AMERICAN FORK CITY COUNCIL
MARCH 3, 2026
WORK SESSION AGENDA

Notice of Electronic Meeting
One or more City Council members may be physically absent from this meeting but may participate electronically.

Notice is hereby given that the American Fork City Council will hold a work session on Tuesday, March 3, 2026, in the City Administration Conference Room, located at 51 East Main Street, commencing at 4:00 p.m. The agenda shall be as follows:

WORK SESSION

The purpose of the City Work Sessions is to prepare the City Council for upcoming agenda items on future City Council Meetings. The Work Session is not an action item meeting. No one attending the meeting should rely on any discussion or any perceived consensus as action or authorization. These come only from the City Council Meeting.

1. Discussion on water rates.
2. Discussion on special events.
3. Discussion on storm drain fees.
4. Discussion on updates to the Chapters 5.04, 5.42, and 5.44 of the city's municipal code related to business licenses.
5. Adjourn.

Dated the 26th day of February 2026.

/s/Terilyn Lurker
City Recorder

- In accordance with the Americans with Disabilities Act, the City of American Fork will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-763-3000 at least 48 hours in advance of the meeting.

- The order of agenda items may be changed to accommodate the needs of the City Council, staff, and the public.

CITY COUNCIL STUDY ITEM

City of American Fork
COUNCIL WORK SESSION
MARCH 3, 2026

Department Recorder Department Terilyn Lurker

STUDY ITEM Discussion on water rates

BACKGROUND
The council and staff will discuss both pressurized irrigation and culinary water rates. Provided are proposed rates.

SUPPORTING DOCUMENTS

Proposed Residential PI Rates (PDF)
Proposed Residential Culinary Rates (PDF)

Table 4
Recommended Residential PI Rates

	2026	2027	2028	2029	2030
Monthly Base Rate ($/meter/month)*					
All Single Family Residential	$0.0017 x Gross Lot Size (SF) + $3.50 Minimum monthly base rate of $18.80				
Volume Rates ($/thousand gallons/month)					
Tier 1	$0.43	$0.64	$0.86	$1.04	$1.29
Tier 2	$0.56	$0.83	$1.12	$1.35	$1.68
Tier 3	$0.83	$1.23	$1.65	$2.00	$2.48
Tier 4	$1.72	$2.56	$3.44	$4.16	$5.16

Volume Block Definitions by Gross Lot Size (thousand gallons)									
Thousand SF	*≤ 9*	*9– 12*	*12– 16*	*16– 21*	*21– 28*	*28– 38*	*38– 50*	*50– 65.3*	*>65.3*
Tier 1	0 - 10	0 - 13	0 - 18	0 - 24	0 - 31	0 - 42	0 - 56	0 - 73	0 – 97
Tier 2	10 - 30	13 - 40	18 - 53	24 -72	31 - 93	42 - 127	56 - 167	73 - 218	97 - 290
Tier 3	30 - 50	40 - 67	53 - 89	72 - 120	93 - 156	127 - 211	167 - 278	218 - 363	290 - 484
Tier 4	> 50	> 67	> 89	> 117	> 156	> 211	> 278	> 363	> 484

**All residential lots are assumed to irrigate 50% of their gross lot size. The City may consider offering an option for residents to map their lot and determine exact irrigated area. If this option is included, the Non-Residential equation (Table 5) should be used to calculate resulting monthly base rates for the irrigated area.*

Table 5
Recommended Non-Residential PI Rates

	2026	2027	2028	2029	2030
Monthly Base Rate ($/meter/month)					
All Non-Residential	$0.0034 x Irrigated Area (SF) + $3.50 Minimum monthly base rate of $23.90				
Volume Rates ($/thousand gallons/month)					
Tier 1	$0.43	$0.64	$0.86	$1.04	$1.29
Tier 2	$0.56	$0.83	$1.12	$1.35	$1.68
Tier 3	$0.83	$1.23	$1.65	$2.00	$2.48
Tier 4	$1.72	$2.56	$3.44	$4.16	$5.16

Volume Block Definitions by Irrigated Area (thousand gallons)										
Thousand SF	*≤ 6*	*6 – 10*	*10 – 20*	*20 – 40*	*40 – 80*	*80 – 150*	*150 – 250*	*250 – 400*	*400 – 600*	*> 600*
Tier 1	0-11	0-18	0-37	0-73	0-147	0-275	0-458	0-733	0 - 1,100	0 - 1,467
Tier 2	11 - 33	18-55	37-110	73-220	147 - 440	275 - 825	458 - 1,375	733 - 2,200	1,100 - 3,300	1,467- 4,400
Tier 3	33 - 56	55-93	110 - 187	220 - 373	440 - 747	825 - 1,400	1,375 - 2,333	2,200 - 3,733	3,300 - 5,600	4,400 - 7,467
Tier 4	>56	>93	>187	>373	>747	>1,400	>2,333	>3,733	>5,600	>7,467

Rate Design and Cost of Service Analysis

Proposed Single Family Residential Culinary Rates

- No recommended structural changes to culinary rates
- Example rates for FY2026*:

RESIDENTIAL	Existing Rates	Proposed
Monthly Base Rates ($/unit)		
¾-inch and Smaller	$16.49	$18.47
1-inch	$18.13	$20.31
1.5-inch	$19.76	$22.13
2-inch	$24.27	$27.18
Volume Rates ($/thousand gallons)		
Base Allowance (0-3 kgal/month)	$0.00	$0.00
Block 2 Rate (3-6 kgal/month)	$3.59	$4.02
Block 3 Rate (6-9 kgal/month)	$4.32	$4.84
Block 4 Rate (>9kgal/month)	$5.06	$5.67

- Estimated Impact to User Bills*:

Average Monthly Use (Thousand Gallons)	Annual Bill – Existing Rates	Annual Bill – Proposed Rates	Annual $ Change	Average Monthly $ Change
4	$241	$270	$29	$2.42
6	$327	$366	$39	$3.25
8	$431	$483	$52	$4.33
10	$543	$609	$65	$5.42

*Results shown assume a 12% increase in FY2026.

- Note that multifamily and commercial rates are also proposed to increase by 12%, with no change to the existing rate structure.

BOWEN COLLINS & ASSOCIATES

CITY COUNCIL STUDY ITEM

City of American Fork
COUNCIL WORK SESSION
MARCH 3, 2026

Department Recorder Department Terilyn Lurker

STUDY ITEM Discussion on special events.

BACKGROUND
The council and staff will discuss special events, specifically the definition of special events and a proposed fee for facility reservations at the Amphitheater at Quail Cove.

SUPPORTING DOCUMENTS

Special Event Permit Definition-revised Feb. 26 (DOCX)
Facility Reservation Fee Schedule draft 2026 (DOCX)
Amphitheater Cost examples (PDF)
Quail cove area map pdf (PDF)

Special Event Permit

Special Event (Definition):

A *special event* is an activity or event primarily intended for recreation, entertainment, fundraising, or expressive political purposes that meets any of the following criteria:

- Use of city property in a manner that substantially interferes with the public's normal use of that property
- Requires additional city services (such as traffic control, sanitation, security, or event staffing).
- Features temporary structures or other equipment installed on city property (tents, stages, porta potties, bleachers)
- Includes vendors or merchandise sales
- Large organized assembly

Examples of special events include but not limited to:

- 5K races or marathons using public streets
- Large community festivals in public parks
- Events requiring street closures or expanded city support
- Commercial filming that restricts public access

A special event permit is not required when an activity takes place in a space that is specifically designed, equipped, and customarily used for that activity. Special events **do not include:**
a) Privately sponsored events that rent space inside city facilities; or
b) Regular recreational programs using city property in its normal, intended manner, where any impact is incidental and temporary.

Examples of activities that do *not* require a special event permit include:

- A baseball tournament held on a city baseball field
- A concert or wedding held at a city amphitheater
- A pickleball tournament at city owned courts

Fees (Clarification):

Additional fees may be assessed for the use of city property or city services regardless of whether an event requires a special event permit.
Such fees may include, but are not limited to, rental charges, staffing costs, facility impact fees, equipment use, cleanup, or any other service necessary to support the event.

STEP 1 – Location

Q1: Is the activity occurring on:

- City-owned property?
- A public park or plaza?
- A public street, sidewalk, or trail?
- A public right-of-way?

➞ NO → Not a Special Event under this definition (unless it impacts public property — go to Step 2).
➞ YES → Proceed to Step 2.

STEP 2 – Impact to Public Access

Q2: Will the activity restrict, close, or alter normal public access or use?

Examples:

- Street closure
- Reserved/blocked park areas
- Fenced-off public space
- Trail restrictions

➞ YES → Special Event Permit REQUIRED
➞ NO → Proceed to Step 3

STEP 3 – Additional City Services

Q3: Will the activity require additional City services beyond routine levels?

Examples:

- Traffic control or police staffing
- Sanitation beyond standard park maintenance
- Barricades or signage placement
- Event staffing or supervision
- Fire or EMS presence

➞ YES → Special Event Permit REQUIRED
➞ NO → Proceed to Step 4

STEP 4 – Event Features Trigger

Q4: Does the activity involve any of the following?

