection, to take advantage of the authority granted to the City to conduct its affairs and to attend to the health and welfare of its citizens; and to be constrained in its actions as set out in those sections. The referenced sections, and language, where clearly applicable to City as they exist or may be amended, shall all be deemed to be references to South Ogden City where such use is reasonable and to support the legislation's intention as applied to the City. (Ord. 18-15, 11-20-2018, eff. 11-20-2018)

### 3-1-3: Fee For License

- A. Consolidated Fee Schedule: For the purpose of recovering the City's costs of regulation, annual license fees in the amount specified in the City's consolidated fee schedule are hereby levied and assessed, as authorized by Utah Code section 10-1-203, et seq., upon the privilege of doing or engaging in business in the City during any calendar year, or part thereof, and upon the privilege of doing any of the acts within the City for which a license fee is prescribed during any calendar year or portion thereof.
1. The City may not:
    - a. Require a license or permit for a business that is operated:
      - 1) Only occasionally; and
      - 2) By an individual who is under eighteen (18) years of age; or
    - b. Charge a license fee for a home based business, unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone. (Ord. 17-15, 6-20-2017, eff. 6-20-2017)
    - ~~c. Notwithstanding anything in this Code to the contrary, the City may not charge any fee for a resident of the Municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.~~
    - ~~d.~~
      - 1) Notwithstanding subsection A1**e** of this section, the City may charge an administrative fee for a license to a home-based business owner who is otherwise exempt under subsection A1**e** but who requests a license from the Municipality.
      - 2) The City shall notify the owner of each home-based business of the exemption described in subsection A1**e** of this section in any communication with the owner. (Ord. 18-15, 11-20-2018, eff. 11-20-2018)
- B. Due And Payable: All license fees shall be payable annually in advance and shall be paid and credited such that payment of the annual fee will not be due and payable again until one calendar year has elapsed from the date the fee is paid. (1970 Code § 12-11; amd. 2001 Code)
- C. Assessment By ~~City Recorder~~Business License Official: If any person subject to license under any provision of this Code or any other ordinance of the City shall fail, refuse or neglect to file his application for such license and to pay the license fee within the time prescribed, the ~~City Recorder~~Business License Official is authorized and directed to determine the amount of the license fees due from any information which may be available to him and such determination shall be prima facie correct. The ~~City Recorder~~Business License Official shall thereupon proceed to collect such tax by all lawful means. (1970 Code § 12-12)
- D. Debt To City; Recovery: Every license fee, tax or assessment levied by this Code or any other ordinance of the City and all interest accruing thereon after the date of delinquency and all penalties levied or assessed thereon for failure to pay the same within the time required constitutes a debt to the City and the City may maintain an action to recover the

same in any court of competent jurisdiction, which remedy shall be in addition to any and all other remedies which may be provided. (1970 Code § 12-13)

### 3-1-4: Reciprocal Recognition Of Licenses

- A. No license shall be required by this City of any person whose only business activity in this 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 municipality or county in which such place of business is situated.
  2. The authority licensing such business grants to licensees of this City making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this section.
  3. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of this City for compliance with health or sanitary standards prescribed by this City.
  - ~~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 place 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.~~
- B. The ~~City Recorder~~[Business License Official](#) shall at the request of any person certify a copy of this section to any municipality or county of the State to which a copy has not previously been certified. (1970 Code § 12-6)

## ARTICLE A: LICENSE HEARINGS; HEARING OFFICER

### [3-1A-1: Hearing Officer; Appointment And Powers](#)

### [3-1A-2: Procedure](#)

### [3-1A-3: Criteria For Denial](#)

### [3-1A-4: Suspension Or Revocation](#)

### [3-1A-5: Hearing Procedure](#)

### [3-1A-6: Reapplication; Waiting Period](#)

### 3-1A-2: Procedure

- A. Authority: The ~~B~~business ~~L~~license ~~coordinator~~[Official](#) shall have the authority, without a hearing, to deny issuance of a new license application for the reasons provided for in this article.
- B. Appeal: The decision of the business license coordinator may be appealed by filing a written notice of appeal with the ~~city recorder~~[Business License Official](#) within fifteen (15) days of receipt of the notice of denial. The hearing of the appeal shall be conducted pursuant to section 3-1A-5 of this article.
- C. Hearing: Any suspension, revocation or denial of a license application submitted for renewal shall not be imposed until a hearing is held by the city manager or a hearing officer appointed by the city manager. Reasonable notice of the time and place of the

hearing, together with notice of the nature of the charges or complaint against the licensee, premises or applicant sufficient to reasonably inform the licensee or applicant and enable the licensee or applicant to answer such charges and complaint, shall be served upon the licensee or applicant personally or by mailing a copy to the licensee or applicant at his or her last known post office address not later than five (5) days prior to the hearing date. (Ord. 02-06, 1-22-2002, eff. 1-22-2002)

#### 3-1A-4: Suspension Or Revocation

- A. Grounds: The city may suspend or revoke a business license for any of the following reasons:
1. The license should not have been issued.
  2. The licensee does not now meet the qualifications for a license as provided under this title.
  3. False or incomplete information given on an application.
  4. The licensee has violated or is violating any provision of this title or provision of this code, state or federal statutes or regulations governing the licensee's business.
  5. 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 this licensee.
  6. Failure to pay a required fee.
  7. Any other reason expressly provided for in this title.
- B. Time Limitation: No business license shall be suspended or revoked for a period of time exceeding one year.-(Ord. 02-06, 1-22-2002, eff. 1-22-2002)

#### 3-1A-6: Reapplication; Waiting Period

It is unlawful for any person, firm, corporation or any agent, manager or operator of any person, corporation or firm who has had a license suspended, revoked or denied by the city manager or the city manager's designated hearing officer to reapply for or obtain a license which has been so suspended, revoked or denied during the time that said license has been revoked, suspended or denied or for a period of one year, whichever is less. (Ord. 02-06, 1-22-2002, eff. 1-22-2002)

### CHAPTER 2 LIQUOR CONTROL

#### [3-2-1: Definitions](#)

#### [3-2-2: License Required; Compliance](#)

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## Notes

See also sections 10-5.1A-4-1 and 10-5.1B-4-1 of this Code for location restrictions.

### 3-2-1: Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**ALCOHOLIC BEVERAGE:** Includes "beer," as defined herein, and "liquor," as that term is defined in the Utah Alcoholic Beverage Control Act.

**ALCOHOLIC BEVERAGE CONTROL ACT:** Means Utah Code, title 32B, Alcoholic Beverage Control Act, as presently constituted or as it may, from time to time, be amended.

**BEER:** As defined in [the Utah ~~Code Annotated section 32A-1-105~~. Alcohol Beverage Control Act.](#)

**LICENSED PREMISES:** Any room, house, building, structure or place occupied or used by any person licensed under this chapter for the purpose of the licensed business; provided, that in any hotel or other business establishment, an applicant for a Class A license may designate a room or portion of a building occupied by such business for the sale of beer. Such room or portion of the building shall be specifically designated in the application for a license. No room or portion of a building may be so designated unless the room or portion of the building is separated from the balance of the business establishment by a substantial permanent wall having no more than one door in the interior wall connecting it with the balance of the building. Such room or other portion of the building so designated shall, upon the issuance of a license therefor, be deemed to be the licensed premises.

