

Council Meeting of December 4, 2019

Consent Agenda Item No. log

NO Public Hearing

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance 19-41, an Ordinance Amending 2009 West Jordan Municipal Code Title 4 (Business and Licensing Regulations), regarding the change to the Council-Mayor Form of Municipal Government.

SUMMARY: Adoption of this Ordinance would update the **Business and Licensing Regulations Title**, to comply with the change to the Council-Mayor Form of Municipal Government.

**FISCAL/ASSET
IMPACT:**

There is no cost or financial impact to the City (revenue neutral).

STAFF

RECOMMENDATION: Staff recommends **approval** of this Ordinance, as discussed in the November 19, 2019 Council Work Session.

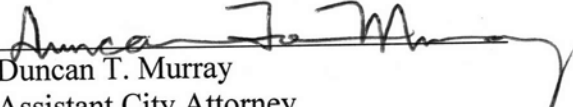
MOTION

RECOMMENDED: "I move to **approve** Ordinance 19-41, an Ordinance Amending 2009 West Jordan Municipal Code Title 4 (Business and Licensing Regulations), regarding the change to the Council-Mayor Form of Municipal Government."


[OR approved as part of a Consent Motion.]

[Roll Call Vote required.]

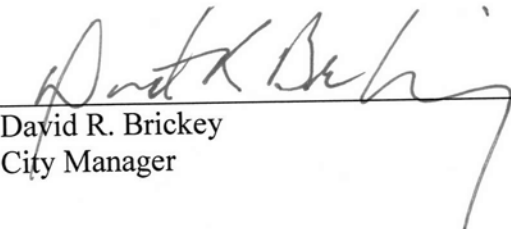
Prepared and Presented by:


Duncan T. Murray
Assistant City Attorney

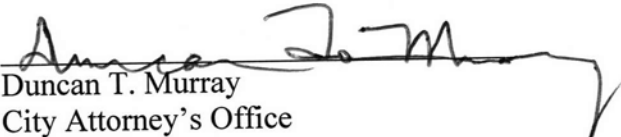
Recommended by:


Korban Lee
Assistant City Manager

Authorized for Council Consideration:


David R. Brickey
City Manager

Reviewed for Legal Sufficiency:


Duncan T. Murray
City Attorney's Office

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 19-47
[CHANGE OF FORM OF GOVERNMENT – TITLE 4 BUSINESS AND LICENSE
REGULATIONS]

**AN ORDINANCE AMENDING TITLE 4, "BUSINESS AND LICENSE
REGULATIONS."**

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the City and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the City and its inhabitants, and to protect property in the City; and

WHEREAS, the West Jordan City Council reviewed Title 4, Chapter 2, Articles B through E, G, I through Q, S, T and V of the 2009 City Code for the upcoming change of form of government and found no changes were needed at this time; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 4, Chapters 1 and 2 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 4, Chapter 1, Article A, Section 2 of the 2009 City Code shall hereafter read as follows:

4-1A-2: DEFINITIONS:

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions in this section are also applicable to all subsequent chapters in this title.

Unless otherwise indicated, the definitions found within the Utah alcoholic beverage control act, Utah Code Annotated title 32B, are incorporated into this chapter as though set forth in their entirety. In addition to these definitions, the following words and phrases used in this chapter shall have the following meanings unless a contrary meaning is clearly indicated. The definitions in this section are also applicable to all other chapters in this title.

ADULT BOOKSTORE OR ADULT VIDEO STORE: Any commercial establishment which:

- A. Excludes minors from more than fifteen percent (15%) of the retail floor or shelf spaces of the premises; or

- B. As one of its principal purposes, offers for sale or rental, for any form of consideration: 1) any pictures or written material, whether alone or in a book or magazine; 2) motion pictures, on film, tape or electronic media; or 3) sound recordings, the central theme of any of which depicts or describes specified sexual activities or specified anatomical areas; or 4) instruments, devices or paraphernalia which are designated for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives. As used in this definition, "principal purposes" means fifteen percent (15%) or more of the business's gross yearly sales measured in any year.

ADULT BUSINESSES: All adult bookstores, adult video stores, adult motion picture theaters and adult theaters.

ADULT MOTION PICTURE THEATER: A commercial establishment which:

- A. Excludes minors from the showing of two (2) consecutive exhibitions; repeated showings of any single exhibition shall not be considered a consecutive exhibition; or
- B. Shows for any form of consideration motion pictures, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER: A theater, concert hall, auditorium or similar commercial establishment which:

- A. Holds itself out as such a business;
- B. Excludes minors from the showing of two (2) consecutive exhibitions; or
- C. Features persons who appear in live performances in a state of nudity, or which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

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

AGREEMENT: Unless otherwise qualified, the binding agreement entered with the city as part of the good landlord program.

AGRICULTURAL VENDOR: A person engaged in the sale of fruits and/or vegetables from stands, motor vehicles or roadsides.

ALCOHOLIC BEVERAGE: Means and includes "beer" and "liquor", as they are defined in this section.

ANTIQUE DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling old or archaic items which are indicative of an older culture, excluding numismatic items, bullion items, and precious metals and/or precious gems.

APPLICANT: A person or business possessing a business license from the city, and any person or business seeking a business license from the city. If the application is made by a corporation, partnership, limited partnership, individual or entity doing business under an assumed name, each partner, principal, officer, director, manager, assistant manager, and any shareholder (corporate or personal) of more than twenty percent (20%) of the stock of the business entity shall also be considered an applicant. Any holding company or any entity holding more than twenty percent (20%) of an applicant shall be considered an "applicant" for purposes of this title.

APPLICATION: The completed forms provided by the business licensing authority with all attachments required by this title for the issuance of a permit or license.

ARCADE: A place of business containing more than three (3) automatic amusement devices.

AUCTION HOUSE: A business where property is sold on an ongoing basis by auction to the highest bidder.

AUCTIONEER: A person who conducts an auction.

AUTOMATIC AMUSEMENT DEVICES: Each machine which, upon the insertion of a coin, trade token, slug, or similar object, operates, or may be operated, as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff for the return of money to the player. An "automatic amusement device" is hereby further defined as any machine, apparatus or contrivance which is used, or which may be used, as a game of skill and amusement wherein, or whereby, the player initiates, employs or directs any force generated by the machine, but specifically excludes a "musical mechanical device" as defined in this section. Such term shall include, but is not limited to, such devices as mechanical or electronic marble machines, pinball machines, skill balls, mechanical grab machines which yield prizes, electronic skill games of all types and all games, operations or similar transactions however called or by whatever name indicated. This definition is intended to be broadly construed and to include, but not be limited to, devices and activities otherwise defined in this section; provided, however, that this definition does not include single coin operated devices held for private amusement in private residences.