- Temporary structures (tents, stages, bleachers)
- Vendors or merchandise sales
- Large organized assembly
- Event equipment installed on public property

➞ YES → Special Event Permit REQUIRED
➞ NO → Not a Special Event Permit activity

Proposed Facility Reservation Fee Schedule for the American Fork Amphitheater, Quail Cove Pavilion & Quail Cove Park for the 2026-2027 Season

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1. Purpose

The purpose of this fee schedule is to establish standardized rates for reserving the American Fork Amphitheater, Quail Cove park & Quail Cove pavilion. Outlined below are the base fees for American Fork Residents, Non-Residents as well as additional fees.

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2. Facilities Covered

This fee schedule applies to the following reservable facilities:

Area A: Amphitheater only

Area B: Quail Cove Park. *Not available without an Amphitheater & Pavilion reservation*

Area C: Pavilion only

Area A+B+C: Amphitheater + Quail Cove Park + Pavilion

3. Base Reservation Fees (per day) 7am-11pm

Only full day reservations will be accommodated. We do not take half or partial day reservations.

American Fork Residents

- **Area A:** Amphitheater only / $700 per day + $100 refundable damage & cleaning deposit
- **Area B:** Quail Cove Park / $300 per day (not available without an Amphitheater & Pavilion reservation)
- **Area C:** Pavilion only / $100 per day

Attachment: Facility Reservation Fee Schedule draft 2026 (Discussion on special events)

Non-Residents

- **Area A:** Amphitheater only / $850 per day + $100 refundable damage & cleaning deposit
- **Area B:** Quail Cove Park / $300 per day (not available without an Amphitheater & Pavilion reservation)
- **Area C:** Pavilion only / $100 per day

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4. Additional Fees

Each condition triggers an additional per-day fee. Fees are **cumulative**.

1. **Attendance exceeding 500 people** (including staff, police, fire and any other support or event staff)
    - **+ $150 per day**
2. **Events that span multiple days**
    - **+ $100 per day**
3. **Events that charge admission**
    - **+ $150 per day**

"An event that charges admission" refers to *any gathering, activity, or organized function in which a person is required—either explicitly or implicitly—to provide payment, consideration, or something of monetary value as a condition of entry, participation, or continued attendance.*

This includes **all forms of payment**, whether **mandatory, suggested, indirect, or framed as voluntary**, including but not limited to:

- **Admission fees** (fixed, variable, or tiered)
- **Registration fees** or enrollment charges
- **Donations**, *regardless of whether labeled voluntary*, when:
    - Entry is conditioned on making a donation
    - A "suggested donation" is presented in a way that implies expectation

    - Access is granted only after donating
- **Fundraiser payments**, including:
    - Purchasing tickets to a fundraising event
    - Purchasing goods, services, or auction items as a condition of entry
    - Paying to participate in fundraising activities (e.g., charity runs, galas, auctions, raffles)
- **Required purchases** such as:
    - Buying a ticket, wristband, pass, or token
    - Buying a product or service to enter or participate
- **Membership fees** when:
    - Membership is required to attend
    - Membership is sold primarily to provide event access
- **Service fees, handling fees, or convenience fees** attached to the event
- **Any payment made to a third party** if that payment is necessary for participation in the event
- **In-kind payments that carry monetary value**, such as:
    - Required donations of goods
    - Required volunteer hours with a monetized equivalent
    - Required sponsorships or contributions

In essence:

If a person must *pay, donate, contribute, register, purchase, exchange value, or provide anything of monetary significance* in order to attend, enter, or participate in the event, **the event is considered that one charges admission**, regardless of what the payment is called or how it is framed.

5. Setup and Takedown Days

Setup and takedown days are charged at the **base reservation rate**:

- **Residents:** $700 per setup day & $700 per takedown day
- **Non-Residents:** $850 per setup day & $850 per takedown day

The full base reservation fee applies on setup/takedown days when **one or more** of the following occur:

- Props, staging, structures, equipment, or materials are placed on site.
- Props or equipment remain on the property even if unused that day (e.g., Sundays, overnight holds, staging days).
- Any portion of the reserved area is blocked, occupied, or otherwise unavailable for general public use.

Only full day reservations will be accommodated. We do not take half or partial day reservations.

6. Summary of Fees, fees are cumulative

Fee Type / Per Day	Resident	Non-Resident
Amphitheater Reservation (per day).	$700.00	$850.00
Refundable Damage & Cleaning Deposit (one time fee)	$100.00	$100.00
Pavilion Reservation (per day)	$100.00	$100.00
Quail Cove Park (per day). Not available without an Amphitheater reservation	$300.00	$300.00
Event Fee: > 500 attendees (per day)	$150.00	$150.00
Event Fee: Charges admission (per day)	$150.00	$150.00
Event Fee: Multi-day event (per day)	$100.00	$100.00

Event Examples / Comparisons

Heroic Youth	Non-Resident Cost	Days	Total	
Amphitheater Base Fee	$850.00	6	$5,100.00	
Refundable Deposit	$100.00	1	$100.00	
Pavilion Full Day Fee	$100.00	6	$600.00	
Quail Cove Base Fee	$300.00	6	$1,800.00	
>500 people	$150.00	5	$750.00	
Multiple days	$100.00	6	$600.00	
Charge Admission	$150.00	6	$900.00	
				*Previously charged $9420
			$9,850.00	(+$810)

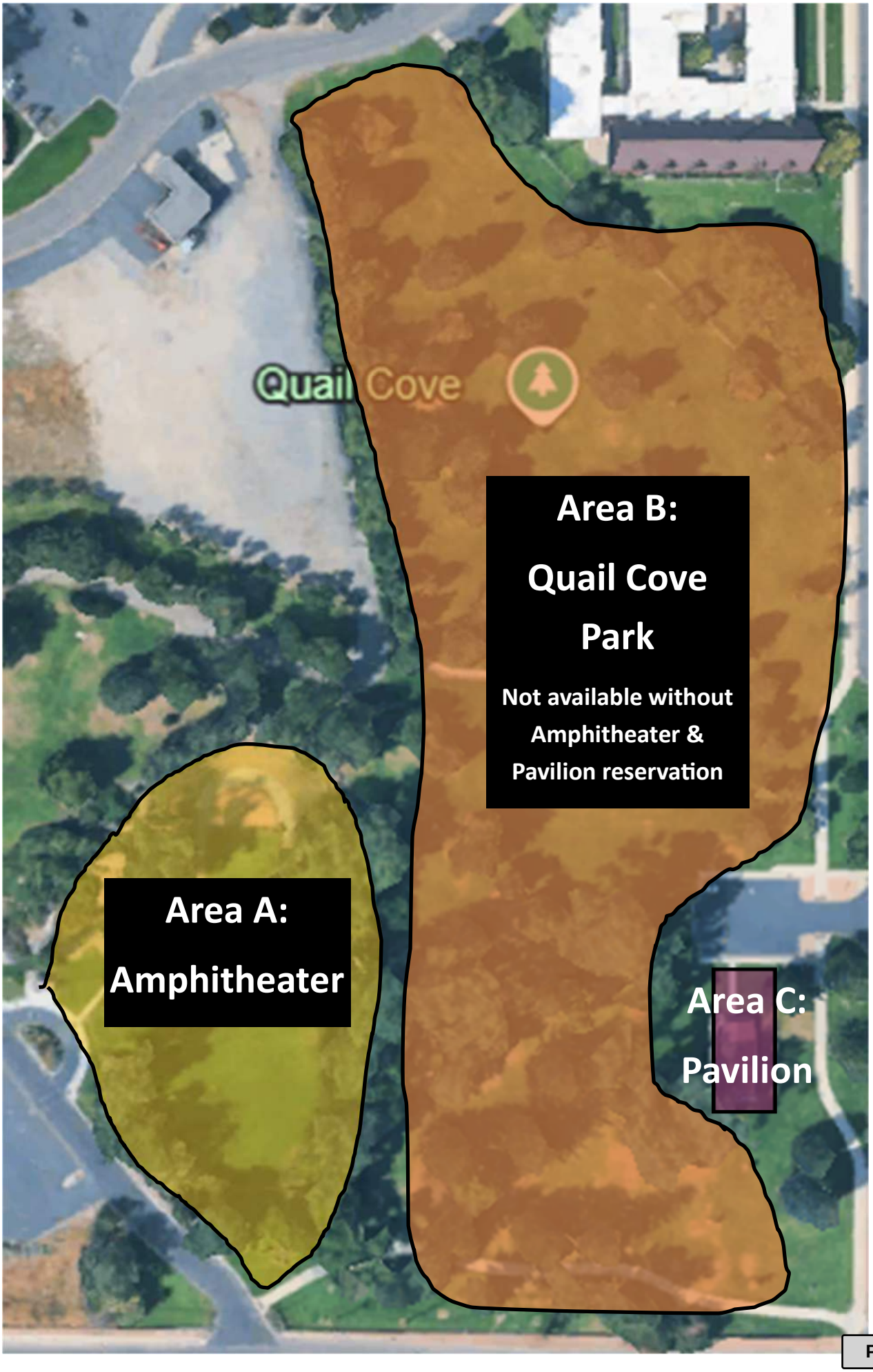
1 Day Concert	Resident Cost	Days	Total	
Amphitheater Base Fee	$700.00	1	$700.00	
Refundable Deposit	$100.00	1	$100.00	
Pavilion Full Day Fee	$100.00	0	$0.00	
Quail Cove Base Fee	$300.00	0	$0.00	
>500 people	$150.00	1	$150.00	
Multiple days	$100.00	0	$0.00	
Charge Admission	$150.00	1	$150.00	
				*Previously charged $1200
			$1,100.00	(-$200)