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

**NUISANCE:** Any room, house, building, vehicle, structure or place where:

- A. Alcoholic beverages are manufactured, kept, stored, sold, bartered or offered or exposed for sale in violation of the Utah Alcohol Beverage Control Act, this Code or any other ordinance of the City.

- B. Persons under twenty one (21) years of age are permitted to purchase or drink any alcoholic beverage, or are employed in violation of this chapter.
- C. Any condition dangerous to human life or health is permitted to exist.

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

SALE AT RETAIL: Sale or distribution to the consumer and not for the purpose of resale.

SELL OR TO SELL: To solicit; to accept an order for; to keep or expose for sale; to deliver for value or gratuity; to peddle; to possess with intent to sell; to traffic in; for any consideration promised or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or allow to be procured for any other person; and "sale" shall include every act of selling as above defined. (1970 Code § 3-1; amd. 2001 Code; Ord. 17-15, 6-20-2017, eff. 6-20-2017)

### 3-2-2: License Required; Compliance

- A. It shall be unlawful for any person to engage in the business of the sale of beer at retail in bottles or draft within the City without first having procured a license from the City as provided in this chapter. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed on the premises to which the license refers or for which it was issued. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, the rules and regulations of the Alcoholic Beverage Control Commission, this Code and other ordinances of the City.

~~B. A license may not be granted:~~

- ~~1. Unless the licensee is of good moral character, over the age of twenty one (21) years, and lawfully present in the United States;~~
- ~~2. To anyone who has been convicted of a felony or misdemeanor involving moral turpitude;~~
- ~~3. To any partnership or association, any member of which lacks any of the qualifications set out in this section; or~~
- ~~4. To any corporation, if any of its directors or officers lacks any qualification set out in this section.~~

- ~~C. The City shall, before issuing licenses, satisfy itself by written evidence executed by the applicant that the applicant meets the standards set forth. (Ord. 17-15, 6-20-2017, eff. 6-20-2017)~~

### 3-2-3: Classification Of Licenses

Retail licenses issued under this chapter shall be of the following kinds and shall carry the following privileges and be numbered consecutively commencing from the number one:

- A. Class A<sup>1</sup>: Class A retail licenses shall entitle the licensee to sell beer, on draft or in original containers, only on the licensed premises for consumption on or off the licensed premises in accordance with the Utah Alcoholic Beverage Control Act, this Code and other ordinances of the City.

- B. Class B: Class B retail licenses shall entitle the licensee to sell beer in original containers only on the licensed premises for consumption off the licensed premises in accordance with the Alcoholic Beverage Control Act, this Code and other ordinances of the City.
- C. Class C: Class C retail licenses shall entitle the licensee to sell beer on the licensed premises in original containers only, not for takeout but for consumption with meals on the premises in accordance with the Alcoholic Beverage Control Act, this Code and other ordinances of the City. Such license shall be granted only to a licensed food purveyor ~~and only when the nature of the business is such, in the opinion of the City Council, as to indicate the applicant is engaged principally in the business of sales of food in the premises or area where beer is to be sold. In addition, the~~ whose annual gross receipts from the sale of food ~~shall exceed the~~ and annual gross receipts from the sale of beer ~~meet the amounts allowed by the Utah Alcoholic Beverage Control Act.~~ (1970 Code § 3-3)

#### Notes

<sup>1</sup>See definition of "tavern" in section 10-2-1 of this Code for limit on number allowed.

#### 3-2-4: Application For License

- A. Verification: All applications for licenses shall be verified and shall be filed with the ~~City Recorder~~ Business License Official. Such applications shall state the applicant's name and address in full and contain a statement that he ~~has complied~~ will comply with the requirements ~~and possesses the qualifications~~ specified in the Alcoholic Beverage Control Act, this Code and other ordinances.
- B. Information: Every application shall state the location and the limits of the premises for which license is sought. ~~If the applicant is a copartnership, the application shall include the names and addresses of all the partners, and if a corporation, the names and addresses of all its officers and directors. All applications by individuals shall be subscribed by such individual~~ the applicant, who shall state under oath that the facts stated therein are true. ~~Applications by copartnerships shall be subscribed and sworn to the effect above stated by all of the members thereof, and applications by a corporation shall be subscribed and sworn to the effect above stated by the president or vice president and the secretary thereof. No application shall be accepted or filed by the City Recorder unless the statements therein contained and the certificate, when required, substantially conforms to the foregoing provisions.~~ Applicants shall furnish such other information as the ~~City Council~~ Business License Official may require. (1970 Code § 3-4)

#### 3-2-5: Fee For License

- A. Accompany Application; Disposition: Application provided for in this chapter shall be accompanied by the license fee provided in ~~this chapter~~ the consolidated fee schedule. Such fee shall be deposited in the City Treasury if the license is granted and returned to the applicant if denied. (1970 Code § 3-7)
- B. Consolidated Fee Schedule: For every retail beer license issued under this chapter, there shall be an annual license fee paid in the amount specified in the city's consolidated fee schedule. (Ord. 672, 11-13-1979; amd. Ord. 941, 2-4-1998, eff. 2-4-1998)

- C. Refund: No license fee shall be refunded after license has been issued. Upon revocation of license, the license fee paid for the license shall be forfeited to the city. (1970 Code § 3-9)

### 3-2-6: Qualifications Of Licensee

All licensees must meet the qualifications of the Alcohol Beverage Control Act, this Code, and all other City ordinances.

~~No license shall be granted to any person to sell beer at retail, unless he shall be of good moral character, over the age of twenty one (21) years and a citizen of the United States, or to anyone who has been convicted of a felony or of any violation of any law or ordinance relating to intoxicating liquors, or of keeping a gambling or disorderly house, or who has pleaded guilty to or has forfeited his bail on a charge of having committed a felony or of having violated any such law or ordinance, or to any partnership, any member of which lacks any of the qualifications hereinbefore set out, or to any corporation, director or officer of which lacks any of such qualifications. (1970 Code § 3-6)~~

### 3-2-7: Alcohol Training And Education

- ~~A. Training Of Employees; Certificate Required: Commencing September 1, 1987, no person shall be granted a license, or a renewal of same, to operate a business serving "alcoholic beverages," as defined in Utah Code Annotated section 32A-1-105, to the public for consumption on the premises or off the premises under a class A retail license unless that person shall show by certificate granted by the Utah division of alcoholism and drugs that each employee of the business engaging in the serving, selling or furnishing of such beverage has completed the alcohol training and education seminar as required by Utah law. (Ord. 772, 8-18-1987)~~
- ~~B. New Employees: Every new employee hired after the licensee has been duly licensed and who would be required to complete the seminar, shall complete same within thirty (30) days after commencing employment. It shall be unlawful to fail to do so. (Ord. 772, 8-18-1987; amd. 2001 Code)~~
- ~~C. Violation: Violation of this section by the licensee may result in revocation of the license unless compliance is evidenced within two (2) months after notice is received from the city that a violation has occurred. (Ord. 772, 8-18-1987)~~