BCI OR UTAH BCI: Bureau of criminal identification in the Utah department of public safety.

BCI BACKGROUND CHECK: An original or certified copy, dated no older than one hundred eighty (180) days prior to the date of the application, of either:

- A. A Utah department of public safety bureau of criminal identification, verified criminal history report personal to the applicant; or
- B. Verification by the Utah department of public safety bureau of criminal identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

BEER, LIGHT BEER, MALT LIQUOR AND MALTED BEVERAGE: Any beverage containing sixty three one-hundredths of one percent (0.63%) of alcohol by volume, or one-half of one percent (0.5%) of alcohol by weight, but not more than four percent (4%) of alcohol by volume or three and two-tenths percent (3.2%) by weight, fermentation, infusion or decoction of any malted grain. Beer may or may not contain hops or other vegetable products. Beer includes products referred to as malt liquor, malted beverages or malt coolers.

BILLIARD HALL: Business premises containing more than three (3) tables on which billiards, bagatelle or pool is played by the public for a fee. This definition includes virtual games operating through computer simulation.

BOWLING ALLEY: An amusement hall where bowling and related activities are played by the public for a fee.

BULLION: Items of or containing gold, silver, platinum or palladium in any form or shape, including, but not limited to, bars, ingots or medallions which:

- A. Are gold or silver coins originally minted or manufactured as legal tender in their country of origin, but which, because of their physical condition, have little or no numismatic value and which are bought, sold, bartered or exchanged based on the value of the gold or silver they contain and are commonly known as "junk silver" or "junk gold"; or
- B. Carry a hallmark which:
 - 1. Identifies the manufacturer;
 - 2. States the degree or percentage of purity; and
 - 3. States the weight of the item; and
- C. Are of a purity at or exceeding eighty percent (80%), i.e., the item is composed of or contains eighty (80) parts of gold, silver, platinum and/or palladium to twenty (20) parts of other metal.

"Bullion" does not include sterling silver flatware or utensils and does not include jewelry containing gold, silver, platinum or palladium.

BULLION DEALER: Any person who engages in the business of purchasing, selling, bartering or exchanging bullion.

BUSINESS: Means and includes:

- A. All activities, trades, professions or callings undertaken, operated or engaged in within the corporate limits of the city of West Jordan carried on for the purpose of economic gain or economic benefit, except that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically prescribed.
- B. As used in this title, the owning and operating of one or more residential rental units, whether a single-family home, a residential dwelling complex (such as a duplex, triplex or larger apartment complex) or mobile home park, or otherwise, for economic gain or economic benefit shall be deemed to be a business.
- C. Activities, trades, professions or callings undertaken, operated, or engaged in for the purpose of economic gain or economic benefit within the confines of a person's residence building or within or from an ancillary structure on the same property as the person's residence building will constitute a "business" subject to the requirements of this title.

- D. There is no regulatory distinction in this title between a "business" and an "occupation". Both are a "business".

BUSINESS LICENSE AUTHORITY: The city administrator or an authorized designee.

CARD ROOM: Any room where there is played any backgammon, cards, checkers, chess, or other games of similar nature, or any game played with beans, buttons, dice or similar devices, or to keep, maintain or operate in the city any table on which said games are played, where charge is made for the use of the room, use of the tables or for the privilege of playing on such tables or in such room. This definition includes virtual games operating through computer simulation.

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

CHARITABLE ORGANIZATION: Includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity that is organized or established: a) as a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization; b) for the benefit of a public safety, law enforcement or firefighter fraternal association; or c) for any charitable purpose. A "charitable organization" includes a chapter, branch, area or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization, that has its principal place of business outside the city or the state of Utah pursuant to Utah Code Annotated section 13-22-2, or its successor statute.

CHRISTMAS TREE: A cut tree, usually fir or evergreen, but including any tree sold to be decorated and used as part of the Christmas celebration and commemoration.

CHRISTMAS TREE BUSINESS: To sell, offer to sell or display for sale Christmas trees to the public for profit. Each location at which Christmas trees are sold, offered or displayed for sale shall be considered a separate business.

CITY ADMINISTRATOR: The city administrator of the city, or the employee(s) or official(s) designated by the city administrator.

COINS: Pieces of metal money issued by any government as legal tender in the country of origin and includes commemorative coins, mint sets and proof sets, but does not include items manufactured primarily for transfer as bullion, including, but not limited to, Krugerrands, Maple Leafs and Austrian Coronas. "Coin" refers to a single piece of money as defined in this definition.

COMMUNITY LOCATION:

- A. A public or private kindergarten, elementary, middle, junior high, or high school;
- B. A licensed childcare facility or preschool;
- C. A trade or technical school;
- D. A church;
- E. A public library;

- F. A public playground;
- G. A public park;
- H. A youth center or other space used primarily for youth oriented activities;
- I. A public recreational facility; or
- J. A public arcade.

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

COMPLETED APPLICATION: A fully completed application form; an original or certified copy BCI check; two (2) copies of the original identification, relied on by the applicant to establish proof of identity; and the tendering of all required fees.

CONVENIENCE STORE: An establishment serving a limited market area and engaged in the retail sale or rental, from the premises, of primarily food, beverages and other frequently or recurrently needed items for household use, excluding gasoline sales. These products must constitute forty five percent (45%) or more of the store's gross monthly proceeds. The store's signage must clearly identify it as a convenience store and not as another type of store.

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

CURRENCY: Paper money or money of a material other than metal which was originally printed, minted or manufactured as legal tender in the country of origin and includes commemorative currency.

DANCE STUDIO: A place where people are taught to dance, with or without the payment of a fee.

DISQUALIFYING FACTORS: Anything specifically defined in this title as requiring the denial or suspension of a certificate, plus any of the following:

- A. Criminal charges are currently pending against the applicant or a key employee;
- B. The applicant or a key employee has been criminally convicted of a felony, within the last ten (10) years;
- C. The applicant or a key employee has been criminally convicted of a misdemeanor within the past five (5) years;

- D. A final civil judgment has been entered against the applicant or a key employee within the last five (5) years indicating that: 1) the applicant or key employee had either engaged in fraud or intentional misrepresentation; or 2) the applicant or key employee engaged in wilful and malicious activity causing injury to another entity or to the property of another entity;
- E. The applicant or key employee is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction;
- F. The applicant is currently on parole or probation to any court, penal institution or governmental entity, including being under house arrest or subject to a tracking device (for this purpose probation includes pleas in abeyance, diversions, etc.); or
- G. The applicant has an outstanding arrest warrant from any jurisdiction.
- H. The applicant, or any principal of the applicant, has administrative, civil or criminal citations or charges pending or on appeal, brought or assessed by the state or another jurisdiction, and based on violations of applicable licensing or regulatory requirements in connection with the business proposed to be conducted.

