

**CITY OF LOGAN, UTAH
ORDINANCE NO. 26-09**

AN ORDINANCE AMENDING SECTION 5.02 & 5.20 OF THE LOGAN MUNICIPAL CODE
REGULATING MOBILE FOOD VENDORS:

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

SECTION 1: That certain code chapter 5.02 entitled "Business License General Provisions" and
5.20 "Mobile Food Vendors" is amended as attached hereto as Exhibit A.

SECTION 2: This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS ____ DAY OF _____, 2026.

Dahle, Melissa	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
Johnson, Mike	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
Koven, Katie-Lee	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
López, Ernesto	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused
Simmonds, Jeannie F.	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstained	<input type="checkbox"/> Excused

Mike Johnson, Chair

ATTEST:

Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for
approval or disapproval on the ____ day of _____ 2026.

Mike Johnson, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____, 2026.

Mark A. Anderson, Mayor

EXHIBIT A

TITLE 5
BUSINESS LICENSES AND REGULATIONS

CHAPTER 5.02
BUSINESS LICENSE GENERAL PROVISIONS

SECTION:

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ARTICLE I. GENERAL PROVISIONS

5.02.000: SHORT TITLE:

This title shall be known and may be cited as the BUSINESS LICENSES AND REGULATIONS or title 5 of this code. (Ord. 97-76 § 1, 1997)

5.02.010: PURPOSE:

Pursuant to powers granted by the state as set forth in various provisions of the Utah Code Annotated, 1953, as amended, the city intends by this chapter to regulate and license businesses and occupations within its corporate limits, to maintain a current index of licensed businesses and occupations and to raise revenue necessary to regulate licensed entities.

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by the ordinance codified in this chapter. Where this chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by

such existing provisions of law, ordinance, contract or deed, the provision of this chapter shall control. The amendment of this ordinance does not preclude enforcement of violations or collection of business license taxes and penalty fees under the code which existed at the time of taxation or violation prior to the implementation of any amendment. (Ord. 97-76 § 1, 1997)

5.02.020: DEFINITIONS:

For the purposes of this title, the following terms, words and phrases and their derivations shall have the meanings prescribed in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BUSINESS LICENSE ADMINISTRATOR OR ADMINISTRATOR: The division manager charged with issuance, suspension and revocation of business licenses and compliance of licenses to this code or the administrator's designee.

CITY: The municipality of the city of Logan, Utah.

CITY COUNCIL OR MUNICIPAL COUNCIL: The municipal council of the city of Logan.

COMMERCIAL BUSINESS LICENSE TYPES:

Commercial Level 1: A commercial business license for a business that occupies less than 10,000 sf.

Commercial Level 2: A commercial business license for a business that occupies 10,000 sf or more.

Commercial Secondary: A commercial business license for a business that is entirely contained within a space that has an existing Commercial Level 1 or Commercial Level 2 license. A Commercial Secondary business typically shares common business space with the existing licensee other than a foyer or customer entrance. A business that occupies a unique suite or address separate from the existing commercial license at the location will not be licensed as a Commercial Secondary.

Independent Contractor: A commercial business license where the entity or individual rents or leases space or a booth at an existing Commercial Level 1 or Commercial Level 2 business. The rented or leased space or booth shall be located in a common space and not separated by enclosed walls or doors.

CONSENT: A written license or instrument issued by the city authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

CONSENTEE: The person to whom a consent has been issued pursuant to the provisions of this chapter and whom may also be referred to under the general term "licensee".

CONTRACTOR: Means and includes anyone defined as a contractor in the Utah construction trades licensing act.

DIRECTOR: The director of the department of finance for the city, or the director's designee.

DIVISION: The business license division of the department of finance.

ENGAGING IN BUSINESS OR CONDUCT OF BUSINESS: Means and includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of services to others for a consideration by persons engaged in any profession, vocation, craft, business, occupation, enterprise, and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, on any premises in this city, or anywhere else within its jurisdiction. The act of employees rendering services to employers shall not be included in such terms unless otherwise specifically prescribed. Separate licenses shall not be required for persons who engage in business with others as a partnership or corporation legally constituted.

INSIGNIA: "Insignia" or its singular number "insigne" is any tag, plate, badge, emblem, sticker, or any other kind of device which may be required for any use in connection with any license.

LICENSE: A certificate or document issued by the city evidencing permission or authority of its named holder to carry on a particular business or to pursue a particular occupation.