### 3-2-8: Investigation Of Applicant

- ~~D.A. \_\_\_\_\_ The application for a license under this chapter, together with such information as required by the city to be attached thereto, shall be referred to the police department for inspection and report. The police department shall, within five (5) days after receiving such application, make a report to the city council of the general reputation and character of the persons who habitually frequent the premises for which the license is requested; the nature and kind of business conducted at such place by the applicant, or by any other person, or by the applicant at any other place; whether the place is, or has been conducted in a lawful, quiet and orderly manner; the nature and kind of entertainment, if any, at such place; whether gambling or dancing is or has been permitted upon the premises, or by the applicant at any other place; the proximity of such premises to any school or~~

~~church; and whether there is any ground to believe that any statement made in the application is untrue. The chief of police shall add thereto his recommendation as to granting or denying the application. Upon receipt of the report, the city council shall act upon the application as it shall deem fair, just and proper, in regard to granting or denying the same. (1970 Code § 3-5)~~

### 3-2-8: Investigation Of Applicant

The application for a license under this chapter, together with such information as required by the city to be attached thereto, shall be reviewed by the City's Business License Official and other City staff to ensure adherence to all City regulations, including zoning. Upon approval, the Business License Official shall issue the appropriate beer license, and is also authorized to sign any approvals as deemed necessary by the Utah Division of Alcoholic Beverage Services Commission for their review and issuance of a state liquor license. ~~referred to the police department for inspection and report. The police department shall, within five (5) days after receiving such application, make a report to the city council of the general reputation and character of the persons who habitually frequent the premises for which the license is requested; the nature and kind of business conducted at such place by the applicant, or by any other person, or by the applicant at any other place; whether the place is, or has been conducted in a lawful, quiet and orderly manner; the nature and kind of entertainment, if any, at such place; whether gambling or dancing is or has been permitted upon the premises, or by the applicant at any other place; the proximity of such premises to any school or church; and whether there is any ground to believe that any statement made in the application is untrue. The chief of police shall add thereto his recommendation as to granting or denying the application. Upon receipt of the report, the city council shall act upon the application as it shall deem fair, just and proper, in regard to granting or denying the same. (1970 Code § 3-5)~~

### 3-2-9: Rules, Regulations And Requirements

- A. Expiration Of License: All licenses shall expire ~~as provided in the consolidated fee schedule~~ one year from the month issued unless renewed. (Ord. 672, 11-13-1979; amd. 2001 Code)
- B. Display Of License: Every license issued under this chapter shall be posted and permanently displayed upon the licensed premises. (1970 Code § 3-11)
- C. Inspection Of Premises:
  - 1. All licensed premises shall be subject to inspection by any peace officer of the city or by representatives of any health authority having jurisdiction within the city. Every licensee shall furnish, upon request, a sample of beer offered for sale to such health authority.
  - 2. Any peace or health officer, upon presentation of his credentials, shall be admitted immediately to the clubhouse or club quarters of any social club, recreational, athletic or kindred association within the city which is incorporated under the provisions of Utah Code Annotated section 32A-5-101 et seq., as amended, for

inspection of the premises at any time during which the same are open for the transaction of business with its members. (Ord. 672, 11-13-1979)

- D. Search Of Licensed Premises: Every licensee, by accepting a license issued under the provisions of this chapter, thereby irrevocably consents that any peace officer of the city may at any time during the effective period of the license freely enter upon and inspect and search the licensed premises for any alcoholic beverage, or for any other goods or chattels illegally possessed or kept thereon, or for evidence of any alleged crime under investigation by such police officer, and further consents to the seizure of any such alcoholic beverage or any goods, chattels or evidence, the property of the licensee, which may be found therein upon such search. (1970 Code § 3-18)
- ~~E. Employment Standards: No licensee under this chapter shall knowingly employ in connection with his business in any capacity whatsoever any person who has been convicted of a felony or who has been found guilty of the violation of any provision of this code or any other ordinance of the city relating to the sale of intoxicating liquor or beer. (1970 Code § 3-14)~~
- ~~F. Purchase For Resale: It shall be unlawful for any licensee to purchase, acquire or possess for the purpose of sale or distribution any beer except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the alcoholic beverage control act. (1970 Code § 3-15)~~

### 3-2-10: Prohibited Acts And Activities

- ~~A. It is unlawful to sell beer to any person intoxicated or under the influence of any alcoholic beverage.~~
- ~~B. It is unlawful to sell beer to any person under the age of twenty one (21) years.~~
- ~~C. It is unlawful for any licensee holding a class A license to suffer or allow any person under the age of twenty one (21) years to be in, to loiter about or to frequent the licensed premises.~~
- ~~D. It is unlawful for any person having charge or custody of any minor to take the minor into, or to suffer the minor to enter, be in, loiter about or to frequent any beer tavern or any premises for which a class A license has been issued.~~
- ~~E. It is unlawful for any person under the age of twenty one (21) years to enter, to be in, to loiter about or to frequent a beer tavern, or any premises for which a class A license has been issued, or to consume or possess any alcoholic beverage. (1970 Code § 3-16)~~
- ~~F. It is unlawful to sell beer between the hours of twelve forty five o'clock (12:45) A.M. and seven o'clock (7:00) A.M. of any day.~~
- ~~G. It is unlawful for any licensee to suffer or permit beer to be consumed upon the licensed premises between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M. of any day. It is unlawful for any person to consume beer upon any licensed premises between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M. of any day. (Ord. 02-31, 12-3-2002, eff. 12-3-2002)~~
- ~~H. It is unlawful for any licensee to sell beer anywhere within the city except upon or within his licensed premises.~~
- ~~I. It is unlawful to advertise the sale of beer except in full compliance with the alcoholic beverage control act and regulations duly made thereunder by the alcoholic beverage~~

control commission; provided, that a simple statement that beer is sold under city license may be placed in or upon the front window of the licensed premises.

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

~~K. It is unlawful for any licensee under a class B license to suffer or allow any person to consume beer upon the licensed premises. It is unlawful for any person to consume beer upon such premises.~~

~~L. It is unlawful for any licensee to give away or offer any free lunch or other food with or in connection with the sale of beer. (1970 Code § 3-16)~~

~~M. It is unlawful for any licensee holding a class A license to suffer or allow any person to dance in the licensed premises. It is unlawful for any person to dance in the licensed premises<sup>†</sup>. (Ord. 522, 2-15-1972; amd. Ord. 672, 11-13-1979)~~

~~N. It is unlawful for any licensee to fail to keep the licensed premises brightly illuminated at all times while it is occupied or open for business.~~

~~O. It is unlawful for any licensee holding a class A license so to arrange or keep the licensed premises, or any booth, stall, furniture, fixtures, screens or curtains therein as to impede a full view of the premises and all of the occupants therein from the main floor entrance thereof.~~

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

~~Q. It is unlawful for any licensee to purchase or acquire, or to have or possess, or to suffer to be kept upon the licensed premises, any beer except that lawfully acquired from a brewer or wholesaler licensed under the provisions of the alcoholic beverage control act. (1970 Code § 3-16)~~

~~R. It is unlawful for any licensee to keep, store or possess any liquor on the licensed premises except as provided for in the Utah alcoholic beverage control act. (Ord. 522, 2-15-1972)~~