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

EMPLOY: Hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of employment relationship.

EMPLOYEE: The operator, owner or manager of a business and any persons employed by such person in the operation of the business in any capacity, and also any salesperson, agent, leased employee or independent contractor engaged in the business in any capacity.

EMPLOYMENT AGENCY: Any person or persons, including an entity, procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work or employment for persons seeking the same, or to otherwise engage in such business, or in any way to act as a broker or go-between between employers and persons seeking work; provided that the term "employment agency" does not include any person operating such an office or business exclusively for schoolteachers provided such an office or business does not receive directly or indirectly, for employment information or assistance rendered, a commission or other remuneration valued in excess of five percent (5%) of the amount of the first year's salary of the person to whom such information is furnished.

ENGAGING IN BUSINESS: Means and includes, but is not limited to, the sale or offer for sale of tangible personal property at retail or wholesale, the manufacturing of goods, including foodstuffs, the owning or operating of rental property, the building and development of real property, and the rendering of personal services for others for compensation, but does not include the rendering of personal services by an employee to his employer under any arrangement or contract of personal employment.

ESCORT: Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another person or other persons to or about social affairs, entertainment or places of amusement, or within any place of public or private resort, or any business or commercial establishment or any private quarters. An "escort" shall not be construed to include persons who provide business or personal services, such as private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve (12) hours and who provide a service not principally characterized as dating or socializing. An "escort" shall also not be construed to include persons providing services such as singing telegrams, birthday greetings, or similar activities characterized by appearances in a public place, contracted by a party other than the person for whom the service is being performed and of a duration not longer than one hour.

ESCORT SERVICE: An individual or entity who, for pecuniary compensation, furnishes or offers to furnish one or more escorts, or provides or offers to introduce patrons to escorts.

ESCORT SERVICE RUNNER: Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contacting or meeting with escort services, escorts or patrons at any location within the city, whether or not such third person is employed by such escort service, escort, patron or by another business, or is an independent contractor or self-employed.

FEES OR FEE SCHEDULE: The city's comprehensive fee schedule as it relates to business license fees, disproportionate rental dwelling unit fees and the discount fees associated with the good landlord program.

GENERAL SECONDHAND DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling of any secondhand merchandise of value other than antiques, precious metals or numismatic pieces. For the purpose of this title, a "general secondhand dealer" shall not include any person who:

- A. Deals solely in the purchasing, bartering, exchanging or selling of used motor vehicles or trailers;
- B. Is a scrap metal processor;
- C. Is a store, office or place of business operated by a charitable organization which acquires secondhand goods or merchandise exclusively by charitable donation;
- D. Engages in a business which requires a license pursuant to this title; or
- E. Is a person who deals solely in the consignment sale of used clothing, provided such clothing does not include jewelry or furs.

GROSS SALES:

- A. Total sales at invoice values, not reduced by customer discounts, returns or allowances, or other adjustments. Gross sales includes the amount of any manufacturer's or importer's excise tax included in the price of the product or property sold, even though the manufacturer or importer is also the wholesaler or retailer thereof, and whether or not the amount of such tax is stated as a separate charge.

B. "Gross sales" shall not include:

1. The amount of any federal tax, except excise taxes imposed upon or with respect to retail or wholesale sales, whether imposed upon the retailer, wholesaler, jobber or upon the consumer, and regardless of whether or not the amount of federal tax is stated to customers as a separate charge; and
2. The amount of net Utah state sales tax.

HOME SOLICITATION SALE: To make or attempt to make a sale of goods or services by a solicitor at a residence by means of door to door solicitation, regardless of the means of payment or consideration used for the purchase; the time of delivery of the goods or services; or the previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

ICE CREAM WAGON: A vehicle holding, offering and selling ice cream products by means of cruising residential neighborhoods and parks and thus seeking customers.

JUKEBOX OR MUSICAL MECHANICAL AMUSEMENT DEVICE: Includes each machine vending recorded music, or a period of radio or television entertainment in return for the insertion or deposit therein of a coin, trade token, slug, or similar object.

LEGITIMATE ARTISTIC MODELING: A person contracted in writing for nude modeling or appearance, whether on an outcall basis or otherwise, which contract is signed more than forty eight (48) hours in advance of the modeling or appearance; provided that during such nude modeling or appearance, it is unlawful to:

- A. Appear nude or seminude in the presence of persons under the age of eighteen (18);
- B. Allow, offer or agree to any touching of any other person;
- C. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or undertaking activities harmful to a minor;
- D. Allow, offer, commit or agree to any specified sexual activities;
- E. Allow, offer, agree or permit any person to masturbate in the presence of the individual contracted to appear nude;
- F. Allow, offer or agree for the individual appearing nude to be within five feet (5') of any other person while performing or while nude or seminude.

LICENSE DENIAL APPEAL BOARD: Defined in section 4-1C-5.

LICENSED PREMISES: Any building, enclosure, room or equipment used in connection with the conduct of the business, including, but not limited to, the sale, storage, service, manufacture, distribution or consumption of alcoholic beverages.

LIQUOR: Alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid or combination of liquids, a part of which is spirituous, vinous or fermented, and all other drinks or drinkable liquids, which contain more than one-half of one percent (0.5%) of alcohol by volume which is suitable to use for beverage purposes; except that the term shall not include any beverage defined as beer, malt liquor or malted beverage that has an alcohol content of less than four percent (4%) alcohol by volume.

MASSAGE: The practice whereby a person, either by the hands or with a mechanical or electrical apparatus, administers to another person effleurage (stroking), friction (rubbing), petrissage (kneading), tapotement (percussion) and vibration (shaking or trembling), or variations of these, and the use of rehabilitative procedures involving the muscles by nonintrusive means and without spinal manipulation. The practice of massage may include the use of oil rubs, heat lamps, salt glows, hot and cold packs or tub, shower, steam or cabinet baths. For purposes of this title, "massage" also includes shiatsu and reiki therapy.

MASSAGE APPRENTICE: A person who is licensed as a massage apprentice by the state of Utah.

MASSAGE ESTABLISHMENT: Any place where massages are given for hire.