Beyond the Gates	Resident Cost	Days	Total	
Amphitheater Base Fee	$700.00	1	$700.00	
Refundable Deposit	$100.00	1	$100.00	
Pavilion Full Day Fee	$100.00	0	$0.00	
Quail Cove Base Fee	$300.00	0	$0.00	
>500 people	$150.00	0	$0.00	
Multiple days	$100.00	0	$0.00	
Charge Admission	$150.00	1	$150.00	
				*Previously charged $1440
			$950.00	(-$590)

Living Bethleham	Resident Cost	Days	Total	
Amphitheater Base Fee	$700.00	15	$10,500.00	
Refundable Deposit	$100.00	1	$100.00	
Pavilion Full Day Fee	$100.00	0	$0.00	
Quail Cove Base Fee	$300.00	0	$0.00	
>500 people	$150.00	8	$1,200.00	
Multiple days	$100.00	15	$1,500.00	
Charge Admission	$150.00	8	$1,200.00	
				*Previously charged $14,500
			$14,500.00	(-$100)

Red Sign Easter Egg Hunt	Non-Resident Cost	Days	Total	
Amphitheater Base Fee	$850.00	1	$850.00	
Refundable Deposit	$100.00	1	$100.00	
Pavilion Full Day Fee	$100.00	1	$100.00	
Quail Cove Base Fee	$300.00	1	$300.00	
>500 people	$150.00	1	$150.00	
Multiple days	$100.00	0	$0.00	
Charge Admission	$150.00	0	$0.00	
				*Previously charged $1440
			$1,500.00	(-$90)

Attachment: Amphitheater Cost examples (Discussion on special events)



Attachment: Quail cove area map pdf (Discussion on special events)

CITY COUNCIL STUDY ITEM

City of American Fork
COUNCIL WORK SESSION
MARCH 3, 2026

Department Recorder Department Terilyn Lurker

STUDY ITEM Discussion on storm drain fees.

BACKGROUND
The council and staff will talk about storm drain fees.

Attached are the Storm Water Approved Rates 2022-2027 and the information provided to the city council at the December 7, 2021, city council work session.

SUPPORTING DOCUMENTS

Storm Water Approved Rates 2022-2027 (PDF)
Storm Water Fee Study 12.7.21 (PDF)

Table 5
Recommended Storm Drain Rates

Recommended Final Rates	Existing	Modified Existing Rate	2022	2023	2024	2025	2026	2027
Single-Unit Residential								
Base Monthly Charge per Unit	$6.00	$6.00	$8.50	$8.50	$10.50	$10.50	$12.50	$12.50
Multi-Unit Residential								
Base Monthly Charge per Unit	$6.00	$4.72	$6.69	$6.69	$8.27	$8.27	$9.85	$9.85
Area Charge per 1000 SF Impervious	$0.00	$0.38	$0.53	$0.53	$0.66	$0.66	$0.78	$0.78
Commercial/Institutional								
Base Monthly Charge (per 3,400 Impervious SF)	$6.00	$4.72	$6.69	$6.69	$8.27	$8.27	$9.85	$9.85
Area Charge per 1000 SF Impervious	$0.00	$0.38	$0.53	$0.53	$0.66	$0.66	$0.78	$0.78

Several items should be noted regarding the table:

- **Recommended Changes for 2022 –** It is recommended that the City implement the proposed rates as soon as possible.
- **Definition of Single Unit Residential and Multi-Unit Residential** – There has been some confusion in the past regarding what types of units qualify as single vs. multi-unit residential. For the purposes of storm drain rates (and independent of any definitions for zoning or other purposes), single unit residential should be used for all residential units that are not connected to a second residence <u>or</u> have their own storm drain bill. These residents will all have their own storm drain bill. Multi-unit residential should be reserved for circumstances in which more than one residential unit is connected to another <u>and</u> share a common storm drain bill.
- **Multi-Use Properties –** In making these changes, the City may encounter some customers that have multiple types of uses on the same account. Specifically, the City may encounter properties with components of both residential and commercial development (e.g. multi-story building with commercial on the ground floor with residential above). In these cases, it is recommended that the total number of units used for the base charge be:
    - the total number of residential dwelling units; plus
    - an adjusted equivalent residential unit charge for commercial based on the following formula:

$$\frac{[Total\ Impervious\ Area\ in\ SF - (Number\ of\ dwelling\ units\ x\ 1{,}700\ SF)]}{3{,}400\ SF}$$

The 1,700 SF allowance per dwelling unit is based on the average impervious area for multi-unit customers in the City. In no case should the adjusted ERU charge for commercial be less than 1 unit.

Attachment: Storm Water Approved Rates 2022-2027 (Discussion on storm drain fees)

CITY COUNCIL STUDY ITEM

City of American Fork
COUNCIL WORK SESSION
DECEMBER 7, 2021

Department Recorder Department Terilyn Lurker

STUDY ITEM Discussion on updating the city's storm water rates.

BACKGROUND
Representatives from Bowen and Collins will be at the work session to go over updating the city's storm water rates and will be available to answer any questions.

SUPPORTING DOCUMENTS

American Fork Storm Drain Rate Study Update V3 (PDF)

Attachment: Storm Water Fee Study 12.7.21 (Discussion on storm drain fees)

BOWEN COLLINS & ASSOCIATES

TECHNICAL MEMORANDUM

TO:	Scott Sensanbaugher, American Fork City
COPIES:	File
FROM:	Keith Larson, Bowen Collins & Associates
DATE:	December 2, 2021
SUBJECT:	Storm Drain Rate Structure Update

INTRODUCTION

In 2014, American Fork City (City) hired Bowen Collins & Associates (BC&A) to update its sewer and storm drain rates. The primary focus of that study was revenue needs. While some consideration of customer classes and cost-of-service was included, the City largely desired to maintain its existing rate structures.

Since that time, a few changes have occurred within the City. Most importantly for the purposes of this scope of services, the City has received some questions regarding how multi-unit residential customers should be billed. The purpose of this study is to evaluate this issue and other cost of service considerations and then provide recommendations to update City storm drain rates based on the results of the evaluation. This memo serves to summarize those recommendations.

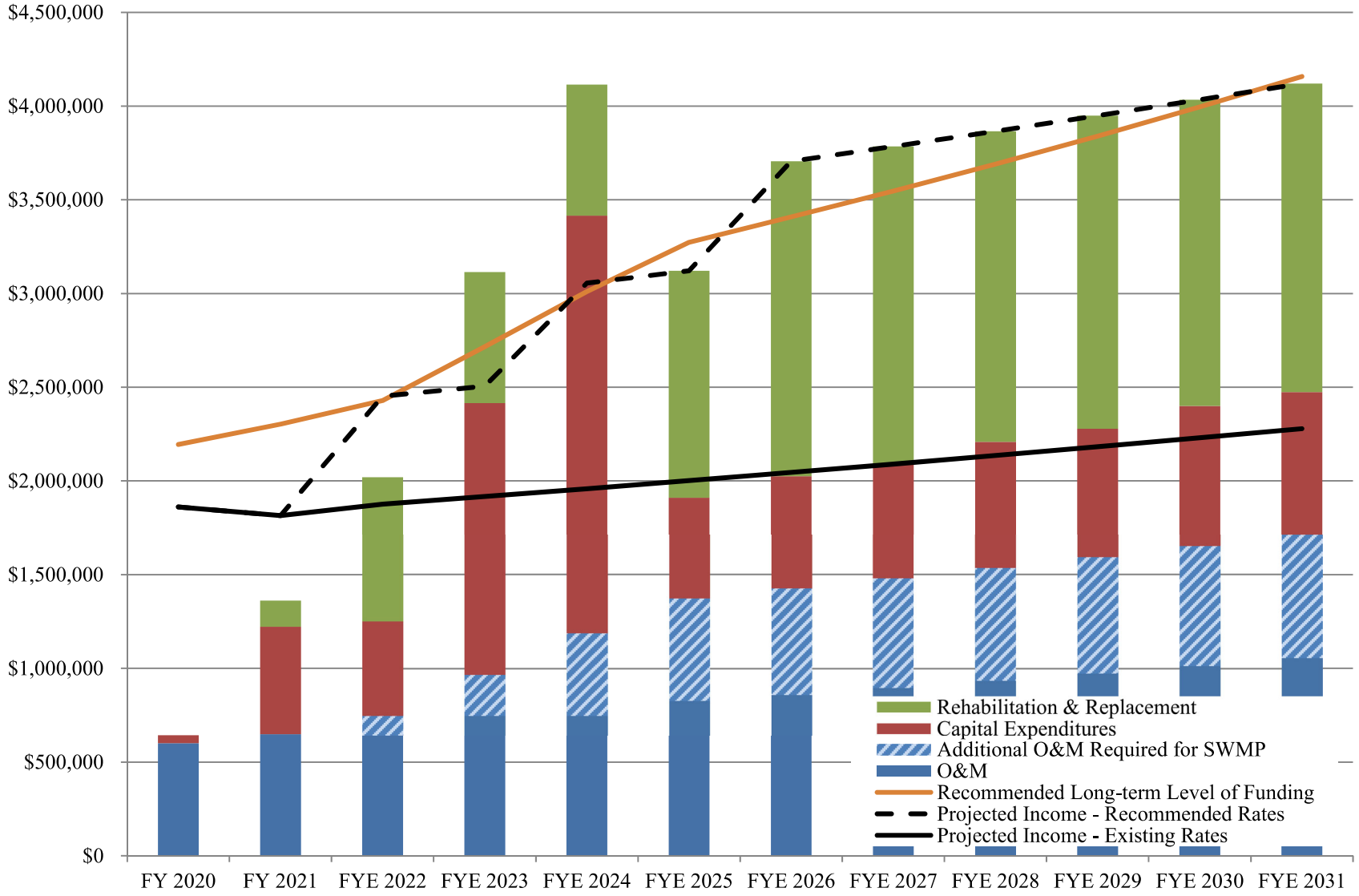
This memo will focus on storm drain rates only. While sewer rates were a part of the 2014 study, those rates have already been examined and updated rates were recommended in a 2020 study.