~~S. It is unlawful for any licensee under this chapter to have, possess, store or display upon the licensed premises any gambling or gaming devices or any lottery tickets, or to suffer any such device or tickets to be brought, kept, possessed, stored or displayed upon the premises for any purpose whatsoever. (1970 Code § 3-16)~~

~~T. It is unlawful for any door or other means of ingress to or egress from any licensed premises to be locked or barred, or barricaded in any way so as to interfere with the free entrance to the licensed premises by any police officer of the city at any time while the premises are occupied or open to the public or to members, but all doors or other means of entrance thereto during the time the premises are occupied or open to the public or to members shall be left unlocked or unfastened so that any police officer may enter the same without any hindrance or delay; provided, that there may be maintained upon the premises a locked storeroom for the keeping of goods and supplies used in the business. Such storerooms shall at all times be subject to search and inspection by any police officer as herein provided. It is unlawful for any licensee to deny any peace officer immediate access to such storeroom for such search or inspection upon demand made for such access. It is unlawful for any licensee to suffer any person, except a bona fide employee of the licensee or a peace officer, to enter or remain in such storeroom.~~

- ~~U. It is unlawful for any person commonly known as a "lookout" to be stationed or maintained to give warning of the approach of any police officer to such premises. It is unlawful to maintain or operate any electrical or other device which is used or capable of being used to give warning to persons within any such licensed premises of the approach of any police officer.~~
- ~~V. It is unlawful for any person to sell beer after the revocation of any license issued to him, or during a period of suspension of such license.~~
- ~~W. The licensee shall be responsible, under this chapter, for all of the activities of his agents, servants and employees in and about the licensed premises and by accepting a license hereunder the licensee unconditionally guarantees to the city that neither he nor his agents, servants or employees will violate the terms of this chapter upon the licensed premises, and for breach of such guarantee the license may be revoked. (1970 Code § 3-16; amd. Ord. 672, 11-13-1979)~~

#### Notes

<sup>†</sup>See subsection 3-4-6B1 of this title for exception to licensed cabarets.

#### 3-2-11: Consumption In Public Place; Intoxication

- ~~A. Consumption: It shall be unlawful for any person to drink any intoxicating liquor in or upon any street, alley, public place or semi-public place except in accordance with the laws of the state, or to drink same upon or in any bus or other vehicle while being used for the transportation of passengers, or in any public gathering of any kind.~~
- ~~B. Intoxication: A person is guilty of intoxication if he is under the influence of intoxicating liquor, an alcoholic beverage, a controlled substance as defined by the laws of the state or any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or another, in a public place or in a private place or where by virtue thereof he unreasonably disturbs other persons. (Ord. 672, 11-13-1979)~~

#### 3-2-12: Refusal To Issue; Revocation

- A. Every police officer is an ex-officio inspector of licenses issued under this Chapter. Every such officer is authorized and empowered in their discretion and in addition to their enforcement powers, may inspect all licensed premises for compliance with state law and the South Ogden City Code, reporting any violations of this Chapter to the City Business License Official.
- B. The City Business License Official, or designee, may, when in the interest of public health, safety, and welfare, refuse to grant a license, permit, or approval for state licensure applied for under this Chapter if the applicant does not possess all the qualifications required by state law and South Ogden City Code. No license or permit shall be issued to an applicant that does not possess all of the qualifications required by state law. Licenses are revocable pursuant to SOC 3-1A-4.
- C. The City Business License Official, or designee, may, when in the interest of public health, safety, and welfare, suspend or revoke a business license, as well as recommend

denial to the State of Utah's Alcoholic Beverage Control Commission for a licensee's renewal of their state licensure for any violation of this Chapter.

D. Any appeal of a decision of the City Business License Official, or designee, in administering and interpreting this Chapter shall be appealed in accordance with SOC 3-1A-2(B).

- ~~A. The city council may, with or without a hearing, after due deliberation, when in its opinion it is necessary where matters of peace, health, safety, morals or law enforcement are concerned, or in connection with the exercise of any other discretion or determination provided by law, refuse to grant any license applied for or may revoke entirely or suspend for such period as it deems proper, any license issued by the city. No license shall be issued and any license issued shall be revoked if the applicant or licensee shall not possess or shall cease to possess all the qualifications required by the Alcoholic Beverage Control Act, this code and other ordinances of the city or rules, regulations and orders of the board of health, relating to health matters. (Ord. 672, 11-13-1979)~~
- ~~B. In addition to other penalties provided by law, the license of any person to sell beer may be revoked, but in any event shall be suspended for a period of not less than thirty (30) days, upon conviction of selling or furnishing beer to a prohibited person, or upon the conviction of an employee or agent of such licensee of such an offense committed upon the licensed premises. (Ord. 672, 11-13-1979; amd. 2001 Code)~~

## CHAPTER 4 CABARETS

3-4-1: Defined

3-4-2: License Required

3-4-3: Application; Fee; Term

3-4-4: Investigation

3-4-5: Issuance; Display

3-4-6: Rules, Regulations And Requirements

3-4-7: Suspension, Revocation Of License

3-4-3: Application; Fee; Term

The license fee required for a cabaret license shall be in the amount specified in the city's consolidated fee schedule. All licenses issued shall be for the period of one year. Applications shall be on such form as the city may provide, and shall contain such information as the city shall require. No license fee shall be refunded after the license has been issued. (1970 Code § 7-3; amd. Ord. 941, 2-4-1998, eff. 2-4-1998; 2001 Code)

3-4-4: Investigation

~~The police department~~ The Business License Official shall review and process ~~examine and investigate~~ all applicants for licenses, and the premises to be licensed ~~and the persons who are or may be employed under this chapter~~, and shall make a recommendation to the city council. The Applicable city departments shall have access to all premises licensed or applying for a license

for the purpose of inspection from time to time ~~and reporting to the city council. The city council shall be the licensing authority for all cabarets.~~ (1970 Code § 7-4)

### 3-4-7: Suspension, Revocation Of License

Any license issued under this chapter may, with or without a hearing, be suspended or revoked for the violation of any provision of this chapter or any other ordinance or law relating to such places or if in the opinion of the ~~city council~~ Business License Official the same is necessary in the interest of the public peace, health, welfare or morals. If a license is denied, revoked or suspended, it shall thereafter be unlawful to conduct a cabaret business at the same premises until a new license shall be granted by the ~~city council~~ Business License Official, or until ~~a revoked or suspended~~ the license shall be reinstated by the city council Business License Official. Upon revocation, the fee paid for the license shall be forfeited to the city. (1970 Code § 7-6)

## CHAPTER 5 TRAILERS AND TRAILER PARKS

### 3-5-1: License Required

### 3-5-2: Application; Board Of Health Recommendation

### 3-5-3: Fee For License

### 3-5-4: Display Of License, Rules And Regulations

### 3-5-5: Duty Of Board Of Health

### 3-5-6: Rules, Regulations And Requirements

### 3-5-7: Denial, Revocation Of License

### 3-5-1: License Required

It shall be unlawful for any person to operate, maintain or offer for public use within the city any automobile tourist court or park, campground or other public place for camping, sleeping or lodging, whether in tents, trailers, trailer houses, cabins, huts or other structures, or where automobile house cars or trailers or trailer houses may be parked or located or occupied as living quarters by the public, without first having made application to the ~~city recorder~~ Business License Official and obtaining a license to do so. (1970 Code § 23-1)