MASSAGE TECHNICIAN: A person who is licensed as a massage technician by the state of Utah.

MECHANICAL BULL: An automatic amusement device that is ridden by the public.

MINOR: Any person under the age of twenty one (21) years.

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

NONPUBLIC DANCES: Dances conducted and sponsored by public or private schools, not for profit associations, the city or churches for the students or members thereof, even though an admission fee is charged. Dances conducted in private homes on a private basis shall not be deemed to be public dances, and shall be exempt from the licensing provisions of this title.

NUDE DANCING AGENCY AND SEMINUDE DANCING AGENCY: Any person who furnishes, books or engages or offers to furnish, book or otherwise engage the service of a professional dancer licensed pursuant to this title for performance or appearance at a business licensed for nude entertainment, seminude dancing bars, or adult theaters.

NUDE ENTERTAINMENT BUSINESS: Any business, including an adult theater, where employees perform or appear, in the presence of patrons of the business, in a state of nudity or seminudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business. Notwithstanding the foregoing, "nude entertainment business" does not include:

- A. A preparatory school licensed by the state, or a college, junior college or university supported entirely or partly by taxation.

- B. A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.

NUDITY AND STATE OF NUDITY:

- A. The human body in a state of undress allowing the viewing of the anus, genitals, or female nipple or areola.
- B. A state of dress which fails to opaquely cover the anus, genitals, or nipple or areola of the female breast.

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.

NUMISMATIC DEALER: Any person who engages in the business of purchasing, selling, bartering or exchanging coins or currency.

OPERATOR: The manager or other natural person principally in charge of a sexually oriented business.

OUTCALL SERVICES: Services of a type performed by a sexually oriented business employee away from the licensed premises, including, but not limited to, escorts, models, dancers, entertainers and other similar employees, regardless of the location of the premises of the licensed business employing the outcall employee.

OWNER: The person having ownership.

OWNER OCCUPIED: A residence occupied as a primary residence by the legal owner of the building within which the residence exists. For example a single-family home occupied as a primary residence by the legal owner of the building is owner occupied.

PARTICIPANT: A temporary merchant, not licensed as such, participating in a sales event.

PATRON: Any person who contracts with or employs any escort services or escort, or is a customer of any business licensed pursuant to this title.

PAWNBROKER: Any person who loans money on deposit of personal property, or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledger or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his or her possession, and who sells the unredeemed pledges together with such new merchandise as will facilitate the sale of same.

PECUNIARY COMPENSATION: Any commission, fee, salary, tip, gratuity, hire fee, profit, reward or any other form of consideration given in return for goods or services offered by a business.

PERSON: Includes any individual, group of individuals, partnership, corporation, association or other legal entity.

PLACE OF BUSINESS: Each separate location at or from which business is conducted or transacted. For this purpose branch locations and mobile business locations are each considered a separate place of business requiring a business license.

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

PREMISES: Any room, house, building, structure or place licensed by or defined in this title.

PRIVATE SCHOOL: For the purposes of this title, any school accredited by the state of Utah, whether by formal state action or by state acceptance of accreditation given to an academic program, which has been accepted as an alternative to public schools.

PROGRAM: As used in this title, the good landlord program of the city.

PROPRIETOR: Any person who, as the owner, lessee or proprietor, has under that person's control an arcade.

PUBLIC DANCE: Any dance to which the general public may gain admission, with or without the payment of a fee, or any dance which is conducted in the normal course of business on the premises of a restaurant, tavern or private club, but shall not include any dance conducted on or in any public park, street or public grounds by permission of the city, under the supervision of the city administrator or his/her assignee, or the Salt Lake County recreation department.

PUBLIC DANCE HALL: Any room, place or space in which a public dance is held and in which dancing or providing space for dancing is the principal business.

PUBLIC SCHOOLS: The public education system and higher education system as defined in article X of the Utah constitution and as implemented by appropriate state statutes.

REGISTERED SOLICITOR: Any person who has been issued a current solicitors license by the city.

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

RELIGIOUS OR CHARITABLE ORGANIZATION: Any organization which can provide written approval from the internal revenue service that the organization has been granted tax exempt status under section 501(c)(3) of the internal revenue code, or its successor.

RENTAL DWELLING UNIT: Any individual dwelling unit, other than an exempt dwelling unit, that is rented, leased, or hired out to be used or occupied as a home or residence. This definition is inclusive of any buildings or apartment buildings so arranged, designed, built, rented, let or hired out to be used or occupied as the home, residence, or dwelling unit of one or more families living independently of each other. For the purpose of this definition, a residence that is under a bona fide contract of sale to an occupying purchaser is not a rental dwelling unit.

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

RESIDENTIAL TREATMENT FACILITIES: An adult daycare (limited and general), group home (large and small), residential substance abuse treatment home (large and small), and/or transitional home (large and small), all as defined in title 13 of this code. "Residential treatment facilities" is a special purpose definition used to apply general requirements to each of its constituent defined facilities.

RESPONSIBLE PERSON OR ENTITY: That person or entity responsible to refund any money or reversing any credit card charges for persons who timely rescind any sale pursuant to applicable contractual rights or legal requirements, and the competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale.

SALE OF GOODS OR SERVICES: The conduct and agreement of a solicitor and the competent individual in a residence regarding particular goods or services that entitles the consumer to rescind the same within three (3) days under any applicable federal, state or local law.

SALES EVENT: An event where two (2) or more temporary merchants, not more than one of whom is licensed as a temporary merchant, display any goods, wares or services at a location in the city for the purpose of sale or soliciting orders to be filled in the future, for financial gain or profit.

SCRAP METAL PROCESSOR: Any person who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades, and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for sale for remelting purposes.

SECONDHAND COMPACT DISC DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling secondhand compact discs or "CDs", including DVDs.

SECONDHAND COMPUTER DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling secondhand computers and/or computer parts.

SECONDHAND JUNK COLLECTOR: Any person not having a fixed place of business within the corporate limits of the city who goes from house to house or place to place gathering, collecting, or otherwise dealing solely in secondhand rags, papers, metals or other articles commonly known as "junk" for his own account.

SECONDHAND JUNK DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling:

- A. Secondhand metals other than precious metals; or
- B. Glass, rags, rubber, paper or other articles commonly known as "junk" from a fixed place of business.

For the purpose of this title, a "junk dealer" shall not include a scrap metal processor.

SECONDHAND PRECIOUS METAL AND/OR PRECIOUS GEM DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling, in any form:

- A. Secondhand gold, silver, platinum or other precious metals, or secondhand articles containing any of such metals, but not including "coins", "currency" or "bullion"; or
- B. Secondhand precious gems or any secondhand articles containing any precious gems.