REVENUE REQUIREMENTS

Prior to looking at specific cost of service issues associated with the current rate structure, the City needs to identify its overall plan for financing upcoming storm drain related expenditures. Working with City staff, BC&A identified both historical and projected storm drain system revenues and expenditures as shown in Figure 1. Several conclusions can be made from the data contained in the figure:

- **Projected Expenditures –** As shown in the figure, historic revenues have been sufficient to fund observed expenditures in the storm drain system. This is not expected to be the case in the near future. This is the result of three specific issues:
    - ***Increased Costs Associated with Storm Water Management Plan*** – Over the last several years, the federal government has become more strict regarding its storm drain management requirements. In order to comply with the requirements of its Municipal Separate Storm Sewer System (MS4) permit, the City needs to make significant investments in both staff and equipment. Without these investments, the City could face large fines if they are unable to meet the federal requirements. The City has recently adopted a plan to implement this required additional O&M and this additional budget has been added to the figure.

Figure 1
10-Year Revenue and Expenditures - Storm Drain



Attachment: Storm Water Fee Study 12.7.21 (Discussion on storm drain fees)

- ***Capital Expenditures*** – City storm drain rates have not increased for many years. With the limited funding under existing rates, the City has been forced to postpone several major planned investments in the storm drain system. Projects currently in the City's capital improvement budget that need to addressed in the near future include work required as part of the City's 36-inch waterline, channel rehabilitation on the American Fork River, storage bays for new storm drain equipment, and participation in the new public works facility. These projects, as currently shown in the City's storm water budget, are included in the figure.
- ***Rehabilitation and Replacement*** – Storm water facilities have a finite design life. The City needs to adequately budget for rehabilitation and/or replacement of these facilities over time or they will eventually fail. Failure to proactively address this issue can result in high cost and liability for the City. To consider the need for rehabilitation and replacement, BC&A examined the approximate replacement value of existing facilities divided by the expected service life of those facilities. This represents the average annual level of investment needed to sustainably maintain the system. While this exact value is not needed every year, funding the system at less than this value for a sustained period of time will lead to system problems. For storm drain facilities (including curb and gutter), the recommended level of investment is approximately $1.6 million in 2021, but this will increase over time as the system grows. Figure 1 includes an orange line showing recommended total funding based on this methodology. For budgeting purposes in Figure 1, proposed expenditures rehabilitation and replacement have been reduced to minimum recommended levels through 2025 (while other capital costs are high) but have then been set to approximately match recommended long-term sustainable levels.

Overall, projected system expenditures are expected to increase from $2.0 million in FYE 2022 to $4.1 million in FYE 2031. Growth in expenditures is expected to be relatively consistent with the exception of two large capital projects in 2023 and 2024.

- **Projected Revenues –** If existing rates remain unchanged, the City will only have enough revenue to fund expected O&M and most (but not quite all) capital projects. The City will not be able to fund any rehabilitation & replacement projects.

Future Revenue Needs Recommendation

To help revenues keep pace with expected growth in expenditures, it is recommended that the City include periodic storm drain rate increases. BC&A recommends increasing rates now because of the immediate need for storm drain system funding, especially revenue required to meet federal SWMP requirements. Future rate increases are also needed to match growing SWMP costs and keep pace with sustainable system rehabilitation and replacement.

Recommended rates for single-unit residential customers are summarized in Table 1. This includes three proposed increases every other year beginning in FYE 2022. Detailed rate recommendations for other customers are discussed in a subsequent section of this memo. Figure 1 includes a projection of expected income based on the recommended increases.

Attachment: Storm Water Fee Study 12.7.21 (Discussion on storm drain fees)

Table 1
Recommended Storm Drain Increases

Monthly Base Rate – Single-Unit Residential	
Existing	$6.00/Unit
2022	$8.50/Unit
2023	$8.50/Unit
2024	$10.50/Unit
2025	$10.50/Unit
2026	$12.50/Unit

Please note that these projections are based on a 2.1 percent system growth rate. The timing of needed projects, as well as projected system revenues, will be dependent on actual growth in the system. If growth is significantly different than amount assumed here over the next several years, the projections and corresponding conclusions of this study may need to be revisited.

STORM DRAIN RATE STRUCTURE CHANGES

The previous section discussed the need for overall increases in the City's storm drain rate. This section discusses the specifics of the City's detailed rate structure. City staff and BC&A collaborated to examine the City's current storm drain rate structure, and discuss what changes might be needed based on cost of service considerations and experience with the existing rate structure over the last several years. This section details the results of this collaboration.

Historical Rate Structure

Table 1 summarizes the historic storm drain rate structure for City customers. As shown in the table, all residential customers (both single- and multi-unit) have historically been charged based on a per unit basis, with non-residential (commercial and institutional) charged the same amount but with their equivalent residential units (ERU) calculated based on the impervious area of their property. Recently, some multi-unit property owners have noted that City code does not currently read this way. Instead, City code indicates that multi-unit customers are to be charged in the same way commercial customers are. This change in interpretation is also summarized in Table 2.

Table 2
Existing Storm Drain Rates

Monthly Base Rate		
Customer Class	**Rate Per Month – Historic**	**Rate Per Month – City Code**
Single Unit Residential	$6.00/Unit	$6.00/Unit
Multi-Unit Residential	$6.00/Unit	$6.00/ERU (1 ERU = 3,400 Square Feet Impervious)
Commercial/Institutional	$6.00/ERU (1 ERU = 3,400 Square Feet Impervious)	$6.00/ERU (1 ERU = 3,400 Square Feet Impervious)

Weaknesses of the Historic Rate Structure

Attachment: Storm Water Fee Study 12.7.21 (Discussion on storm drain fees)

The biggest weakness of the historic rate structure is that is doesn't make any distinction between base customer costs associated with the storm drain system and costs directly associated with the volume of runoff:

- Base Customer Costs – A majority of costs in operating a storm drain system are independent of the amount of runoff produced by a specific customer. Most operation and maintenance costs are fixed and independent of flow. The same is true for permit compliance and billing. It is essential that all customers pay an equal amount for these shared costs. There are also shared benefits that should be paid for equally. All residents benefit from the storm drain systems that provide general flood control or serve their streets as they drive to school or work, regardless of the size and amount of runoff from their individual property.

- Volume Costs – In contrast to the costs above, there are some system costs that are directly tied to the magnitude of runoff created by a property. Capital costs for pipelines and detention basins are directly connected to the volume of runoff served. Correspondingly, a rate structure must have some consideration for volume of runoff. For example, a single stacked duplex would have less impervious area than a side-by-side duplex, and the decrease in impervious area results in less runoff in a storm. This decreased runoff could allow the City's storm drain infrastructure to be smaller, and therefore result in less expensive ongoing capital costs. In this case, it would be inequitable to charge a customer the same amount as a different customer that produces more runoff.

In essence, the existing rates as defined in City code tie all costs to the volume of runoff (as represented by impervious area). This creates significant potential inequity.

Proposed Changes to Rate Structure

To address this challenges, BC&A recommends one major change to the existing rate structure:

- **Modify the rate to include a per-unit cost and an area based volume cost –** To better reflect cost of service, it is recommended that the rate structure be modified to include one rate for each unit and a separate rate for the amount of impervious area.

PROPOSED NEW RATE STRUCTURE

The following new rate structure is proposed to address the weaknesses found in the original structure. Table 3 summarizes the recommended rate structure if it were to be applied to the existing rate of $6.00/ERU. The division of cost between these two charges is based on an analysis of the cost of service within the storm drain system.

Table 3
Recommended General Storm Drain Rate Structure – Modified Existing Rates

Charge	Rate Per Month
Single-Unit Residential Monthly Rate	$6.00/Unit
Other Customers - Base Rate	$4.72/Unit
Other Customers - Area Based Volume Rate	$0.38/1,000 Square Feet Impervious Area

Attachment: Storm Water Fee Study 12.7.21 (Discussion on storm drain fees)

It should be noted that the per-unit rate and volumetric rate are the same for all customer classes, including single-unit residential customers. However, the administration of these rates is slightly different for each customer class. To achieve general equity but still have a structure that is practical to administer, impervious area will only be calculated for individual customers in the case of multi-unit and commercial customers. For single-unit residential, the area based volume rate will be incorporated into a single base rate based on the average impervious area for single-unit residential of 3,400 AF (i.e. $4.72 + (3.4 x $0.38) = $6.00/unit). Units for all residential (both single-unit and multi-unit) will be based on dwelling units while ERUs for commercial and institutional customers will continue to be calculated based on impervious area.

Expected Impact of New Rate Structure

The recommended rate structure change will have no impact on single-unit residential or commercial/institutional customers. While the underlying basis of the rates will change slightly, the application for these two customer classes results in the same rates as charged previously.