### 3-5-2: Application; Board Of Health Recommendation

Applicants for a license under this chapter shall file such application in writing with the ~~city recorder~~ Business License Official with a fee as provided in this chapter, which application shall show the plan and location of applicant's proposed place of business, the number of rooms or spaces available to tenants and state in detail the source of water supply and the kind and number of toilet, bath and shower facilities available for use by male and female guests respectively. Such application shall by the ~~city recorder~~ Business License Official be referred to the board of health, which board shall ~~within five (5) days after such reference~~ as soon as possible deliver the application to the ~~city council~~ Business License Official, together with a report of its findings and recommendations as to the granting or denying of the license. In making such reports, the board of health shall determine whether or not there exists on such premises adequate automobile

house car, trailer, trailer house or tent spaces to accommodate the number of tenants anticipated in the application, adequate toilet, shower, bath, garbage and sewer facilities and a proper and clean supply of pure drinking water, and in this connection shall promulgate rules and regulations to enforce this chapter. A copy of such rules and regulations shall be furnished to each applicant. (1970 Code § 23-2)

### 3-5-7: Denial, Revocation Of License

Upon recommendation of the board of health or for any other cause which it considers detrimental to the health, safety or best interests of the city or its inhabitants, the ~~city council~~ [Business License Official](#) may refuse to grant any such license or may revoke the same after issue at its discretion, with or without hearing. (1970 Code § 23-4)

## CHAPTER 6 SECONDHAND DEALERS, JUNK DEALERS AND PAWNBROKERS

### 3-6-1: Definitions

### 3-6-2: Licenses Required

### 3-6-3: Application, Approval

### 3-6-4: Bond Required

### 3-6-5: Rules, Regulations And Requirements

### 3-6-6: Revocation Of License

### 3-6-7: Penalty

### 3-6-3: Application, Approval

All applications for a license to carry on the business of a pawnbroker, secondhand dealer or junk dealer shall be submitted to the ~~City Council~~ [Business License Official](#). The ~~City Council~~ [Business License Official](#) has the authority to grant or deny the license. In the event of a denial, the applicant may appeal the denial to the District Court. (Ord. 685, 2-16-1982; amd. 2001 Code)

### 3-6-6: Revocation Of License

It shall be the duty of the Chief of Police to report to the ~~City Council~~ [Business License Official](#) any failure to comply with the provisions of this chapter. The ~~City Council~~ [Business License Official](#) may revoke any pawnbroker, secondhand dealer or junk dealer's license for good cause after notice and a hearing, or without notice or hearing upon conviction of any violation of the provisions of this chapter from which an appeal has not been taken. (Ord. 685, 2-16-1982; amd. 2001 Code)

### 3-6-7: Penalty

Any person violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor and upon conviction thereof, subject to penalty as provided in section 1-4-1 of this Code. (Ord. 685, 2-16-1982; amd. 2001 Code)

## CHAPTER 8 SEXUALLY-ORIENTED BUSINESSES

3-8-1: Title

3-8-2: Purpose And Application

3-8-3: Definitions

3-8-4: Business Licenses

3-8-5: Legitimate Artistic Modeling

3-8-6: Categories; Number Of Licenses

3-8-7: Application For License

3-8-8: Fees

3-8-9: Bond Required

3-8-10: Issuance Of License

3-8-11: Location Restrictions

3-8-12: Design Of Premises

3-8-13: License; Specific Regulations

3-8-14: General Regulations

3-8-15: Prohibited Activities

3-8-16: Outcall Services

3-8-17: Alcohol Prohibited

3-8-18: Nudity; Defenses To Prosecution

3-8-19: Violations

3-8-20: Appeal Procedure

3-8-21: Penalty

3-8-22: Existing Business; Compliance Time Limits

### 3-8-7: Application For License

Before any applicant may be licensed to operate a sexually-oriented business or as a sexually-oriented business employee pursuant to this chapter, the applicant shall submit, on a form to be supplied by the city license authority, the following:

- A. Correct Legal Name: The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name. (Ord. 984, 10-6-1998, eff. 10-6-1998)
- B. Corporations; Partnerships: If the applicant is a corporation, partnership or limited partnership or individual or entity doing business under an assumed name, the information required below for individual applicants shall be submitted for each partner and each principal of an applicant and for each officer, director and any shareholder (corporate or personal) of more than ten percent (10%) of the stock of any applicant. Any holding company or any entity holding more than ten percent (10%) of an applicant's stock shall be considered an applicant for purposes of disclosure under this chapter. (Ord. 984, 10-6-1998, eff. 10-6-1998; amd. 2001 Code)

- C. Check Signer: All corporations, partnerships or noncorporate entities included on the application shall also identify each individual authorized by the corporation, partnership or noncorporate entity to sign the checks for such corporation, partnership or noncorporate entity.
- D. Personal Information: For all applicants or individuals, the application must also state:
1. Any other names or aliases used by the individual;
  2. The age, date and place of birth;
  3. Height;
  4. Weight;
  5. Color of hair;
  6. Color of eyes;
  7. Present business address and telephone number;
  8. Present residence and telephone number; (Ord. 984, 10-6-1998, eff. 10-6-1998)
  9. Driver's license or identification number; and (Ord. 984, 10-6-1998, eff. 10-6-1998; amd. 2001 Code)
  10. Social security number.
- E. Proof Of Age: Acceptable written proof that any individual is at least eighteen (18) years of age.
- F. Photographs: Attached to the form as provided above, two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints. ~~on a form provided by the police department. For persons not residing in the city, the photographs and fingerprints shall be on a form from the law enforcement jurisdiction where the person resides.~~ Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency.
- G. Health Certificate: For any individual applicant required to obtain a sexually-oriented business employee license as an escort or a semi-nude entertainer, a certificate from the Weber-Morgan county health department, stating that the individual has, within thirty (30) days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases.
- H. Previous Business Information: A statement of the business, occupation or employee history of the applicant for three (3) years immediately preceding the date of the filing of the application.
- I. License And Permit History: A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant previously operating or seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation or suspension. A copy of an order of denial, revocation or suspension shall be attached to the application.
- J. Criminal Convictions: All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual or other entity subject to disclosure under this chapter for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony

shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a sexually-oriented business or employee license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license.

- K. Owner Of Property: In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property, specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.
- L. Description Of Services: A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee, and any rules, regulations or employment guidelines under or by which the business intends to operate. This description shall also include:
  - 1. The hours that the business or service will be open to the public and the methods of promoting the health and safety of the employees and patrons and preventing them from engaging in illegal activity.
  - 2. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities.
  - 3. The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this chapter or other statutes or ordinances.
  - 4. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease and prevent the commission of acts of prostitution or other criminal activity.