LICENSEE: The person to whom a license has been issued pursuant to the provisions of this chapter or to whom a consent, permit or registration has been granted pursuant to the provisions of this chapter when the term "licensee" is used in a general sense of this definition.

NUMBER OF EMPLOYEES: The average number of employees engaged in business at the place of business each regular working day during the preceding calendar year. In computing the number, each part time employee shall be counted as that fraction which is formed by using the total number of hours worked by such employee as the numerator and the total amount of hours regularly worked by a full time employee as the denominator.

PERMIT: A written license or instrument issued by the city authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

PERMITTEE: The person to whom a permit has been issued pursuant to the provisions of this chapter and whom may also be referred to under the general term "licensee".

PERSON: Any individual or natural person, receiver, assignee, trustee in bankruptcy, trust, firm, partnership, joint venture, corporation, syndicate, estate, club, company, business trust, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; or any officers, agents, employees, factors, or

any kind of personal representatives of any thereof in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law.

PLACE OF BUSINESS: A location maintained or operated within the City from which a person engages in business.

PREMISES: All lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

REGISTRANT: The person who has registered with the City pursuant to the provisions of this chapter and who may also be referred to under the general term "licensee".

REGISTRATION: A written license or instrument issued by the City authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority. (Ord. 14-75, 2014)

5.02.030: EXEMPTIONS:

A business license shall not be required for a business that is operated only occasionally and by an individual who is under eighteen (18) years of age. The Administrator will evaluate the size, frequency, duration, visibility, and seasonality of the proposed business to determine whether the proposed business is considered occasional. (Ord. 17-06, 2017)

ARTICLE II. LICENSING PROVISIONS

5.02.040: APPLICATION OF REGULATIONS:

A. **Compliance Required:** It is unlawful for any person, either directly or indirectly, to engage in business or conduct any nonprofit enterprise, or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, within the City for which a license, permit, consent or registration is required by any law or ordinance of this City, without first procuring a license, permit, consent or registration, or for any person to continue a business when the license, permit, consent or registration pertaining thereto has been suspended or revoked or has been rendered invalid by a change of ownership, location or other invalidating circumstance.

B. **Special Sales:** This chapter shall apply to all business in the nature of special sales for which a license is required by any law or ordinance of this city and it shall be unlawful for any person, either directly or indirectly, to conduct any such sale except in conformity with the provisions of this chapter.

1. One Act Constitutes Doing Business: For the purpose of this chapter, any person shall be deemed to be in business or engaging in nonprofit enterprise, and thus subject to the requirements of this section, when he or she does one act of:

- a. Selling any goods or service;
 - b. Soliciting business or offering goods or services for sale or hire;
 - c. Acquiring or using any vehicle or any premises in the city for business purposes.
- (Ord. 97-76 § 1, 1997)

5.02.050: BONDING:

~~A. The following occupations or businesses shall require the posting of a cash or corporate surety bond in the sum listed below in addition to whatever regular or special licenses may be required pursuant to the provisions of this chapter:~~

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Occupation Or Business	Amount
Alcoholic beverage retail establishment	\$5,000.00 surety
Auctioneer	5,000.00 surety
Employment service	5,000.00 surety
Itinerant or transient merchant	5,000.00 surety
Pawnbrokers	5,000.00 surety
Wrestling, boxing	5,000.00 surety

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~~B. All such bonds shall be conditional for the faithful observance by the licensee of all laws and ordinances of the city and for the honest performance of all duties required of the licensee by ordinance as well as for such additional purposes as may be required in the particular chapter of this title requiring a license for such occupation or business. Any corporate surety bond must be issued by a company with an office in Utah, or in the absence of an office, the company must have designated an office for the service of process in the state.~~

~~C. All such cash bonds shall be refunded by way of a payment from the city to the licensee for the amount of the cash bond no less than thirty (30) days after the license~~

~~expires, conditional on the faithful observance by the licensee and employees and representatives thereof of the laws and ordinances of the city and the honest performance of all duties required of the licensee.~~

~~—D. If the licensee, including employees and representatives thereof, is cited for conduct of fraudulent or other noncompliant business, or there is other verifiable or substantial fraudulent or other noncompliant business conducted by the licensee, including employees and representatives thereof, the cash bond shall be forfeited, or in the case of a surety bond, a claim filed against the licensee on behalf of the city.~~

~~—E. Appeal for any decision regarding bond forfeiture or claims shall be pursuant to the appellate process identified in section 5.02.160 of this chapter. (Ord. 05-25 § 1, 2005; Ord. 97-76 § 1, 1997)~~

5.02.060: APPLICATION; RESPONSIBILITY OF APPLICANT; CONTENTS:

It shall be the responsibility of a person engaging in business within the city to voluntarily apply for and maintain in full force and effect a valid license.