There will be an impact for multi-unit customers. The magnitude of this impact will vary depending on the actual amount of impervious area associated with each multi-unit account. Table 4 summarizes the impact of the recommended change based on a multi-unit residential property with an impervious area per unit of 1,689 square feet (average for current City multi-unit accounts).

Table 4
Impact of Recommended Storm Drain Rate Structure Changes on Multi-Unit Customers – Modified Existing Rates

Impact on Multi-Unit Rates	Historic Rates	Per Current City Code	Recommended Modified Existing Rate
Base Monthly Charge per Unit	$6.00	$0.00	$4.72
Area Charge per 1000 SF Impervious	$0.00	$1.76	$0.38
Average Charge Per Unit (Based on Calculated 1,689 Impervious SF/unit)	$6.00	$2.98	$5.36
Percent of Historic	100%	50%	89%

As summarized in the table, the recommended change will result in a reduction of just over 10% for the average multi-unit customer when compared to historic charges. This is not as much of a reduction as would occur based on the application of current City code language but is much more consistent with cost of service principles resulting in improved equity for all customers.

Application of New Structure to Future Rates

Table 5 summarizes recommended future rates using the new structure and overall rate increases recommended previously.

Attachment: Storm Water Fee Study 12.7.21 (Discussion on storm drain fees)

Table 5
Recommended Storm Drain Rates

Recommended Final Rates	Existing	Modified Existing Rate	2022	2023	2024	2025	2026	2027
Single-Unit Residential								
Base Monthly Charge per Unit	$6.00	$6.00	$8.50	$8.50	$10.50	$10.50	$12.50	$12.50
Multi-Unit Residential								
Base Monthly Charge per Unit	$6.00	$4.72	$6.69	$6.69	$8.27	$8.27	$9.85	$9.85
Area Charge per 1000 SF Impervious	$0.00	$0.38	$0.53	$0.53	$0.66	$0.66	$0.78	$0.78
Commercial/Institutional								
Base Monthly Charge (per 3,400 Impervious SF)	$6.00	$4.72	$6.69	$6.69	$8.27	$8.27	$9.85	$9.85
Area Charge per 1000 SF Impervious	$0.00	$0.38	$0.53	$0.53	$0.66	$0.66	$0.78	$0.78

Several items should be noted regarding the table:

- **Recommended Changes for 2022 –** It is recommended that the City implement the proposed rates as soon as possible.
- **Definition of Single Unit Residential and Multi-Unit Residential** – There has been some confusion in the past regarding what types of units qualify as single vs. multi-unit residential. For the purposes of storm drain rates (and independent of any definitions for zoning or other purposes), single unit residential should be used for all residential units that are not connected to a second residence <u>or</u> have their own storm drain bill. These residents will all have their own storm drain bill. Multi-unit residential should be reserved for circumstances in which more than one residential unit is connected to another <u>and</u> share a common storm drain bill.
- **Multi-Use Properties –** In making these changes, the City may encounter some customers that have multiple types of uses on the same account. Specifically, the City may encounter properties with components of both residential and commercial development (e.g. multi-story building with commercial on the ground floor with residential above). In these cases, it is recommended that the total number of units used for the base charge be:
    - the total number of residential dwelling units; plus
    - an adjusted equivalent residential unit charge for commercial based on the following formula:

$$\frac{[Total\ Impervious\ Area\ in\ SF - (Number\ of\ dwelling\ units\ x\ 1{,}700\ SF)]}{3{,}400\ SF}$$

The 1,700 SF allowance per dwelling unit is based on the average impervious area for multi-unit customers in the City. In no case should the adjusted ERU charge for commercial be less than 1 unit.

Attachment: Storm Water Fee Study 12.7.21 (Discussion on storm drain fees)

CONCLUSION

The proposed rate structure maintains equity between customers based on their actual use of the storm drain system. Additionally, the proposed rate increases provide the City with enough storm drain budget to perform required rehabilitation and replacement projects as well as meet federal SWMP requirements.

Attachment: Storm Water Fee Study 12.7.21 (Discussion on storm drain fees)

CITY COUNCIL STUDY ITEM

City of American Fork
COUNCIL WORK SESSION
MARCH 3, 2026

Department Recorder Department Terilyn Lurker

STUDY ITEM Discussion on updates to the Chapters 5.04, 5.42, and 5.44 of the city's municipal code related to business licenses.

BACKGROUND
The council and staff will discuss possible changes to Chapters 5.04, 5.42, and 5.44 related to business licenses.

SUPPORTING DOCUMENTS

03.03.26 WS Discussion - Business License (PDF)

Sec 5.04.010 Definitions

The following terms shall be defined as indicated for the purpose of this chapter:

A. Business. Except as specifically exempted herein, the term "business" means and includes every trade, occupation, profession or activity, for the manufacture, provision, sale or exchange of goods and/or services, engaged in within the city with the object of gain or economic profit [including but not limited to the sale of agricultural produce; the provision of child care as that term is defined in Chapter 39a of Title 26 of Utah Code Annotated (1953, as amended); and any other gainful or for-profit trade, occupation, profession or activity where the city is or has not been specifically preempted from regulating and licensing the same by state or federal law]—excluding, however, the acts of employees rendering service to employers.

1. When more than one type of such trade, occupation, profession or activity is engaged in at a particular location (i.e., same parcel of real property of the city), each type that requires the filing of a separate federal or state tax form or schedule shall constitute a separate business hereunder.
2. When such trade, occupation, profession or activity is engaged in at different locations (i.e., different parcels of real property within the city limits of the city), each such location shall constitute a separate business hereunder.

B. Charitable organization, for purposes of this chapter, shall mean and include any and all charitable organizations or entities which have been classified as tax-exempt under state law of the state and under federal law of the United States of America, and only while carrying out an act which is within the scope of such tax-exempt status and where no profit is directly or indirectly derived by any person.

C. Employee means and includes all natural persons who work for an employer for salary or commission or wages, and who are subject to the direction and control of such employer, and who do not share the profits and losses of such employer. It includes all full-time officers of public agencies.

D. Licensee means the person who applied for the license.

E. Person means and includes individuals, groups of individuals, associations, partnerships, firms, corporations, or any combination thereof and the licensee or any employee or agent of the licensee.

F. Place of business means 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 consummated at such place.

G. Responsible person means the licensee and any employee or agent of the licensee.

H. Solicitation and solicitor shall have the following meaning herein:

1. "Soliciting" or "solicitation" shall mean and include the act or instance of requesting, petitioning, and/or seeking to obtain something of commercial value, gain or economic profit, in person, by e-mail or Internet, by telephone, or otherwise.

2. "Solicitor" means any person, firm or corporation selling, soliciting or taking orders for goods, wares, merchandise, books, periodicals, subscriptions, photographs or services from location to location. Temporary use shall mean and include such uses as are proposed to exist for a relatively short period of time (as defined in Section 7-2 of the Development Code of American Fork City, Utah); provided, that such uses shall generally exist or be permitted to exist for ten days or less, and that no such uses (without council approval, upon a showing of extraordinary justifications therefor) shall exist or be permitted to exist for more than four months during a calendar year. Such uses include, but are not limited to, seasonal uses such as Christmas tree lots, firework stands, and snow cone stands, as well as bazaars, boutiques, and open-air markets (sometimes referred to as "flea markets" or "swap meets"); and shall not occur, operate, be conducted, or be allowed on public right-of-ways or properties without the express written permission of the governmental entity owning or administering the same on behalf of the public.

(Ord. No. 98-01-07, § 1(part), 1998; Ord. No. 2005-01-04, §§ I, II, 1-11-2005)

Sec 5.04.020 Operating, Without License Prohibited - License Required

1. It is unlawful for any person to engage in business in the city without first procuring the required license therefor.

2. Every person engaged in business in the city shall secure a business license from the city for such business. A separate license must be obtained for each separate business and each separate place of business maintained within the city. A business license shall be obtained by making written application for the license in the manner prescribed by the city, paying the fee required by this chapter, and satisfying all prerequisites for the issuance of the license.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.030 Exemption For Certain Businesses Grossing Three Thousand Dollars Or Less Per Year

1. There shall be an exemption from the licensing and licensing fee requirements of this chapter for any person who is engaged in, conducting, or otherwise operating a business, as that term is defined in Section 5.04.010, where:
    1. The goods and/or services of the business are sold or provided on real property situated within the city limits; and
    2. Said real property is owned, leased or rented by the provider of the goods and/or services that are the subject of said business; and
    3. Said real property is not situated in a commercial zone; and
    4. The total gross receipts for such business are three thousand dollars or less during the calendar year.
2. It shall be the duty and responsibility of any person claiming an exemption from the licensing requirements of this chapter, on the basis of this section, to maintain accurate and complete financial records of his business; to provide competent proof that the business has not grossed in excess of three thousand dollars during the year, if questioned by city officials, representatives, or enforcement officers; and to obtain a business license hereunder if any provision of subsection A of this section is or cannot be met.
3. Notwithstanding the provisions of this section, if, due to the nature or location of the person's business, state or local law or regulation (other than the provisions of this chapter) require that a municipal business license be acquired by said person, or if said person requests that a municipal business license issue (after being informed of the exemption provided herein), then said person shall comply in all respects with the provisions of the chapter and shall pay the licensing fees required herein.
4. Notwithstanding the provisions of this section, if, due to the nature or location of the person's business, state or local law or regulation (including, for example, the requirements of the Development Code of American Fork City, Utah or other applicable state code, as they relate to home occupations) require that fire and safety inspections be conducted of the premises by city representatives prior to allowing the person's business to be conducted thereon, then the person shall be assessed and shall pay to the city, in advance, an inspection fee to be determined

by the City's uniform fee schedule. ~~the sum of forty-five dollars to help defray the costs of such inspections.~~

5. Home-based Businesses: [Place Holder for future amendment]

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.040 Exemptions - Governmental Entities And Charitable Organizations

No license fee or permit shall be required under the terms of this chapter for the conducting of lectures, entertainments, concerts, fairs, exhibitions, bazaars, luncheons, dinners or dances which are conducted, given or made-by or for governmental entities or tax-exempt charitable organizations-wholly for benevolent or charitable purposes. With respect to exemptions from business license requirements claimed hereunder, it shall be the burden of the person or entity claiming the exemption to establish that exemption.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.045 Exemptions - Solicitors

Nothing in this chapter shall apply to any commercial solicitor or solicitation, as defined in subsection F of Section 5.04.010 ("Definitions"); and no license fee or permit shall be required therefor.