It is unlawful to knowingly submit false or materially misleading information on or with a sexually-oriented business license application or to fail to disclose or omit information for the purpose of obtaining a sexually-oriented business or employee license. (Ord. 984, 10-6-1998, eff. 10-6-1998)

### 3-8-9: Bond Required

Each applicant for a sexually-oriented business license shall post with the ~~City Recorder~~[Business License Official](#) or City Treasurer a cash or corporate surety bond, payable to the City, in the amount of two thousand dollars (\$2,000.00). Any fines assessed against the business, officers or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of the fine, unless an appeal is filed as provided 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 (\$2,000.00) within fifteen (15) days of the date of notice of any draw against it. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than twenty five percent (25%) of the initial fine amount<sup>1</sup>. (Ord. 18-15, 11-20-2018, eff. 11-20-2018)

Notes

<sup>1</sup>See UCA § 11-58-201.

### 3-8-10: Issuance Of License

- A. Within Thirty Days; Exceptions: The ~~City Recorder~~[Business License Official](#) shall approve the issuance of a license to the applicant within thirty (30) days after receipt of a completed application, unless the ~~City Recorder~~[Business License Official](#) or City Manager finds one or more of the following:
1. The applicant is under eighteen (18) years of age; (Ord. 984, 10-6-1998, eff. 10-6-1998)
  2. The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to a sexually-oriented business; however, and notwithstanding anything in the foregoing to the contrary, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than twenty five percent (25%) of the initial fine amount<sup>1</sup>; (Ord. 18-15, 11-20-2018, eff. 11-20-2018)
  3. The applicant has falsely answered a material question or request for information as authorized by this chapter;
  4. The applicant has violated a provision of this chapter or similar provisions found in statutes or ordinances from any jurisdiction within two (2) years immediately preceding the application; a criminal conviction for a violation of a provision of this chapter or similar provisions from any jurisdiction, whether or not it is being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;
  5. The premises to be used for the business has been disapproved by the Weber-Morgan County Health Department, the Fire Department or Fire Marshal, the Police Department, the City Building Officials or the Zoning Officials of the City as not being in compliance with applicable laws and ordinances of the City. If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain from the ~~City Recorder~~[Business License Official](#) or City Manager an extension of time of no more than fifteen (15) additional days to complete their review. The total time for the City to approve or deny a license shall not exceed forty five (45) days from the receipt of a completed application and payment of all fees. Businesses located outside of the corporate boundaries of the City, but requiring a license under this chapter, may be denied a license pursuant to this chapter if the business does not have a valid business license to conduct business at the business location from the appropriate jurisdiction for that location;

- a. Upon receipt of an application, all departments required to review the application shall determine within seven (7) days whether or not the application is complete and that all items needed for processing have been provided. Incomplete applications shall immediately be returned to the applicant with a specification of the items which are incomplete;
  - b. The time for processing applications specified in this section shall begin to run from the receipt of a complete application;
  - c. In the event that a license for semi-nude entertainment, semi-nude dancing agencies, adult businesses or semi-nude entertainment businesses, has not been disapproved within thirty (30) days, or the forty five (45) days allowed after an extension, the City shall issue the license pending completion of the City's review;
  - d. Any license issued pursuant to subsection A5c of this section may be revoked by the City, pursuant to the revocation procedures provided for herein, if the completed review determines that the license should have been denied;
6. The required license fees have not been paid;
  7. All applicable Sales and Use Taxes have not been paid;
  8. An applicant for the proposed business is in violation of or not in compliance with this chapter or similar provisions found in statutes or ordinances from any jurisdiction where the applicant is or has been conducting a sexually-oriented business;
  9. An applicant has been convicted of or pled nolo contendere to a crime involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense, for which:
    - a. Less than two (2) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five (5) years, if the convictions are of two (2) or more misdemeanors within the five (5) years; or
    - b. Less than five (5) years have elapsed from the date of conviction, if the offense is a felony.

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

- B. License Term: Sexually-oriented business and employee licenses issued pursuant to this chapter shall be valid from the date of issuance and for twelve (12) months thereafter.

The license fees required shall be as provided under the City's consolidated fee schedule. (Ord. 984, 10-6-1998, eff. 10-6-1998)

Notes

<sup>1</sup>See UCA § 11-58-201.

### 3-8-13: License; Specific Regulations

- A. Notice Of Change Of Information: Any change in the information required to be submitted under this chapter for either a sexually-oriented business license or sexually-oriented business employee license shall be given, in writing, to the ~~city recorder~~ [Business License Official](#) ~~or city manager and the police department~~ within fourteen (14) days after such change.
- B. Transfer Limitations: Sexually-oriented business licenses granted under this chapter shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership or other noncorporate entity to transfer any part in excess of ten percent (10%) thereof, without filing a new application and obtaining prior city approval. If any transfer of the controlling interest in a business licensee occurs, the license is immediately null and void and the business shall not operate until a separate new license has been properly issued by the city as provided in this chapter. (Ord. 984, 10-6-1998, eff. 10-6-1998)
- C. Display Of License: 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, at all times while engaged in licensed activities within the corporate boundaries of the city, their employee license on their person. If the individual is nude, such license shall be visibly displayed within the same room as the employee is performing. When requested by police, city licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the city. (Ord. 984, 10-6-1998, eff. 10-6-1998; amd. 2001 Code)
- D. Advertisements; Statement: 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 shall include the city license number. (Ord. 984, 10-6-1998, eff. 10-6-1998)

### 3-8-20: Appeal Procedure

The denial, suspension or revocation of any license issued pursuant to this chapter, may be appealed ~~to the city manager as per 3-1A of this Title. The decision of the city manager may be appealed to the city council. The decision of the city council shall be final.~~ [as per 3-1A of this Title](#). Appellants may be represented by counsel at their own expense. (Ord. 984, 10-6-1998, eff. 10-6-1998)

## [CHAPTER 9 PEDDLERS, SOLICITORS AND VENDORS](#)

ARTICLE A: RESIDENTIAL SOLICITATION

ARTICLE B: SIDEWALK VENDORS

ARTICLE A: RESIDENTIAL SOLICITATION

3-9A-1: Purpose

3-9A-2: No Other City License Or Approval Required

3-9A-3: Definitions

3-9A-4: Exemptions

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3-9A-6: Registration Of Solicitors

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3-9A-10: Issuance Of Certificates

3-9A-11: Form Of Certificate And Identification Badge

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3-9A-14: Denial, Suspension Or Revocation Of A Certificate Of Registration

3-9A-15: Appeal

3-9A-16: Deceptive Soliciting Practices Prohibited

3-9A-17: No Solicitation Notice

3-9A-18: Duties Of Solicitors

3-9A-19: Time Of Day Restrictions

3-9A-20: Buyer's Right To Cancel

3-9A-21: Penalties

3-9A-2: ~~No Other City License Or Approval Required~~ License Required:

It shall be unlawful for any person to engage in peddling or solicitation within the city without first obtaining a license issued by the business license official.