A. Form: The application form shall be issued by the division, and shall require the following information: business name, address, mailing address and telephone number; owner's and local manager's names, addresses and home telephone numbers; ~~dates of birth; driver's license numbers; emergency phone number~~; Utah state sales tax number, federal employer identification number, Utah employer withholding number, Utah business name and entity registration information, Utah state regulatory license information, and other identifiers as they are required for the applicant to legally conduct the applied for business; business start date; location start date if different from business start date; and a description of the business activity(ies) to be conducted.

In the case of a corporate applicant, the above identified information shall be required for the corporation and the corporate officers in addition to any stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of the corporation. Any registered agent not also an officer of the corporation shall be required to submit personal name and contact address and phone number.

B. Fee: Should it be necessary that a person be required by the administrator to make application for a license, the administrator shall charge a nonrefundable application fee based on the cost of setting up new records, distributing the application, inspecting the business site, reviewing the application for approval or denial, notifying the applicant of license status and other activities related to license setup and status determination.

C. Application Is Not A License: Submission of an application does not constitute license approval. License approval or denial shall be determined within approximately two (2) weeks from application submission, except as indicated in subsequent chapters of this title for limited identified purposes. If circumstances do not allow completion of the application process in a timely manner, the applicant may receive a notice warning of application

denial for noncompliant issues and allowing a specified time frame for resolution of such. If compliance is not possible, the application will be denied.

D. Application Timeline: Unless otherwise specified, all applications shall be submitted no later than three (3) weeks prior to the business opening to allow sufficient review time.

D. Short Notice Application: Applications submitted less than three (3) weeks prior to the business opening will require expeditious inspection and review. City staff will expedite the review as far as possible, but with insufficient time to attend to the regular application review process prior to opening their business or submitted in response to a citation for operating a business without a license will receive expeditious review as far as possible. Until a decision for license approval is rendered by the administrator, the applicant must cease and desist all activities requiring a business license until a license has been issued. There will be an additional fee charged for the expeditious nonroutine handling necessary to inform the affected jurisdictional agencies and obtain the appropriate approvals. (Ord. 14-75, 2014: Ord. 05-25 § 1, 2005: Ord. 97-76 § 1, 1997)

5.02.070: SEPARATE LICENSE REQUIRED FOR EACH BRANCH:

A separate license must be obtained for each branch established or separate place of business in which the business of a licensee is carried on. Each license shall authorize the person obtaining it to carry on, pursue or conduct only that business described in such license and only at the location which is indicated thereon. (Ord. 97-76 § 1, 1997)

5.02.080: DISPLAY:

Every licensee licensed pursuant to the provisions of this chapter shall keep his license displayed and exhibited while the same is in force in some conspicuous part of the place of business. Every licensee not having a fixed place of business shall carry such license with them at all times while carrying on the business for which the license is issued and shall produce the license for inspection when requested to do so by any person. (Ord. 97-76 § 1, 1997)

5.02.090: INSPECTIONS:

Prior to the issuance of a license to engage in a new business not heretofore licensed, the applicant shall permit inspections to be made of the prospective place of business by any appropriate department of the city or other governmental agency to ensure compliance with building, fire and health and safety codes. No license shall be granted without the approval of all such required inspections. (Ord. 97-76 § 1, 1997)

5.02.100: INSPECTIONS; NOTICE OF VIOLATIONS:

Existing places of business licensed within the city shall be inspected periodically by departments of the city for compliance with building, fire, health and safety codes. Written notice shall be given by the inspector to a licensee upon the finding of any code violations, which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such violations, the failure of which shall result in the revocation of the license by the administrator. A copy of any such notice to the licensee shall be provided by the inspector to the administrator when issued to the licensee. (Ord. 97-76 § 1, 1997)

5.02.110: INSPECTIONS; COMPLAINT IN CASE OF NONCOMPLIANCE:

The administrator shall request that a citation be issued to any applicant or any licensee who continues to conduct business beyond the time limits provided in this chapter for noncompliance with the required standards. (Ord. 97-76 § 1, 1997)

5.02.120: PREPARATION AND LISTING:

The division shall prepare and issue an appropriate license for every person qualifying therefor under the provisions of this chapter and shall state in each license the period of time for which it is issued, the name of the person to whom issued and the location of the place of business. All licenses shall be signed by the administrator. The division shall maintain a list of all persons holding licenses and the status of each such license. (Ord. 97-76 § 1, 1997)

5.02.130: APPLICATIONS FOR SPECIAL LICENSES:

Applications shall be required and special licenses issued pursuant to the provisions of other chapters of this title. For the activities defined in subsequent chapters of this title, a regular license to engage in business of the kind required by this chapter will also be required in addition to the respective special licenses. (Ord. 97-76 § 1, 1997)

5.02.140: APPLICANT INFORMATION REFERRED TO POLICE DEPARTMENT:

Applicants for a business license will may have their business and personal identification information referred to the police department by the administrator for a local background check and to alert the police to any new business to enable informed emergency support. [Applications for businesses that involve close intimate contact with clients will be prioritized for police review.](#)

An applicant's criminal background may be grounds for denial of the license application if the applicant's record contains convictions for violations of any city, county, state or federal laws or other verifiable issues which demonstrate a potential risk to the health, safety, peace or general welfare of the city or its inhabitants; or if there are unresolved warrants,

or felony convictions for any applicant; or any other reason expressly provided for in this chapter or in subsequent chapters as applicable to the subject special license or registration.

Applicants may appeal license application denial or conditional approval by submitting a request to the business license administrator pursuant to the appellate process identified within each chapter or in section 5.02.160 of this chapter. (Ord. 05-25 § 1, 2005: Ord. 02-62 § 1, 2002: Ord. 97-76 § 1, 1997)

5.02.150: REVOCATION:

Any license issued pursuant to the provisions of this chapter by the administrator may be suspended or revoked for the violation by the licensee of any provisions in this chapter or any other applicable ordinance or law, failure to pay license fees, or falsification of application. Notification of business license revocation shall be mailed by the administrator to the licensee and shall be mailed by certified mail to such licensee. (Ord. 05-25 § 1, 2005: Ord. 97-76 § 1, 1997)

5.02.160: APPELLATE PROCESS:

A. Purpose: The purpose of this section is to provide uniform appeals procedures for business license actions of the city, including application denial, conditional approval of the license, and license denial, nonrenewal, revocation, or suspension.

B. Exceptions: Exceptions to the use of the appeal process in this section will occur if an appeal process is detailed otherwise for a special license within the applicable chapter.

C. Filing Appeals:

1. All administrative appeals are filed in writing with the business license administrator ("administrator") in the business license division ("division") of the city of Logan within fifteen (15) calendar days of the action being appealed. An appeals application not filed in the above specified division shall not constitute a filing for purposes of meeting the fifteen (15) day limit.

2. Appeals filed with district court shall be filed in conformance with the requirements of state law and court procedures. Nothing in this chapter is intended to imply changes to, other procedures for, or otherwise override standard procedures and time lines of district court.

D. Body To Hear Appeals; License Review Board:

1. Purpose: The license review board shall act as a governing board over the business license appellate process when licenses, consents or permits have been suspended, revoked, denied, or not renewed by the administrator, or when applications have been

denied, or when licenses or applications have been conditionally approved by the administrator.

2. **Board Composition:** The license review board shall be appointed by the mayor and shall be comprised of two (2) citizens of Logan and three (3) employees of the city, including the fire chief, the community development director, and the chief of police, or their designees. Alternate department head(s) shall be assigned by the mayor to participate on the board if conflict of interest issues arise for board members/designees employed by the city. The business license administrator shall not serve as a member of this board.

3. **Board Decision:** Following the hearing, the board shall render a decision based on a simple majority vote by a quorum of the board.

4. **Board Quorum:** A quorum shall be comprised of at least three (3) members of the board with not less than one citizen member of the board present.

5. **Split Vote:** Should a split vote occur due to an even number of members present, the decision being appealed will stand.

E. **Standing To File An Appeal:** The licensee, applicant, proponent, or any affected party may file an appeal of a decision by the administrator. In the case of death or health related disability of the applicant, rendering that individual unable to request or participate in the appeal process, the applicant's designee may proceed on behalf of the applicant.