SELF SERVICE DISPLAY: A display of a cigarette, tobacco, or an electronic cigarette to which the public has access without the intervention of a retailer or retailer's employee.

SELL, SALE, AND TO SELL: Any transaction, exchange, or barter whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or under any pretext is promised or obtained, whether done by a person as principal, proprietor, or as an agent, servant or employee, unless otherwise defined in the alcoholic beverage control act or regulations adopted by the state alcoholic beverage control commission.

SEMINUDE: A state of human undress in which opaque cloth or other opaque material fully covers only the areola of the female breast, the genitals, pubic region, and anus.

SEMINUDE BOOKING AGENCY: Any person which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer licensed pursuant to this title for seminude performance or appearance.

SEMINUDE ENTERTAINMENT BUSINESS: A business, including adult theater, where employees perform or appear in the presence of patrons of the business seminude. A business shall also be presumed to be a seminude entertainment business if the business holds itself out as such a business.

SERVICES: Those intangible goods or personal benefits offered, provided or sold to a competent individual.

SEXUALLY ORIENTED BUSINESS: An adult bookstore, adult video store, adult motion picture theater, adult theater, escort service, nude and/or seminude dancing agency, nude and/or seminude entertainment business or entertainer, and/or an outcall service. "Legitimate artistic modeling", as defined in this article, is not a sexually oriented business. This definition does not include a sex therapist or similar individual licensed by the state to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the state for activities in the classroom.

SEXUALLY ORIENTED BUSINESS EMPLOYEES:

- A. Those employees who work on the premises of the sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, entertainers, escorts, models and other similar employees whether or not hired as employees, agents or as independent contractors.

- B. Sexually oriented business employees do not include individuals whose work is not directly related to the sexually oriented portion of the business such as janitors, bookkeepers and similar employees, cooks, serving persons, bartenders and similar employees, except where they are managers or supervisors of the business or where the employee will be required or chooses to appear in the sexually oriented business in a nude or seminude condition.
- C. All persons making outcall meetings, including escorts, models, entertainers, guards, escort runners, drivers, chauffeurs and other similar employees, are sexually oriented business employees, regardless of the location of the premises of the licensed business employing the outcall employee.

SHOOTING GALLERY: A place of business where shooting of any kind is done, including a shooting range.

SOLICITING, SOLICIT, SOLICITATION: Any of the following activities when conducted on a door to door home contact basis:

- A. Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
- B. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;
- C. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
- D. Seeking to obtain orders or prospective customers for goods or services;
- E. Other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling.

SOLICITOR, SOLICITORS: A person or persons engaged in door to door solicitation. A solicitor's license does not authorize or enable hawking goods or contacting people in public places, in a park or on the street.

SPECIFIED ANATOMICAL AREAS: The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, or nipple to its end with less than full opaque covering.

SPECIFIED CRIMINAL ACTS:

- A. Providing material harmful to minors;
- B. Prostitution or prostitution offenses;
- C. Unlawful sexual intercourse with a minor;
- D. Lewdness or gross lewdness;

- E. Rape;
- F. Object rape;
- G. Forcible sexual abuse;
- H. Contributing to the delinquency of a minor;
- I. Pornographic, obscene harmful materials, or lewd performance offenses;
- J. Any sexual offense involving a child;
- K. Any offense involving theft or dishonest practices;
- L. Any offense against government order;
- M. Racketeering enterprise offenses;
- N. Money laundering and currency transportation reporting offenses;
- O. Furnishing alcohol, drugs or paraphernalia, or sale of firearms to a minor;
- P. Offenses committed in other jurisdictions which are substantially similar to those listed in this definition, regardless of the exact title of the offense; or
- Q. Attempt, aiding, abetting, solicitation, or conspiracy to commit any of the offenses described in this definition.

SPECIFIED SEXUAL ACTIVITIES:

- A. Acts of:
 - 1. Masturbation;
 - 2. Human sexual intercourse;
 - 3. Sexual copulation between a person and a beast;
 - 4. Fellatio;
 - 5. Cunnilingus;
 - 6. Bestiality; or
 - 7. Anal copulation between two (2) persons or person and a beast.
- B. Manipulating, caressing or fondling by any person of:
 - 1. The genitals of a human, including oneself;
 - 2. The pubic area of a human, including oneself; or

3. The covered or uncovered female nipple or areola, including of oneself.
- C. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SUBSTANTIATED REPORT: An oral, written or electronic report that is submitted to and documented by the city that provides any of the following information regarding a person or business holding a city business license of any type:

- A. Documented verification of a previously undisclosed disqualifying factor;
- B. Probable cause that the person or business has committed a disqualifying factor which has not yet been determined to be a disqualifying factor;
- C. Documented, eyewitness accounts that the person or business has engaged in repeated patterns of behavior that demonstrates failure by the person or business to adhere to the requirements of this title; or
- D. Probable cause that continued licensing of the person or business demonstrates exigent circumstances that threaten the health, safety or welfare of any individuals or entities within the city.

TEMPORARY MERCHANT:

- A. Any person, whether a resident of the city or not, who within the limits of the city:
 1. Engages in a temporary business of selling and/or delivering goods, wares or services, or who conducts meetings open to the general public where franchises, distributorships, contracts or business opportunities are offered to the public; or
 2. Sells, offers or exhibits for sale any goods, wares or services, franchises, distributorships, contracts or business opportunities, during the course of or any time within six (6) months after a lecture or public meeting pertaining to such goods, wares, services, franchises, business opportunities, contracts or distributorships.
- B. The foregoing notwithstanding, a "temporary merchant", for the purposes of this title, shall not include the following:
 1. A person who shall occupy any business establishment for the purpose of conducting a permanent business therein; provided, however, that no person shall be relieved from the provisions of this title by reason of a temporary association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer; or
 2. Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stock has been acquired from a merchant or merchants of the city regularly licensed and engaged in business; provided, however, no such stock of merchandise shall be augmented by new goods; or

3. A person who sells his or her own property which was not acquired for resale, barter or exchange, and who does not conduct such sales more than twice during any calendar year; or
4. Art exhibits, where participating artists sell their original works, and which do not contain any sales of artwork purchased or taken on consignment and held for resale, providing such art exhibits are sponsored by a local, responsible organization; or
5. "Religious or charitable organizations", as defined in this section; or
6. Sales of goods, wares or services at a convention, meeting or exposition which is not open to nor advertised to the general public, to the extent such sales are made to registered members of the sponsoring organization, provided the sponsoring organization or its designated agent delivers to the city license supervisor, at least fifteen (15) days in advance of such convention, meeting or exposition, a statement of the organization's qualification for this exemption and a statement of the common interest or category of those who will be attending such convention, meeting or exposition; and providing all persons selling or purchasing goods, wares or services at such convention, meeting or exposition shall wear or display in a conspicuous manner a tag stating the name of the sponsoring organization.