- ~~A. Registered solicitors and persons exempt from registration need not apply for, nor obtain, any other license, permit, or registration from the city to engage in door to door solicitation.~~
- ~~B. Any business licensed by the city under another city ordinance that uses employees, independent contractors, or agents for door to door solicitation in an effort to provide any tangible or intangible benefit to the business, shall be required to have such solicitors obtain a certificate, unless otherwise exempt from registration.~~
- ~~C. Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit, or registration from the city, provided they do not establish a temporary or fixed place of business in the city.~~
- ~~D. Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permit, or certificate that a registered solicitor is otherwise required to have or maintain. (Ord. 06-16, 8-1-2006, eff. 8-1-2006)~~

3-9A-3: Definitions

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

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

**APPEALS OFFICER:** ~~The city council or designee of the city responsible for receiving the information from the city and appellant regarding the denial or suspension of a certificate and issuing a decision as required by this article~~ The Hearing Officer as designated in 3-1A-1 of this Title.

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

**APPLICANT:** An individual who is at least 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:** A standardized form provided by the city to an applicant to be completed and submitted as part of registration.

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

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

**CERTIFICATE:** A temporary, annual, or renewal certificate permitting door to door solicitation in the city applied for or issued pursuant to the terms of this article.

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

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

A. That is:

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

- B. That is tax exempt under applicable provisions of the internal revenue code of 1986, as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.
- C. 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<sup>1</sup>.

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

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

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

DISQUALIFYING STATUS: Anything specifically defined in this article 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, [in any state or country](#): 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 currently pending against the applicant or registered solicitor, [in any state or country](#), 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, [in any state or country](#), of a felony within the last ten (10) years;
- D. The applicant or registered solicitor has been incarcerated in a federal or state prison within the past five (5) years;
- E. The applicant or registered solicitor has been criminally convicted of a misdemeanor, [in any state or country](#), 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, [in any state or country](#), has been entered against the applicant or registered solicitor within the last five (5) years indicating that: 1) the applicant or registered solicitor had either engaged in fraud, or intentional misrepresentation, or 2) that a debt of the applicant or registered solicitor was nondischargeable in bankruptcy pursuant to 11 USC section 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, [in any state or country](#), based on physical or sexual abuse issued by a court of competent jurisdiction.

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

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

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

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

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

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

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

**LICENSING OFFICER:** The city employee(s) or agent(s) responsible for receiving from an applicant or registered solicitor the completed application and either granting, suspending, or denying the applicant's certificate.

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

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

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

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

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

**RESIDENCE:** Any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the city, together with the lot or other real property on which the living unit is located. This does not include the sidewalk, public street or public rights of way.

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

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

**SALE OF GOODS OR SERVICES:** The conduct and agreement of a solicitor and the competent individual in a residence regarding 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:** Those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

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

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

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

SOLICITOR OR SOLICITORS: A person(s) engaged in door to door solicitation.

SUBMITTED IN WRITING: The information for an appeal of a denial or suspension of a certificate, submitted in any type of written statement to the city offices by certified, registered, priority, overnight or delivery confirmation mail, facsimile, or hand delivery.

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

- A. That is submitted to and documented by the city;
- B. By any of the following:
  - 1. A competent individual who is willing to provide law enforcement or other city employees with publicly available identification of their name, address, and any other reliable means of contact;
  - 2. City law enforcement or licensing officer; or
  - 3. Any other regularly established law enforcement agency at any level of government;
- C. That provides any of the following information regarding a registered solicitor:
  - 1. Documented verification of a previously undisclosed disqualifying status of a registered solicitor;
  - 2. Probable cause that the registered solicitor has committed a disqualifying status which has not yet been determined to be a disqualifying status;
  - 3. Documented, eyewitness accounts that the registered solicitor has engaged in repeated patterns of behavior that demonstrate failure by the registered solicitor to adhere to the requirements of this article; or
  - 4. Probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the city.

WAIVER: The written form provided to applicant by the city wherein applicant agrees that the city may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this article, and which contains applicant's notarized signature. (Ord. 06-16, 8-1-2006, eff. 8-1-2006)

Notes

<sup>1</sup>Charitable solicitation act UCA § 13-22-2(1)(a), (b).

### 3-9A-6: Registration Of Solicitors

~~Unless otherwise exempt under this article, all persons desiring to engage in door to door solicitation within the city, prior to doing so, shall submit a completed application to the licensing officer and obtain a certificate. (Ord. 06-16, 8-1-2006, eff. 8-1-2006)~~

### 3-9A-67: Application Form

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

- A. Review Of Written Disclosures: An affirmation that the applicant has received and reviewed the disclosure information required by this article.
- B. Contact Information:
  - 1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
  - 2. Applicant's telephone number, home address and mailing address, if different;
  - 3. If different from the applicant, the name, address, and telephone number of the responsible person or entity; and
  - 4. The address by which all notices to the applicant required under this article are to be sent.
- C. Proof Of Identity: ~~An in person~~ Verification by the licensing officer of the applicant's true identity by use of any of the following which bear a photograph of said applicant:
  - 1. A valid driver's license issued by any state;
  - 2. A valid passport issued by the United States;
  - 3. A valid identification card issued by any state;
  - 4. A valid identification issued by a branch of the United States military.

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

- D. Proof Of Registration With Department Of Commerce: The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the Utah state department of commerce.
- E. Special Events Sales Tax Number: The applicant shall provide a special events sales tax number for either the applicant, or for the responsible person or entity for which the applicant will be soliciting.
- F. Marketing Information:
  - 1. The goods or services offered by the applicant, including any commonly known, registered or trademarked names;
  - 2. Whether the applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.
- G. BCI Background Check: The applicant shall provide:
  - 1. An original or a copy of a BCI background check as defined in section 3-9A-3 of this article, or any other background check as required by the Business License Official; ~~and.~~

~~2. A signed copy of a waiver whereby applicant agrees to allow the city to obtain a name/date of birth BCI background check on applicant for purposes of enforcement of this article<sup>1</sup>.~~

- H. Responses To Questions Regarding "Disqualifying Status": The applicant shall be required to affirm or deny each of the following statements on the application form:
1. Has the applicant been criminally convicted in any state or country of: a) felony homicide, or its equivalent, b) physically abusing, sexually abusing, or exploiting a minor, c) the sale or distribution of controlled substances, or d) sexual assault of any kind;
  2. Are any criminal charges in any state or country currently pending against the applicant for: a) felony homicide, or its equivalent, b) physically abusing, sexually abusing, or exploiting a minor, c) the sale or distribution of controlled substances, or d) sexual assault of any kind;
  3. Has the applicant been criminally convicted in any state or country of a felony, or its equivalent, within the last ten (10) years;
  4. Has the applicant been incarcerated in a federal or state prison, or its equivalent, in any state or country within the past five (5) years;
  5. Has the applicant been criminally convicted of a misdemeanor, or its equivalent, in any state or country within the past five (5) years involving a crime of: a) moral turpitude, or b) violent or aggravated conduct involving persons or property;
  6. Has a final civil judgment, or its equivalent, been entered against the applicant in any state or country within the last five (5) years indicating that: a) the applicant had either engaged in fraud, or intentional misrepresentation, or b) that a debt of the applicant was nondischargeable in bankruptcy pursuant to 11 USC section 523(a)(2), (a)(4), (a)(6), or (a)(19);
  7. Is the applicant currently on parole or probation to any court, penal institution, or governmental entity, in any state or country, including being under house arrest or subject to a tracking device;
  8. Does the applicant have an outstanding arrest warrant from any jurisdiction in any state or country; or
  9. Is the applicant currently subject to a protective order, or its equivalent, in any state or country based on physical or sexual abuse issued by a court of competent jurisdiction.
- I. Fee: The applicant shall pay such fees as determined applicable by the city, which shall not exceed the reasonable cost of processing the application and issuing the certificate and/or identification badge.
- J. Execution Of Application: The applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the applicant, the information provided is complete, truthful and accurate. (Ord. 06-16, 8-1-2006, eff. 8-1-2006)

Notes

<sup>1</sup>UCA § 53-10-108(1)(b).