F. **Contents Of The Request For An Appeal; Minimum Requirements:** At a minimum the request for an appeal shall be filed in writing and include the following:

1. The name of the person or persons filing the appeal, a mailing address, and daytime telephone number;

2. The business name and the identification number assigned by the administrator in the action/appeal process notification;

3. The date of the action notice;

4. Any required appeal application fee;

5. The specific issues being appealed:

a. If the license was conditionally approved and specific conditions are being appealed, the request for an appeal shall specify the conditions being appealed and the reason(s) for the appeal,

b. If the license was approved without conditions, the request for appeal shall specify the actions taken that have generated the appeal request,

c. If the application was denied or the license was suspended, revoked or not renewed, the request for appeal shall specify the findings used by the administrator or other decision maker(s) that have generated the appeal request;

6. A statement shall be included demonstrating applicant's standing as set forth in subsection E of this section;

7. Incomplete applications are unacceptable. An incomplete application for an appeal shall not be accepted. Submitting an incomplete application shall not waive, defer, or delay the fifteen (15) day appeal deadline.

8. The request for an appeal hearing shall be made in writing, accompanied by a filing fee of \$150 and submitted to the Director.

G. Staff Report Required: The administrator rendering the decision being appealed shall provide the board and appellant with a written report or memorandum explaining the basis of the decision or interpretation.

H. Appeal Meeting: Not less than fourteen (14) days following the receipt of the application for appeal, the license review board shall hold a meeting to hear the appeal. At that meeting, the board shall hear the administrator's report including a summary of the action being appealed, clarification by the other decision maker(s) involved, as needed, and the testimony of the appellant and any additional proponent(s) of the appeal. The board may take testimony and comments from the general public, and it may consider new information and facts in reaching its decision.

I. Decision Of The Appeal: The board shall render its decision at the meeting by majority vote of the members present, unless the matter is continued to a future meeting pending a request of the board for more information. The board may overturn the administrator on the basis of its findings, it may uphold the administrator, or if new information is presented that was not previously presented to the administrator, the board may return the matter to the administrator for new proceedings. The action of the board is the final administrative procedure within the city's process.

J. Findings Required To Overturn Or Modify The Decision Maker's Action: If the board overturns or modifies the action of the administrator, the board shall make findings substantiated in conformance with the requirements of procedures for the type of action being appealed. If the board upholds the appealed action, no additional findings are required, the board's action automatically affirms the previously adopted findings. The board may, upon upholding the administrator, add, clarify, or enhance findings based upon the facts of the appeal meeting. (Ord. 05-25 § 1, 2005; Ord. 02-62 § 1, 2002; Ord. 97-76 § 1, 1997)

5.02.170: DOING BUSINESS UNLAWFUL AFTER LICENSE DENIED, SUSPENDED OR REVOKED:

If at any time a license is denied, suspended or revoked under the provisions of this chapter, it shall thereafter be unlawful for any person to conduct a business for which a license is required at the premises where the license is suspended or revoked or the application for the license denied until a new license shall be granted by the administrator or the license under suspension is reinstated to active status. Every day the business

operates while in a state of denial, revocation or suspension shall be considered a separate offense subject to citation. (Ord. 05-25 § 1, 2005; Ord. 97-76 § 1, 1997)

ARTICLE III. LICENSE FEES

5.02.190: FEES:

The schedule of fees shall be established and amended from time to time by resolution of the municipal council. (Ord. 97-76 § 1, 1997)

5.02.200: FEE; ADDITIONAL:

The license fee imposed by this chapter shall be in addition to any and all other taxes or licenses imposed by any other provisions of the ordinances of the city. (Ord. 97-76 § 1, 1997)

5.02.210: FEE PAYMENTS; DELINQUENT FEES AND PENALTIES:

Any person who fails to file with the division a return, together with the required license fee within thirty (30) days of the final day of the license period shall be immediately liable to pay a penalty fee equal to twenty five percent (25%) of the annual business license fee for each thirty (30) day period for which payment was not made not to exceed one hundred percent (100%) of the cost of the business license, plus the usual license fee. (Ord. 97-76 § 1, 1997)

5.02.220: RENEWAL BILLING PROCEDURE:

Any person more than sixty (60) days delinquent in his or her license fees shall be considered to be operating a business without a license and a citation may be issued for engaging in a business without a valid business license, or legal action may be initiated for collection of the delinquent fees or both. (Ord. 97-76 § 1, 1997)

5.02.230: FEE ADJUSTMENT TO AVOID BURDENING INTERSTATE COMMERCE:

None of the license fees provided in this chapter shall be applied to occasion an undue burden on interstate commerce. State law requires local governments to establish license fees based on the cost to the city to regulate and license the businesses. The city has an interest in not bearing undue burden for licensing any type of business practice or enterprise. The fee structure approved by municipal council shall be reasonably related to the actual cost to the city of the licensing process and uniformly assessed on businesses of

like nature. In any case, where a license fee is believed by a licensee or an applicant for a license to place an undue burden upon such interstate commerce, such licensee or applicant may apply to the administrator for an adjustment of the fee to relieve such burden. The licensee or applicant shall indicate her or his method of doing business and such other information that may be relevant to establishing the license category for the fee assessment. The administrator shall then evaluate the information provided, comparing the subject business with other businesses of like nature and shall make findings of fact to determine whether the license is discriminatory, unreasonable or unfair as to the licensee or applicant from the standpoint of its impact on interstate commerce. The administrator shall make any adjustments to the license category and/or fee assessment, if merited, and report to the licensee or applicant any findings and subsequent action taken. If the applicant or licensee is not satisfied with the decision of the administrator, he or she may appeal the decision according to section 5.02.160 of this chapter. (Ord. 05-25 § 1, 2005: Ord. 97-76 § 1, 1997)

5.02.240: EXEMPTION OF INSURANCE COMPANIES:

Insurance companies shall apply in all respects for the obtaining of a business license pursuant to this chapter, but shall not pay a fee unless providing services that are not exempt from local fees pursuant to state law. The certificate of authority issued by the state of Utah department of insurance for that business shall accompany the business license application and shall be maintained in good standing for the duration of the conduct of such business. The licensee shall notify the division in writing should additional authorities be granted the company by the Utah department of insurance. Businesses which perform services in addition to insurance services licensed by the Utah department of insurance shall pay fees as set by resolution of the municipal council and as administered by the business license administrator. (Ord. 05-25 § 1, 2005: Ord. 97-76 § 1, 1997)

5.02.250: UNSPECIFIED FEES OR TIME PERIODS:

The fees and time periods for licenses not specifically set forth elsewhere in this chapter for the conduct of any business shall be those set forth by resolution of the municipal council pursuant to section 5.02.210 of this chapter. The licenses shall be effective for the calendar year in which issued unless specified for a period less than a calendar year. (Ord. 97-76 § 1, 1997)

5.02.260: MISTAKES IN FEE CALCULATIONS:

In no event shall any mistakes made by an applicant, a licensee or the division in the calculation of a license fee prevent or prejudice the collection by the city of amounts actually due from any person subject to licensing or prejudice the refund to licensees of amounts overpaid by the reason of mistakes. (Ord. 97-76 § 1, 1997)

5.02.270: DEVIATIONS PROHIBITED:

No greater or lesser amounts shall be charged or received for licenses and no license shall be issued for any period of time other than as specifically provided in this chapter. (Ord. 97-76 § 1, 1997)

5.02.280: DUPLICATE LICENSE; FEE:

The administrator shall not charge a fee for each duplicate license issued to replace any license issued under the provisions of this chapter when the same has been lost or destroyed. (Ord. 97-76 § 1, 1997)

5.02.290: REFUNDS:

No refund shall be made against any fee for a license issued pursuant to this chapter unless such refund is approved by the administrator. (Ord. 97-76 § 1, 1997)

5.02.300: TRANSFERS:

Upon the written consent of the administrator endorsed thereon, licenses issued pursuant to the provisions of this chapter may be transferred from one place of business to another; provided, that the licensee remains the same; that the new business site is identified on an application form prescribed by the administrator, completed and submitted by the licensee to the administrator and distributed by the administrator to the reviewing authorities; and that the new site is found compliant with fire, building, zoning and planning, and other health and safety codes. A transfer fee shall be paid for each such transfer based on the fee schedule adopted by resolution of the city council. There shall be no transfers of licenses from one person to another. (Ord. 97-76 § 1, 1997)

ARTICLE IV. ENFORCEMENT

5.02.310: POLICE; APPOINTED INSPECTORS OF LICENSES; POWERS AND DUTIES:

A. All police officers of the city are appointed inspectors of licenses and, in addition to their several duties as police officers, are empowered and required in the performance of their duties to examine all places of business and persons who are required to see that such licenses are in fact valid and that they are posted in a conspicuous place within the place of business or displayed as required. Police officers shall have and exercise the power:

1. To enter free of charge, at any time, any place of business for which a license is required; to demand the exhibition of a current license by any person engaged or employed in the conduct of such business; and if such person shall then and there fail to exhibit such license, such person shall be liable for the penalties provided for violation of this chapter;

2. To make arrests for the violation of any provisions of this chapter.

B. It shall be the duty of the city police officers to cause complaints to be filed for all persons violating any of the provisions of this chapter. (Ord. 97-76 § 1, 1997)

5.02.320: EFFECT OF CONVICTION; PROSECUTION NOT BARRED:

The conviction and punishment of any person for transacting business without a license shall not excuse or exempt such person from the payment of any license fees due or unpaid at the time of such conviction; and nothing in this chapter shall prevent a criminal prosecution for any violation of the provisions of this title. (Ord. 97-76 § 1, 1997)

5.02.330: VIOLATION; PENALTY:

Any person or business found doing business without a license may be subject to citation for a class B misdemeanor unless specified otherwise in any section or subsection of this chapter. (Ord. 97-76 § 1, 1997)

CHAPTER 5.20
MOBILE ~~FOOD~~-VENDORS

SECTION:

5.20.010: Definitions

5.20.020: License Required

5.20.030: Applications; License; License Reciprocity

5.20.040: Responsible Party Identification

5.20.050: Conditions And Requirements

5.20.060: Sales On Private Property

5.20.070: Review And Approval Process

5.20.010: DEFINITIONS:

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

MOBILE VENDOR: Means a business that maintains ongoing mobility and of which the receipt of goods or services offered and point of sales occurs from or within a vehicle, a trailer, or an enclosed mobile structure.

ICE CREAM TRUCK: A fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport; from which a vendor, from within the frame of the vehicle, serves ice cream, shaved ice or like desserts; that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and that may stop to serve ice cream, shaved ice or like desserts at the signal of a patron.

MOBILE FOOD TRAILER: A fully encased food service establishment on a trailer, that a motor vehicle pulls to transport, and from which a food vendor, standing within the frame of the trailer, prepares, cooks, sells, or serves food beverages for immediate human consumption.

MOBILE FOOD TRUCK: A fully encased food service establishment on a motor vehicle and from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.

MOBILE FOOD VENDOR: The conduct of business from a licensed and operable motor vehicle, including but not limited to mobile food trucks, mobile food trailers, or ice cream trucks, from which food or beverages are sold or offered for sale on a temporary basis.

STATIONARY FOOD VENDOR: A food vendor that operates from a structure which is not permanently affixed to the property, such as a snow shack, and is located in one location during the duration of the temporary use. A stationary food vendor shall be subject to the licensing and operational requirements contained in chapter 5.18 of this title and shall not include either a food truck, food trailer, or ice cream truck. (Ord. 17-09, 2017)

5.20.020: LICENSE REQUIRED:

It is unlawful for any person to conduct the business of a mobile ~~food~~ vendor without first securing a license. The licensee shall conspicuously display such license so that the same is plainly visible to the public. The division shall collect a license fee from each mobile food vendor as set forth in the schedule of fees adopted by the Municipal Council. (Ord. 17-09, 2017)

5.20.030: APPLICATIONS; LICENSE; LICENSE RECIPROCITY:

A. All applications for a license under this chapter shall be made to and upon forms provided by the division, and shall require that the applicant have a current State Sales Tax number.

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

C. The application for a mobile ~~food~~ vendor shall include the address of the location where the mobile food vendor is to be cleaned, restocked, and stored overnight (commissary).

D. Upon approval of the mobile ~~food~~ vendor application, the division shall issue a business license signed by the Director. The license shall show the name of the licensee, the business or occupation to be carried on thereunder, and the date of expiration of such license.

E. License Reciprocity. The City shall recognize as valid the business license of a mobile ~~food~~ vendor obtained in another political subdivision within the state, if the business license is current and in good standing in accordance with 11-56-103(3)(A) of the Utah Code.