(Ord. No. 2005-01-04, § III, 1-11-2005)

Sec 5.04.050 Exemptions - Public Utilities

Nothing in this chapter shall apply to any public utility business.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.060 Exemptions - Activities Reciprocally Licensed

No license shall be required by the city of any person whose only business activity in the city is the mere delivery in the city of property sold by him at a regular place of business maintained by him outside the city, where:

1. Such person's business is, at the time of such delivery, licensed by the Utah municipality or county where 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; and

3. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of this city for compliance with health or sanitary standards prescribed by this city.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.070 Exemptions Or Deferrals - When Authorized

Subject to the provisions and procedures of Section 5.04.170, if any person furnishes such evidence as shall satisfy the ~~council~~ City Administrator or his designee that he, by reason of his misfortune or physical infirmities, merits exemption from or deferral of the payment of any license fee required in this chapter, the ~~mayor~~ City Administrator or designee may remit or defer all or part of such license fee. ~~with the consent of the council.~~

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.080 License - Issuance Conditions Generally

All applications for licenses shall be made in writing. Upon granting of a license, the city shall issue a certificate of license which shall show the name of the licensee, the business, calling, trade or profession to be conducted, the place where the licensed business is to be conducted, giving the street number if such business is to be conducted at a fixed place, and the expiration date of the license.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.090 License - Application - Information Required

The application shall show:

1. The date of application;
2. The name, mailing address, email address and telephone number of the person ~~or persons, firm or corporation desiring~~ applying for the license ~~(who shall be known by, and obligated to the city, as the licensee or licensees, or "responsible person owners," of the business); and~~ the physical address, mailing address, and telephone number of the place of business; and photo identification, e-mail address, and telephone number of the individual completing the application.
3. The kind of license desired, stating the business, calling, trade or professions to be performed, practiced or carried on;
4. Proof of such applicant's compliance or qualifications under the applicable state regulatory laws and local ordinances;

5. The period of time for which the license may be issued;
6. Any other matter or thing which may be required and necessary for the purpose of enabling the city to fix the amount of license fee.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.100 License - Application - Bond Requirements

All applicants for business licenses for the following businesses shall also be required to give bonds in favor of the city in the penal sum and for the purposes indicated. All aggrieved persons shall have a right to bring an action under such bond against the licensee and the sureties. Such bonds shall be executed by corporate sureties only unless otherwise authorized by the council. No license shall be issued until the bonds required herein have been filed and approved by the corporation counsel.

1. Employment agencies and auctioneers, in the penal sum of one thousand dollars, conditioned for the faithful observance of the ordinances of the city and the payment of all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit practiced by the licensee ~~or his agents or employees~~;
2. Lending moneys upon personal securities, evidence or indebtedness, assignments of salary, salary warrants or any personal property, other than banks and building and loan institutions, in the penal sum of two thousand dollars, conditioned for the faithful observance of the ordinances of the city and the laws of the state respecting money brokers, loan agencies and pawnbrokers, and with respect to interest rates chargeable;
3. Messenger or special delivery services, in the penal sum of one thousand dollars, conditioned for the faithful observance of all ordinances of the city and the payment of all damages arising from any negligence in the conducting of such business.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.110 License - Application - Fee And Processing - Term

An applicant shall, upon the filing of his application for a license, deposit with the city the appropriate fee prescribed for the business for which a license is applied. The city shall issue an interim receipt showing the receipt of such deposit. The receipt shall not be deemed to be a certificate of license. In the event the license should be refused, the money deposited shall be repaid to the applicant upon his demand. All licenses fees shall be payable annually, in advance (unless otherwise specifically provided), and shall date from

the first day of January of each year and shall expire on the thirty-first day of December of each year. ~~For calendar year 1998 only, such license fees for existing businesses shall be due and payable not later than March 1, 1998; for subsequent years, such license fees shall be due and payable on or before January 1st of the calendar year covered by the license.~~

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.120 Investigation Of Applicants

The city shall have the authority to make investigation, subpoena witnesses, and administer oaths for the purpose of determining whether or not any applicant for a license has, in fact, qualified for the issuance thereof. If any person fails or refuses to pay the amount assessed when it becomes due, the city shall proceed to enforce the collection as provided by ordinance.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.130 Fees - Purpose - Amount

A. In order to promote the general health, welfare, peace, comfort and safety of the residents of the city of American Fork, and the patrons of businesses that do business within the limits of the city, the city regulates businesses within its city limits for public safety concerns and for compliance with applicable state and local zoning, development, and fire codes, as well as building- and construction-related codes identified and adopted in Title 15 of the code of the city of American Fork, Utah. Such regulation shall include, but not be limited to, administrative, professional and nonenforcement legal services of city personnel rendered in connection with the regulation of businesses, the issuance of business licenses, and questions and issues that arise in connection therewith; business-related clerical record keeping by city personnel; fire and safety code inspections by authorized city representatives prior to the issuance of a business' first business license and at least once every three years thereafter; such law enforcement investigations as may be deemed necessary and proper, or as otherwise required by law or ordinance. No business license for a particular business shall issue until the required city inspections (and any required adjustments and/or repairs made as a result thereof) and required administrative and clerical work of city personnel are completed.

B. For the purpose of such regulation and to defray the cost of municipal services provided and associated therewith, an annual license fee shall be levied and assessed for the privilege of engaging in any business in the city during any calendar

year or part thereof, pursuant to the licensing fee schedule determined by the city council and set by resolution.

~~Commercial businesses and home occupations (as defined by Sections 2-5.24 and 7-2 of the Development Code of American Fork City, Utah) each require such inspections and record keeping (and, where necessary, law enforcement investigations) as hereinabove set forth. Hence, they shall be treated similarly hereunder and assessed the same business license fee~~.

C. A business license issued under this chapter constitutes a license to permit ~~for~~ a ~~specific owner (or set of owners)~~ licensee to conduct a specific business at a specific location within the city limits of the city.

(Ord. No. 98-01-07, § 1(part), 1998; Ord. No. 2012-06-17, 6-12-2012)

Sec 5.04.140 Fees - For Specific Businesses

~~License fees shall be levied and assessed against the following specified businesses pursuant to the licensing fee schedule determined by the city council and set by resolution:~~

~~1. Christmas tree lots, firework stands, and temporary businesses, which—by their nature or the nature of their product—pose a special or increased fire danger.~~

~~2. Bazaars, boutiques, and open-air markets (sometimes referred to as "flea markets" or "swap meets")—where there are multiple vendors in a limited space, where such vendors change or may change from time to time, where such periodic change results or may result in a different physical arrangement of booths or the sale of different types of products or services from time to time within the limited space, and where the proximity of vendors to one another and the high density of patrons pose issues and concerns atypical of home occupations and commercial businesses generally—thus increasing the need for monitoring and periodic inspections to protect the public health and safety.~~

~~3. Amusement devices.~~

~~4. Trucks or delivery vehicles for ice cream vendors.~~

(Ord. No. 98-01-07, § 1(part), 1998; Ord. No. 04-01-04, § IV, 1-11-2005; Ord. No. 2012-06-17, 6-12-2012)

Sec 5.04.150 Fees - Multiple Businesses

Except as may be otherwise specifically provided in this chapter, whenever more than one business is being conducted by one licensee under one roof or on the same parcel of real

property (hereinafter referred to as "on the premises"), at the time of application of such businesses, such licensee shall for all of such businesses conducted pay only one license fee pursuant to the licensing fee schedule determined by the city council and set by resolution.

(Ord. No. 98-01-07, § 1(part), 1998; Ord. No. 2012-06-17, 6-12-2012)

Sec 5.04.160 Fees - New Businesses

~~The license fees for new businesses shall be due and payable on or before the date that business is first commenced.~~

The license fee for a new business shall be due and payable upon approval of the business license, and no business license shall be issued or become effective until the required fee has been paid in full.

(Ord. No. 98-01-07, § 1(part), 1998)

Section 5.04.170 Denial of a New Business License Application – Appeal

A. Denial of a new business license application if it does not meet the requirements of this chapter, applicable state law, rules or regulations.
B. A new business license denial may be appealed to the City Administrator or his designee following the procedures outlined in Sections 5.04.250. An appeal must be filed no later than ten (10) business days after the denial is issued.