3-9A-15: Appeal

An applicant or registered solicitor whose certificate has been denied or suspended shall have the right to appeal to ~~the city council or its designee~~the city manager or hearing officer as designated in 3-1A-1 of this Title. Any appeal must be submitted by either the applicant, the responsible person or entity, or legal counsel for either who: a) documents the relationship with the applicant or responsible person or entity; or b) is licensed or authorized by the state of Utah to do so, and makes the assertion of an agency relationship. The following procedures and requirements shall apply:

- A. Any appeal must be submitted in writing to the ~~city recorder~~Business License Official with a copy to the licensing officer within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.
- B. Upon request of the applicant or registered solicitor, within one business day, the city will make available any information upon which it relied in making the determination to either deny or suspend the certificate.
- C. The appeals officer shall review, de novo, all written information submitted by the applicant or registered solicitor to the licensing officer, any additional information relied upon by the licensing officer as the basis for denial, suspension or revocation, and any additional information supplied by the city, applicant or registered solicitor. Any additional information submitted by any party to the appeal to the appeals officer shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the appeals officer regarding the additional information submitted by the opposing party.
- D. The appeals officer will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in subsection C of this section, the fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.
  1. The denial or suspension of the certificate shall be reversed by the appeals officer if upon review of the written appeal and information submitted, the appeals officer finds that the licensing officer made a material mistake of law or fact in denying or suspending the applicant's or registered solicitor's certificate.
  2. If the written appeal and information submitted indicates that the licensing officer properly denied or suspended the certificate of the applicant or registered solicitor, the denial or suspension of the certificate shall be affirmed and constitute a determination that the suspended certificate is revoked.
  3. The decision of the appeals officer shall be delivered to the applicant or registered solicitor by the means designated in the completed application, or as otherwise agreed upon when the appeal was filed.
- E. After the ruling of the appeals officer, the applicant or solicitor is deemed to have exhausted all administrative remedies with the city.
- F. Nothing herein shall impede or interfere with the applicant's, solicitor's, or city's right to seek relief in a court of competent jurisdiction. (Ord. 06-16, 8-1-2006, eff. 8-1-2006)

## ARTICLE B: SIDEWALK VENDORS

### [3-9B-1: Definition](#)

### [3-9B-2: License Required](#)

### [3-9B-3: Fee](#)

### [3-9B-4: Insurance](#)

### [3-9B-5: Application And Approval Process](#)

### [3-9B-6: General Requirements](#)

### [3-9B-7: Cart Standards](#)

### [3-9B-8: Prohibited Activities](#)

### [3-9B-9: Impoundment](#)

### [3-9B-10: Suspension, Revocation Or Denial](#)

### [3-9B-11: Penalty](#)

### 3-9B-4: Insurance

The applicant shall agree to hold the city and its employees and agents harmless and to indemnify and defend the city, its employees and agents, against all claims, liability, loss, damage, or expense, including attorney fees, resulting from the activities of the licensee upon public sidewalks. The applicant shall maintain a commercial general liability insurance policy with minimum limits of liability of five hundred thousand dollars (\$500,000.00) per occurrence for bodily injury, personal injury and property damage. Any deductible or self-insured retention must be declared to and approved by the city. A current certificate of insurance must be kept on file with the ~~city recorder~~[Business License Official](#) verifying continuing coverage and naming the city as an additional insured. The certificate shall provide thirty (30) days' written notice to the city upon cancellation, nonrenewal or material change in the policy. (Ord. 02-06, 1-22-2002, eff. 1-22-2002)

### 3-9B-5: Application And Approval Process

- A. Information Required: Applications for a sidewalk vending license shall be on forms provided by the city. The application shall include the following information:
1. The name and mailing address of the applicant;
  2. Whether the applicant is to operate a fixed or mobile cart;
  3. A description of all products to be sold;
  4. A valid copy of all applicable health permits required by federal, state or local authorities;
  5. A description of the cart to be used in conducting business, including scaled drawings or a photograph and proposed colors, including signage to be used;
  6. The number of carts proposed to be operated;
  7. List of all persons or employees operating the vending unit or preparing food to be sold from the vending unit and proof of a current food handler's permit; and
  8. Any other information as the business license coordinator deems necessary to enforce this article.

- B. Departments; Review: All applications for sidewalk vending shall be referred to ~~the city planning division, the county health department, fire department, police department and inspection services division~~ other Authorized Officers as needed for review and compliance with applicable codes and ordinances. ~~After review and recommendation, the application shall be referred to the city manager or manager's designee for approval.~~  
(Ord. 02-06, 1-22-2002, eff. 1-22-2002)

## CHAPTER 11 GOOD LANDLORD INCENTIVE PROGRAM

### 3-11-0: Definitions

### 3-11-1: Purpose

### 3-11-2: Policies

### 3-11-3: Responsibilities

### 3-11-4: Program Agreement And Requirements

### 3-11-5: Term Of Agreement

### 3-11-6: Termination

### 3-11-7: Independent Contractor

### 3-11-8: Conflict Of Interest

### 3-11-9: Indemnification

### 3-11-10: Assignment

### 3-11-11: Attorney Fees

### 3-11-12: Severability

### 3-11-13: Appeals

### 3-11-14: Entire Agreement

### 3-11-15: Modification Of Agreement

### 3-11-16: Applicable Law

### 3-11-17: Notices

### 3-11-3: Responsibilities

- A. Primary responsibility for coordinating the program, ~~is delegated to the Police Department with the~~ as well as day to day operations, ~~is delegated to the~~ managed by the business License ~~coordinator~~ Official ~~or any successor division manager responsible for business licensing.~~
- B. IT Division of the Administrative Services Department shall provide support services to allow access to online program applications and to assist in establishing the internal technical mechanisms for determining program compliance among the departments of the City.
- C. Code Enforcement, Fire Department and Building Inspector, or any successor division responsible for Code enforcement, shall assist in identifying rental dwellings not in compliance with City codes and the Good Landlord Program.
- D. Police Department shall develop procedures for the identification of landlords or rental dwellings that may not comply with those aspects of the program related to criminal activity on the premises or the failure to adequately screen tenants. (Ord. 13-15, 6-18-2013, eff. 6-18-2013)

### 3-11-13: Appeals

Any person denied admission to or disqualified under the program may appear before a hearing officer by applying in the Office of the ~~City Recorder~~[Business License Official](#) for a hearing and present and contest such denial or disqualification before a hearing officer. Such application shall be filed within fifteen (15) business days of the denial or disqualification and shall include the required filing fee as set out in the City's consolidated fee schedule. During the appeals process, the burden of proving qualifications or compliance shall be on the appellant. (Ord. 13-15, 6-18-2013, eff. 6-18-2013)