TEMPORARY MERCHANT SPONSOR: Any person who leases or rents a building or portion of a building, or other space, for the purpose of conducting a sales event with two (2) or more participants.

TOBACCO PRODUCT:

- A. Any cigar, cigarette, or electronic cigarette as defined in Utah code section 76-10-101;
- B. A tobacco product as defined in Utah code section 59-14-102, including:
 1. Chewing tobacco; or
 2. Any substitute for a tobacco product, including flavoring or additives to tobacco; and
- C. Tobacco paraphernalia as defined in Utah code section 76-10-104.1.

TOBACCO SPECIALTY BUSINESS: A commercial retail establishment that, through signage, floor space allocation and sales revenue, demonstrates it is substantially engaged in the offer and sale of tobacco products. See Utah Code Annotated sections 10-8-41.6 and 76-10-105.1 and related and successor provisions.

TRANSIENT AUCTION HOUSE: Any person or any agent, servant or employee of any person who shall sell, or offer for sale at auction, any goods, wares, merchandise or articles for value in or from any hotel, rooming house, dwelling house, boarding house, store, storeroom, stall, tent, building, structure, stand or other place indoors or outdoors, and who shall occupy such place for the purpose of conducting a temporary business in that place.

VARIANCE BOARD: The board of adjustment. See section 4-2A-10, subsection C and D.

WAIVER: The written form provided to an applicant by the city wherein applicant agrees that the city may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this title and which contains applicant's signature, which is either executed in the presence of the business licensing authority, or notarized at the time the waiver is signed. (Ord. 12-13, 6-13-2012; amd. Ord. 13-14, 3-27-2013; Ord. 16-01, 1-13-2016; Ord. 16-06, 1-13-2016; Ord. 16-11, 3-23-2016; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 2. Title 4, Chapter 1, Article B, Sections 4, 6, 12, 17 and 31 of the 2009 City Code shall hereafter read as follows:

4-1B-4: POWERS OF BUSINESS LICENSE AUTHORITY:

The business license authority and all license inspectors in the performance of their official duties shall have and exercise the following powers:

- A. Notices Of Violation; Criminal Referrals: The business license authority may issue notices of violation and seek suspension or revocation of a license and/or assess fines for violations of the provisions of this title using the procedures set forth in title 16, chapter 1, article C of this code, and may refer cases to the criminal authorities for prosecution as crimes.
- B. Inspections: The business license authority and any authorized agent may enter free of charge, during normal business hours, the physical space being used or occupied by any business, in conformity with law, and demand the exhibition of the applicable city license for the current term from any person engaged or employed in the operation or transaction of such business or the operation of such vehicle, and may generally inquire into and inspect the conduct and operations of the business.
- C. Right To Consider Individual Officers Of An Artificial Entity: In determining whether the applicant is entitled to a business license, the business license authority may disregard the corporate or business entity status, if any, of the applicant and examine the qualifications, or lack of qualifications, of the individual owners, officers, agents and employees of the business entity.
- D. Conditions Precedent To License Issuance: The business license authority shall not issue a license unless the application forms have been properly completed and the annual business license fee for the first year has been paid in advance. The business license authority may require the applicant to fully disclose the nature and scope of the proposed business activity. In making the determination to issue the business license, the business license authority may look to the previous activities of the business or its principals and employees.
- E. Time Period Within Which To Act On License; Denial: The business license authority may take up to ninety (90) days from the date when the license application is received by the business license authority, to review an application and investigate the relevant facts. If the business license authority concludes to deny an application, a statement of the facts and reasons for the denial shall be given to the applicant.

- F. Time Extensions: Upon a showing of good cause, the business license authority may grant extensions of time.
- G. License Authority Denial: The business license authority shall have the authority, without a hearing, to deny a license for the reasons provided for in this article, subject to appeal rights.
- H. Business License Authority Investigation: The business license authority may, on his or her own initiative or in response to complaints from the general public or any city department or division, investigate and gather evidence of violations of this title or other circumstances which may give rise to a denial, suspension or revocation; or seek the code enforcement division's or other investigative organization's assistance or investigations. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1B-6: LICENSE NONTRANSFERABLE; LIMITED TO LICENSED NAME AND PREMISES:

- A. No Transfer Of License: No license granted or issued under the provisions of this title shall be in any manner assignable or transferable unless authorized by the business license authority in writing; or authorize any person, other than is therein named, to do business; or authorize any other business, calling, trade or profession than is therein described to be done or transacted; or the business, calling, trade or profession therein described to be done or transacted, at any place other than is therein provided.
- B. Duty To Use Name Identified In License Application: It is unlawful for a business to do business under any name other than the business name specified in the application. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1B-12: ISSUANCE OF LICENSE:

- A. License Issuance: Within thirty (30) days after receiving a completed application and completion of any needed investigation, or as in law specifically required, the business license authority shall issue the license, provided all fees are paid and all legal procedures and requirements are met, or shall deny the license if all fees are not paid or if all legal procedures and requirements are not met.
- B. Formal Requirements: All certificates of license shall be signed by the business license authority, which may be by facsimile signature, and shall contain the following information:
 - 1. The name of the person to whom such certificate has been issued;
 - 2. The kind of license, and the class of license, if such licenses are divided into classes;
 - 3. The term of the license, stating the commencing date and the expiration date.

- C. Issuance Approval: No new business license certificate which requires inspection or approval of any department of city government, whether new or renewal, shall be delivered or mailed to the applicant, until all legal requirements for the issuance or renewal have been met. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1B-17: LICENSE YEAR; FEE PAYMENTS AND PRORATIONS:

- A. Fees To Be Paid In Advance In U.S. Legal Tender: All license fees shall be paid in advance in legal tender of the United States at the main office of the city.

- B. License Year; Renewal Date; Prorations:

1. License Year; Good Landlord Program: A "license year" will run for twelve (12) consecutive calendar months following the date of commencement and end on the last day of the twelfth month. Notwithstanding the foregoing, participants in the city's "good landlord" program, governed by chapter 2, article R of this title, must renew their good landlord certification every four (4) years, and thus good landlord certification will run for forty eight (48) consecutive calendar months.