F. Each mobile ~~food~~ vendor shall keep within their possession, and provide for inspection by the City as requested, a copy of a valid business license for the mobile ~~food~~ vendor, whether issued by the City or another political subdivision of the State, ~~;~~ ~~a valid health department permit whether issued by the local health department of another health department~~; and evidence of passing a fire safety inspection whether conducted by the City or another political subdivision. (Ord. 17-09, 2017; amd. Ord. 22-17, 2022)

G. Mobile food vendors shall keep a valid health department permit whether issued by the local health department of another health department

5.20.040: RESPONSIBLE PARTY IDENTIFICATION:

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

A. Provide valid driver's license number, date of birth and vehicle identification information. (Ord. 17-09, 2017)

5.20.050: CONDITIONS AND REQUIREMENTS:

Each mobile ~~food~~ vendor shall abide by the following conditions and requirements:

A. For those ice cream trucks operating within the public right-of-way, the motor vehicle shall have a clearly audible backup warning device that activates whenever the vehicle is shifted into reverse gear and shall have a flashing yellow beacon on the roof of the vehicle that is visible from all sides of the vehicle and is activated whenever merchandise is being sold, offered for sale or displayed for sale. Mobile vendors, other than ice cream trucks, Food trucks and food trailers are not permitted to offer goods or services for sale, prepare, cook, sell, or serve food within the public right-of-way, unless authorized in conjunction with a special event licensed pursuant to Chapter 5.04.020.

B. The motor vehicle shall be inspected and approved by the Bear River Health Department on an annual basis. The presentation to the City of a current Health Department permit from another local Health Department within the State of Utah will suffice to meet this requirement.

C. The motor vehicle shall be inspected by the City for safety, appearance, signage and accessibility. The presentation to the City of a current fire safety approval conducted by another political subdivision within the State of Utah will suffice to meet this requirement.

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

E. Ice cream trucks shall not sell or offer to sale food or beverages on public streets where the speed limit exceeds twenty five (25) miles per hour.

F. Food or beverages shall only be sold or offered for sale when the ice cream truck is completely stopped and lawfully parked, and only from the rear or side of the vehicle nearest to the curb or edge of the roadway on the right side of the vehicle. The operator of the ice cream truck shall not sell to any person standing in the roadway.

G. For those mobile ~~food~~ vendors operating on public property, the applicant shall submit evidence of insurance and shall agree in writing to indemnify the city as set forth in section 5.04.040 of this title.

H. All mobile food vendors, ~~including but not limited to mobile food trucks, mobile food trailers, or ice cream trucks,~~ shall be operable and shall maintain current vehicle registration, licensing, and insurance while operating in Logan City. (Ord. 17-09, 2017; amd. Ord. 22-17, 2022)

5.20.060: SALES ON PRIVATE PROPERTY:

Each mobile ~~food~~ vendor conducting business on private property, in addition to the other requirements of this chapter, shall comply with the following:

A. All aspects of the business shall be temporary in nature and must be able to be removed from the premises each day. No outdoor storage of tables, chairs, umbrella or signs associated with the mobile ~~food~~ vendor operation, shall be allowed and no overnight parking of the mobile ~~food~~ vendor is permitted. The mobile ~~food~~ vendor shall return on a nightly basis to a specified location for cleaning, restocking, dumping of waste, storage, etc. The specific location shall be identified in the business license application.

B. Be fully self-contained with respect to gas, water, and waste. All waste and waste water shall be disposed of according to Logan City requirements and shall not be dumped on the ground or in the stormwater system.

C. Mobile vendors, other than ice cream trucks, ~~Food trucks and food trailers~~ are prohibited in the following Residential Zoning Districts (NR-2, NR-4, NR-6, MR-9, MR-12, MR-20, and MR-30) unless authorized in conjunction with a special event licensed pursuant to Chapter 5.04.020.

1. A mobile ~~food~~ vendor shall not be located on vacant or undeveloped property. (Ord. 18-12, 2018; amd. Ord. 22-17, 2022)

5.20.070: REVIEW AND APPROVAL PROCESS:

A. Applications shall be subject to review by Code authorities, including those for public works, planning, zoning, building, fire, police, health, and others as required.

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

C. The applicant must obtain and maintain proper business and Sales Tax registration for all aspects of the operation prior to operating.

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

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

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

E. Based on recommendations from the different reviewing entities, the License Administrator may issue the license with any operational limitations specified. (Ord. 17-09, 2017)