Sec 5.04.170 Special Situations - Appeals

~~1. In cases where an applicant for a license is denied a license (including but not limited to those situations where the applicant applies for a business license where the business or manner of conducting such business does not readily appear to be covered by the provisions of this chapter), or where the applicant believes that (due to special circumstances) a particular provision herein works an undue hardship in his case, such applicant may appeal to, or request a hearing before, the city administrator, which appeal or hearing shall be granted within five working days from the date of appeal or request. The city administrator or his designate shall not have the authority to change or disregard a specific requirement of this chapter; but he shall and is hereby authorized to interpret the requirements and provisions of this chapter liberally so as to promote and ensure that the spirit and purposes of this chapter are carried out.~~

~~2. In the event that the matter cannot be resolved with the city administrator or his designate, then—except in those situations where an appeal lies or is determined to lie with the city's board of adjustment—the applicant may appeal to the city council for a determination of the matter. He shall, in writing, indicate the substance of his appeal, summarize the determination made by the city administrator, furnish written proof and affidavits in support of his request, and request that the matter be heard by the city council; this written notice of appeal is filed by the applicant with the city recorder. The matter shall then be noticed to the public, and the city council shall hear said appeal within thirty days of the filing of the appeal with the city recorder. The city council may, after hearing, deny the appeal, grant a special exception to the applicant (by modifying or waiving one or more minor requirements of this chapter for the applicant), or take steps to amend by ordinance the provisions of this chapter to facilitate (or remove the barrier to) the matter appealed or requested. The council shall determine what constitutes a "minor" requirement for which a special exception may be granted.~~

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.180 Fees - Late Payment - Penalty

1. For purposes of this section only, a "licensee" is one who had a business license for a specific business during the prior calendar year, and has not yet renewed the business license or indicated that he or she is no longer in business; or one who did not have a business license for a specific business during the prior calendar year and who is in business without a business license.

2. If any license fee is not paid within thirty days of the due date, the account shall be considered delinquent, and a late fee (administrative penalty) of fifteen dollars shall be assessed and added to the original amount thereof; provided, that where no business license has previously issued for the business being conducted, there shall be assessed an additional administrative penalty of fifty dollars for engaging in business without the required license. These administrative penalties are and shall be in addition to any civil or criminal penalty that may be assessed by a court of law for the violation of this chapter.

3. A written notice shall be sent via regular mail, postage-prepaid, to the licensee advising the licensee of (1) the purported delinquent status of the account, (2) the enhanced amount then due and owing, (3) the fact that the licensee may dispute the existence of such delinquency within thirty days of the date of the letter, (4) the fact that it is illegal to conduct business until the alleged delinquency is cured in

full, and (5) the fact that, if the account is not cured within thirty days of the date of written notice, the account may be turned over to the city attorney for action.

4. If the license fee and administrative fee or fees are not paid within thirty days following the mailing of the above written notice, the account may immediately be turned over to the city attorney for action thereon.

5. Reasonable attorney fees and legal costs incurred by or otherwise associated with the enforcement of this chapter, against a delinquent licensee, shall be assessed and added to the amount due and owing to the city, whether or not judicial action is commenced to enforce the collection thereof.

6. All penalties provided for in this section shall be collected by the city and payment thereof enforced in the same manner as the license fees are collected and payment thereof enforced.

7. No license shall be issued until all penalties legally assessed have been paid in full.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.190 Delinquency - City Remedies

If any person subject to license under any ordinance of the city fails, refuses or neglects to file his application for the license and/or to pay the license fee or fees provided by ordinance within the time prescribed by ordinance, the city shall determine the amount of the license fee or fees due from any information which may be available, and such determination shall be prima facie correct. The city shall thereupon proceed to collect such license fee or fees by all lawful means, including but not limited to a suit for damages and/or injunctive relief. Such lawful means are in addition to any administrative remedy and/or criminal sanctions provided for under this chapter.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.200 Fees - Deemed Debt To City - Collection

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

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.210 Rebates Not Allowed - Exceptions

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

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.220 Revocation, Suspension, Or Denial To Renew - Conditions

All licenses which have been issued or which may hereafter be issued by the city shall be subject to revocation, suspension, or a denial to renew as hereinafter provided. A revocation or suspension of a license may occur notwithstanding the fact that the license has not yet expired; and no refund or rebate of previously-paid license fees for said license shall be required.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.230 Revocation, Suspension, Or Denial To Renew - ~~Procedures~~ Generally

The City may suspend, revoke, or deny renewal of any license issued under this chapter for a violation of any provision of this chapter by the licensee. ~~At any time that, in the opinion of the mayor or city council, the public interest will be best served by revocation or suspension of, or denial to renew, any license or licenses issued by the city, the city council or the mayor may direct the city recorder to send notice to the licensee or licensees, directing such licensee or licensees to appear before the city council at a definite date and hour to be stated in such notice, and to show cause, if any, why such license or licenses should not be revoked, suspended, or denied renewal; provided, however, that the time set for such appearance by the licensee shall be not less than fourteen days after the date of mailing such notices; and provided further, that such notice shall be mailed to the licensee by regular mail, postage prepaid, and addressed to the address of such licensee as shown on the application for each license, or at any subsequent address which has been given to the city recorder by such licensee.~~

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.240 Revocation, Suspension, Or Denial To Renew – Show Cause Hearing Required

Written notice of the revocation, suspension or renewal denial hearing shall be served at least ten (10) working days prior to the date thereof upon the licensee at the address listed on the application and at the physical location of the business. Such notice shall state the grounds of complaint against the licensee and the time and place where the hearing shall

be held. The licensee shall have the right to appear and respond to any allegations made and to present reasons why the license should not be suspended, revoked, or denied renewal (with or without conditions). The City Administrator or designee shall conduct the hearing as set forth in Section 5.04.250.

~~That the time set for such appearance by the licensee shall be not less than fourteen days after the date of mailing such notices; and provided further, that such notice shall be mailed to the licensee by regular mail, postage prepaid, and addressed to the address of such licensee as shown on the application for each license, or at any subsequent address which has been given to the city recorder by such licensee. At the hours and date stated in such notice, the licensee shall have an opportunity to appear before the city council [DSD/CA/Other?] to show cause why such license should not be revoked, suspended, or denied renewal, and may appear in person or by counsel; and the city council [DSD/CA/Other] shall thereupon proceed to hear all persons interested in the matter, and determine whether or not such license should be revoked, suspended, or denied renewal (with or without conditions).~~

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.250 Revocation, Suspension Or Denial To Renew/ Appeal of New Business License Fee Denial - Grounds - ~~City Council Power~~s

~~In the event that the city council, on such hearing, determines that the public interests are best served by the revocation, suspension, or nonrenewal of the license—because one or more of the licensees has failed to comply with the Development Code of American Fork City, Utah, or the Uniform Building Code, or the code or codes of professional ethics for the licensee's or licensees' particular profession; or has been convicted of a crime involving moral turpitude; or has admitted to (or been convicted of) conduct which is tantamount to violating laws relating to the sale, display and/or distribution of pornographic materials, alcohol, tobacco, or controlled substances; or have otherwise failed to comply with one or more requirements of this chapter relating to business licenses, including the failure in three or more previous calendar years to pay for and acquire a business license in a timely manner (i.e., before it is delinquent), or any other chapter of this title—the city council may thereupon order such license cancelled and revoked, and thereupon such license shall become null and void; or order that such license is suspended, for a period not to exceed three months; or order that such license shall not be renewed or renewable, and indicate under what conditions, if any, a new license may be issued to said licensee or licensees.~~

A. A business license may be revoked, suspended or not renewed if after the show cause hearing, the City Administrator or designee determines that the public interests are best served by the revocation, suspension, or nonrenewal because the licensee has:

1. Failed to comply with the Development Code.
2. Failed to comply with the Uniform Building Code.
3. Failed to comply with applicable state or federal laws, rules or regulations.
4. Failed to comply with codes of professional ethics for the licensee's particular profession.
5. Been convicted of a crime involving moral turpitude; or has admitted to (or been convicted of) conduct which is tantamount to violating laws relating to the sale, display and/or distribution of pornographic materials, alcohol, tobacco, or controlled substances.
6. Failed to otherwise comply with one or more requirements of this Chapter;
7. Failed, in three or more previous calendar years, to pay for and acquire a business license in a timely manner (i.e., before it is delinquent).
8. Falsified the business license application.
9. Failed to comply with any other applicable code, rule, regulation, ordinance or law.
10. Upon recommendation from any city department and for good cause shown.

B. Show Cause Hearing.

1. The City Administrator or designee shall hear and determine all suspensions, revocations or nonrenewal of licenses and new business license appeal denials. No license shall be revoked, suspended, denied renewal until a show-cause hearing has been held. Written notice of such hearing shall be served at least ten (10) working days prior to the date thereof upon the licensee or its agent as designated in its application. Such notice shall state the grounds of complaint against the licensee and the time and place where the hearing shall be held. The licensee shall have the right to appear and respond to any allegations made and to present reasons why the license should not be suspended or revoked.

2. Show-cause hearings shall be conducted informally. Witnesses may be sworn, although it is not necessary. Formal rules of evidence and court procedure shall not apply. Because the hearings are administrative in nature, hearsay is admissible, but evidence must have some probative weight and reliability to be admitted. The standard of proof shall be a preponderance of the evidence. Show-cause hearings shall be conducted informally. Witnesses may be sworn, although it is not necessary. Formal rules of evidence and court procedure shall not apply.

3. In the event that the licensee fails, neglects or refuses to appear at the hour and date set for such hearing, the City Administrator or designee may proceed to determine the matter in the absence of the licensee, or may, in its sole discretion, continue the date of such hearing to some later date, and at the later date proceed to act on the matter without further notice to the licensee.

Sec 5.04.260 Revocation - No Refund Or Rebate Of Fees

In the event of revocation as provided in this chapter, there shall be no refund or rebate of any part of the original license fee paid by the licensee.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.270 Failure To Appear At Hearing - Remedies

~~In the event that the licensee fails, neglects or refuses to appear at the hour and date set for such hearing, the council may proceed to determine the matter in the absence of the licensee, or may, in its sole discretion, continue the date of such hearing to some later date, and at the later date proceed to act on the matter without further notice to the licensee.~~

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.280 Carrying On Business Without License Deemed Misdemeanor

It is unlawful for any person to carry on, conduct or operate any business, trade or profession for which a city license is required, after such person's license has been revoked or cancelled, suspended, or denied renewal, in accordance with the provisions of this chapter; and any person, firm, partnership, association, joint venture, or corporation violating the provisions of this section shall be guilty of a misdemeanor, and shall be punished as provided in this chapter.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.290 Inspection - Display Of License - Police Officer And Building Inspector Powers

All police officers and building inspectors, and any officer or employee designated as ~~by the mayor as an~~ "enforcement officers" of the city, are appointed inspectors of licenses, and shall examine all places of business required to obtain business licenses. The business license shall be displayed in a visible and conspicuous place during all business hours. Such license inspectors shall report to the Development Services Director all businesses or persons that have failed to obtain business licenses as required by this chapter.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.300 Inspection - Complaint Filing Required

It shall be the duty of all license inspectors to cause complaints to be filed against all persons violating any of the provisions of this chapter.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.310 Inspection - Right Of Entry

All license inspectors, in the discharge and performance of their official duties, shall have and exercise the power to enter free of charge during business hours any place of business for which a license is required by this chapter, and to demand the exhibition of a current license from any person or persons engaged or employed in the transaction of such business; and if such person or persons shall then and there fail to exhibit such license, such person or persons shall be liable for the penalty provided for violation of this chapter.

(Ord. No. 98-01-07, § 1(part), 1998)

Sec 5.04.320 Violation - Penalty

A. Any person—including the "responsible person(s)" or licensee(s) of a business in the city limits of American Fork, Utah—violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor and, upon conviction, shall be punished by a fine of up to one thousand dollars, or by a term of imprisonment up to six months, or by both such fine and term of imprisonment and may result in revocation or suspension of the business license.

B. Only police officers may issue criminal citations for violations of this chapter.

~~1. Any firm, partnership, association, joint venture, or corporation violating any of the provisions of this chapter shall also be guilty of a Class B misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars.~~

Sec 5.42.030 Application

Applications shall contain such information as the license official shall from time to time require, including the location of the short-term rental property, the number of bedrooms contained in such property, the number of persons to be accommodated, the licensee's Utah state-issued identification, and a telephone number for which a responsible party may be reached 24 hours a day 7 days a week.

APPLICABLE ONLY TO MASSAGE THERAPY BUSINESSES

Sec 5.44.010 Business License Required

It shall be unlawful for any person to ~~to practice or engage in~~, carry on or conduct the business of massage or for any individual or employee of licensee to practice or engage the business of massage in the city without first obtaining a city business license, as provided in Chapter 5.04.

HISTORY
Adopted by Ord. 2021-02-07 on 2/9/2021

Sec 5.44.020 State License Required

It shall be unlawful for any person, individual or employee to practice or engage in the business of massage in the city without first being licensed by the state. ~~as a massage technician or massage apprentice.~~

HISTORY
Adopted by Ord. 2021-02-07 on 2/9/2021

Sec 5.44.030 Application

A. Applications shall contain such information as the license official shall from time to time require, including, but not limited to:

1. The location of the business, the name of the business owner and each employee and copy of legal identification (drivers license, passport, or other identification deemed acceptable by the city).

2. The name and DOPL license number of each employee providing massage service, and a responsible party that may be reached during business hours.

3. A written description of all criminal convictions the applicant or individual completing the application has had within the previous five years for crimes involving a felony, theft, fraud, deceit, misrepresentation, false statements, dishonesty, prostitution, sexual solicitation or other crimes involving moral turpitude.

4. The findings of a background check on the applicant or the individual completing the application conducted by the Utah Bureau of Criminal Investigations ("BCI") within the last 60 days and the results of a comparable background check from the applicant's state of permanent residency (if different) conducted within the previous 180 days.

5. A list of the names and addresses of all other massage establishments which the applicant currently operates or has operated in the previous five years and a statement as to whether the applicant has ever had a license to operate a massage establishment revoked or suspended and the full reasons for such revocation or suspension.

6. Proof that all persons who will perform massages at the proposed massage establishment are licensed to do so by the state of Utah.

HISTORY
Adopted by Ord. 2021-02-07 on 2/9/2021

Sec 5.44.040 Change Of Information

Any change in the information required to be submitted under this chapter, including the name and DOPL license number of each employee providing massage services, shall be filed, in writing, with the ~~city recorder~~ Development Services Department within 14 days of such change.

HISTORY
Adopted by Ord. 2021-02-07 on 2/9/2021

Sec 5.44.050 ~~Prohibited Acts~~ Additional Grounds for Denial, Suspension or Revocation

A. In addition to the grounds for denial, suspension or revocation of a business license in section 5.04.250, a business license for a massage therapy business may be denied, suspended or revoked if:

1. Any person has been convicted of a crime within the previous five years involving a felony, theft, fraud, deceit, misrepresentation, false statements, dishonesty, prostitution, sexual solicitation, or other crimes involving moral turpitude or if the applicant has had a license to operate a massage establishment suspended or revoked in the previous five years in any jurisdiction.

2. Additional grounds for the suspension or revocation of massage therapy business license include:

a. The massage therapy business has been operated or maintained contrary to state statute or City ordinance;

b. Any employee of a massage establishment has performed or offered to perform massage contrary to state statute or City ordinance; or

c. Any violation of this section committed by an employee of the massage establishment.

B. Suspensions or revocations of a massage establishment license shall be conducted in accordance with section 5.40.250 of the American Fork City Code.

C. No License to be Issued at Same Location Where Three or More Violations Have Occurred for One Year. If the City Administrator or designee has suspended or revoked any massage therapy business license as provided for herein and the City Administrator or designee finds that at least three separate violations of this section have occurred (based on a preponderance of the evidence) at a particular massage therapy business within any rolling twelve month period, no application for a massage therapy business license shall be accepted or approved for the same location for a period of one year after the date of the suspension or revocation.

D. Display of Licenses.

1. Every massage therapy business licensed under this section shall prominently display in the establishment all licenses required to be displayed by Utah Code section 58-47b-301 and all licenses required and issued under this section.

2. All employees who perform massage therapy services, while on the premises of a licensed massage therapy business shall maintain in their possession or immediate presence their state license and shall provide proof of such license and valid government-issued personal photo identification upon request of any law enforcement or code enforcement official as well as to any person to whom the employee has provided or offered to provide a massage.

G. Prohibited Acts. It is unlawful:

1. For an employee providing massage therapy services to permit, to offer or agree to permit, or to cause a business patron to administer a massage, or a bath to any person;

2. To serve, store, or allow to be served, or allow to be consumed, any alcoholic beverage on the licensed premises of a massage establishment;

3. Subject to Utah Code Annotated section 58-47b-501(3), for an employee performing massage therapy services to intentionally touch or massage, or to offer to touch or massage, or to agree to touch or massage, the specified anatomical areas of any patron as defined in Section 5.34.040;

4. For any person to perform or attempt or offer to perform a massage without holding a current license as a massage therapist or a massage apprentice under Utah Code Title 58, Chapter 47b, or to advertise or represent themselves as practicing massage therapy when not licensed to do so;

5. For any person to own, operate or conduct a massage therapy business, or in any other manner to engage in or perform massages without complying with the licensing requirements of this section;

6. For any premises licensed as a massage therapy business to be used as living or sleeping quarters by employees or other persons; or

7. For any employee performing massage services or other person employed by or allowed on the premises by the massage business to display any specified anatomical area to any customer or patron of the massage therapy business while on the premises of the massage therapy business including specified anatomical area or to engage in any specified sexual activity, as defined in Section 5.34.040, while on the premises of the massage therapy business.

~~The following acts are prohibited:~~

~~Alcohol. It is unlawful to serve, allow to be served, or allow to be consumed any alcoholic beverage on the licensed premises of a massage establishment during business hours or while clients are present.~~
~~Massaging Specified Anatomical Areas. It is unlawful for a massage technician, massage apprentice, or any employee of a massage establishment to massage or touch or offer to massage or touch the specified anatomical areas, as defined in Section 5.34.040, of customers.~~
~~Sexual Activity. It is unlawful for the massage technician, massage apprentice, or any customer or employee of the massage establishment, to display to any of their person any specified anatomical area or to engage in any specified sexual activity, as defined in Section 5.34.040, while on the premises of the massage establishment.~~

HISTORY
Adopted by Ord. 2021-02-07 on 2/9/2021

Sec 5.44.060 Penalties

Any violation of this chapter is punishable by a Class B Misdemeanor and may result in the revocation of the business license.

HISTORY
Adopted by Ord. 2021-02-07 on 2/9/2021