2. Administratively Assigning License Year Dates: Annual licenses issued pursuant to this title need not be issued on a calendar year basis. In order to have city licenses come due for renewal and spread city administrative handling of license issuance and renewals in a roughly uniform basis throughout the calendar year, the business license authority shall cause the city to be divided into four (4) geographic quadrants that are periodically established to equalize estimated licensing activity in the city into fourths. Each geographic quadrant will be assigned a month of commencement. Licenses issued within each quadrant shall commence on the first day of that quadrant's designated commencement month, also known as the "renewal date", as follows: quadrant A, July; quadrant B, October; quadrant C, January; and quadrant D, April. Licenses for preschools and daycares will not use the geographic quadrant system.

3. Pro Rata Charges For Initial License Period: The initial license period shall run from the first day of the month the license was issued through the last day of the month immediately preceding the applicable quadrant's renewal date. The first year's annual license fee shall be reduced on a pro rata basis, for each quarter of a year for which the license was not in effect. Any partial quarter or three (3) month period of the license year in which the initial license was granted shall be counted as a period for which full pro rata payment is required. This pro rata payment shall be administered so that a license applicant shall pay a percentage of the annual license fee periodically established in the city council uniform fee schedule, computed on a license year quarter, as follows:

a. One hundred percent (100%) for a license issued in the first three (3) calendar months of the initial license year;

b. Seventy five percent (75%) for a license issued in the second three (3) calendar months of the initial license year;

c. Fifty percent (50%) for a license issued in the third three (3) calendar months of the initial license year; and

d. Twenty five percent (25%) for a license issued in the fourth three (3) calendar months of the initial license year.

4. Renewal License Fee: Following the pro rata payment, renewal license fees shall be for a full twelve (12) month license year period.

C. Payments: Each license fee shall be paid at the time of an application's filing, whether as a new or a late renewal application. The application shall not be processed until the fee is paid. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1B-31: EQUIVALENT ALTERNATIVE METHODS OF REGULATION:

A. City Administrator Alternate Regulatory Rules: Whenever a person regulated under this chapter and/or chapter 2 of this title alleges that specified requirements are impracticable or excessively burdensome as applied to such person, s/he may file with the city administrator a written petition setting forth such allegations and presenting suggested methods of regulation of such person by the city in lieu of enforcement of the specified requirements of this chapter so objected to. The city administrator may either approve or deny the proposed alternative methods of regulation proposed by the petitioner or may approve other alternative methods of regulation. Upon approval by the city administrator, such alternative regulation shall be as obligatory upon the petitioner as if such had been specific requirements set forth in this chapter, the violation of any of which alternate regulations shall be a misdemeanor.

B. Standards For Approval: The standard for approval of any such alternative regulation shall be that they are equivalent to the existing requirements which they would supplant, in meeting the objectives of enhancing and protecting the public health, safety and welfare, including, but not limited to, inhibiting theft and trafficking of stolen merchandise and providing adequate opportunity for examination by the police of suspect transactions. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 3. Title 4, Chapter 1, Article C, Sections 3, 5 and 7 of the 2009 City Code shall hereafter read as follows:

4-1C-3: PROCEDURE FOR SUSPENSION OR REVOCATION:

The business license authority may prosecute a suspension or revocation administratively as provided in title 16, chapter 1, article C of this code, and/or as a class B misdemeanor. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1C-5: LICENSE DENIAL APPEAL BOARD ESTABLISHED:

The administrative law judge shall hear and decide all appeals of license denials. Whether as an individual or when constituted of more than one person, the person or persons designated to hear an appeal shall hereafter be designated as the license denial appeal board. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1C-7: FILING AN APPEAL OF A DENIAL:

Appeals of a business license authority's decision to deny a business license may be made by filing a written notice of appeal with the city recorder, within fifteen (15) days of receipt of the notice of denial, suspension or revocation. The appeal notice shall contain a specific and detailed explanation of the alleged mistake made by the business license authority and a specific statement of the relief desired. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 4. Title 4, Chapter 1, Article D, Sections 1 and 2 of the 2009 City Code shall hereafter read as follows:

4-1D-1: POWERS AND DUTIES OF POLICE AND INSPECTORS:

A. Authorized Enforcement Personnel:

1. All code enforcement officers, police officers, community enforcement officers and city building inspectors are appointed to act as business license inspectors, and are empowered and required to examine all places of business and persons who are required to have a business license and to determine if posted licenses are valid and displayed in a conspicuous place within the place of business, as required by law.

2. Police officers and inspectors shall have and exercise the power to enter free of charge, during normal business hours, any place open to the general public and for which a license is required. They may require the exhibition of a current license by any person engaged or employed in the conduct of such business.

B. Duty To Enforce: It shall be the duty of the city code enforcement officers, police officers and the city building inspectors, as well as the city business license authority, to cause complaints to be filed against all persons violating any of the provisions of this title. Enforcement against pawnshops is limited as provided in Utah code section 13-32a-112.5. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1D-2: PENALTIES FOR VIOLATION:

A. Administrative Fines And Penalties: If the mayor so authorizes, the business license authority may assess administrative penalties for violations of this title. Such penalties shall not exceed one thousand dollars (\$1,000.00) for each violation.

B. Violation: Any violation of this title may be prosecuted administratively as provided in title 16, chapter 1, article C of this code, and/or as a class B misdemeanor.

C. Each Sale Without A License Is A Separate Offense: The sale of each article by a temporary merchant, a temporary merchant sponsor or a participant, without a license therefor, shall be a separate offense under and a separate violation of this title. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 5. Title 4, Chapter 2, Article A, Sections 2, 4, 6, 10 and 11 of the 2009 City Code shall hereafter read as follows:

4-2A-2: ALCOHOLIC BEVERAGE LICENSE PROVISIONS:

- A. Utah Alcoholic Beverage Control Act Adopted: The Alcoholic Beverage Control Act, Utah Code Annotated section 32B-1-101 through 32B-16-302, as amended from time to time, is hereby adopted by this reference in its entirety as if set forth in full herein. The Alcoholic Beverage Control Act as adopted herein shall be construed to apply only to the incorporated areas of the City and shall be interpreted and constructed where necessary to carry out the intent of this article.
- B. Preemption And Local Control: Utah Code Annotated section 32B-1-104 of the Alcoholic Beverage Control Act states that the Act governs alcoholic beverage in this State, except in those areas where the local authorities are expressly granted regulatory control over local issues. Nothing in this title precludes local authorities from regulating the sale, storage or consumption of alcoholic beverages if that regulation does not conflict with the provisions of this article.
- C. State Law Compliance Required: All businesses regulated pursuant to this article shall comply with the State Alcoholic Beverage Control Statutes, Utah Code Annotated title 32B, chapter 1, and the regulations of the State Department of Alcoholic Beverage Control.
- D. Classifications; Privileges: Business licenses issued to businesses governed under this article shall be of the following classes and carry the following privileges:
 - 1. Class A: A Class A retail beer sales license authorizes the person or business holding the business license to sell beer at the licensed premises in original containers for off premises consumption if such sale constitutes less than forty percent (40%) of the total sales (in dollar volume) made upon the same premises.
 - 2. Class B: A Class B retail beer sales license authorizes the person or business holding the business license, which must be a restaurant, hotel, cafeteria, golf course snack shop or other public eating place which furnishes bona fide meals to guests and patrons, to sell beer at retail in original containers or on draft for consumption on the licensed premises. When such beer is purchased at a restaurant, hotel, cafeteria or other public eating place, exclusive of a golf course snack shop, the beer must be purchased in conjunction with the purchase of a bona fide meal which will also be consumed on the premises. A bona fide "meal" is defined as the quantity of food of such nature as is ordinarily consumed by an individual at regular intervals for the purpose of sustenance in the dining rooms of hotels, non-fast food restaurants, cafeterias and other public eating houses where sit down and plated meals are regularly served at tables or counters. For the purpose of this chapter, a business shall be deemed to be a non-fast food restaurant or cafeteria if at least three (3) of the following criteria are met:
 - a. No more than twenty five percent (25%) of the total dollar volume of sales are food and drink merchandise not consumed by the customer on the premises.

b. The business does not contain a takeout window by which customers, while still within their vehicles, may order and receive the food and drink merchandise without actually entering the enclosed building in which the licensed business operates.

c. No more than twenty five percent (25%) of the total dollar of sales for food and drink merchandise are served upon or in disposable materials (such as paper plates, paper cups, plastic utensils).

d. The seating places for customers eating on the premises is significantly separated from the place where other customers waiting to order will be located.

3. Restaurant Liquor License: A restaurant liquor license authorizes the holder of a Class B retail beer sales license to sell liquor for consumption on the licensed premises. A restaurant liquor license may be issued by the business license authority, only in conjunction with a restaurant liquor license issued by the State. The business license authority may not consent to the issuance of a State restaurant liquor license unless and until the applicant:

a. Completes and submits a Class B retail beer sales license application and receives a Class B retail beer sales license;

b. Meets the qualifications for a restaurant liquor license as contained in Utah Code Annotated title 32B, chapter 6, or its successor; and

c. The applicant has paid all fees required under this article.

4. Single Event Permit:

a. A single event permit authorizes the holder to sell beer in the original container or on draft for on premises or off premises consumption for a temporary period of time not to exceed thirty (30) days in connection with a special event. Each temporary license shall expire at eleven fifty nine o'clock (11:59) P.M. on the last day stipulated for the temporary license. Single event permits shall be approved or denied by the mayor.

b. Notwithstanding the License Denial Appeal Board provisions found earlier in this title, a denial by the mayor of a single event permit is immediately appealable to District Court.

5. Tavern Beer License: Tavern beer license authorizes the holder to sell beer on draft in containers not to exceed two liters (2 L) in size for consumption on the premises, or in original containers not to exceed two liters (2 L) in size for consumption off the premises. Beer sold for consumption off the premises must be sold in the original sealed container. It is unlawful and shall constitute a strict liability offense for an on premises tavern beer licensee, operator, agent or employee to permit or to allow any person under the age of twenty one (21) years to be allowed in the premises occupied by an on premises tavern beer license.

6. Manufacturing License: A manufacturer of an alcoholic product must first obtain the appropriate manufacturing license(s): a winery manufacturing license, a distillery manufacturing license, and a brewery manufacturing license.

a. Winery Manufacturing License: A winery manufacturing license allows a winery manufacturing licensee to:

- (1) Store, manufacture, transport, import, and export wine;
- (2) Sell wine at wholesale to the department and to out-of-State customers;
- (3) Purchase liquor for fortifying wine, if the department is notified of the purchase and date of delivery; and
- (4) Warehouse on the licensed premises liquor that is manufactured or purchased for manufacturing purposes.

b. Distillery Manufacturing License: A distillery manufacturing license allows a distillery manufacturing licensee to:

- (1) Store, manufacture, transport, import, and export wine;
- (2) Sell liquor to the department, an out-of-State customer, or as otherwise provided by State law;
- (3) Purchase an alcoholic product for mixing and manufacturing purposes if the department is notified of the purchase and the date of delivery; and
- (4) Warehouse on its licensed premises an alcoholic product that the distillery manufacturing licensee manufactures or purchases for manufacturing purposes.

c. Brewery Manufacturing License: A brewery manufacturing license allows a brewery manufacturing licensee to:

- (1) Store, manufacture, brew, transport, import, or export beer, heavy beer, and flavored malt beverages;
- (2) Sell heavy beer and a flavored malt beer to the department, a military installation, or an out-of-State customer;
- (3) Sell beer to a beer wholesaler licensee;
- (4) In the case of a small brewer, in accordance with other State law, sell beer manufactured by the small brewer to a retail licensee, an off-premise beer retailer, or an event permittee; and
- (5) Warehouse on its premises an alcoholic product that the brewery manufacturing licensee manufactures or purchases for manufacturing purposes.

d. Compliance With State Law: The applicant of a West Jordan City beer manufacturing license must obtain and meet Utah Code Annotated section 32B-11 parts 1-6 of the Utah State Alcohol Beverage Control Manufacturing Act and Related Licensing Act.

7. Wholesale License: A beer wholesaling license entitles the beer wholesaler licensee to purchase and import beer into the State, store beer in an approved warehouse, and sell and distribute beer directly to a beer retailer or an event permittee. Nothing in this section precludes a small brewer from selling beer the small brewer manufactures directly to a retail licensee, an off-premises beer retailer, or an event permittee. The applicant of a West Jordan City beer manufacturing license must obtain and meet Utah Code Annotated section 32B-11 parts 1-6 of the Utah State Alcohol Beverage Control Manufacturing Act and Related Licensing Act.

E. Other Liquor And Beer Sales Not Permitted: Other than the specific classes of business licenses listed in subsection D of this section, no license or consent will be given to authorize the sale of beer or liquor within the City.

F. Beer License Additional:

1. A person must obtain one of the licenses referred to in this section in addition to the regular business license issued by the City and any licenses required by State or Federal law. The regular City business license issued to a business does not constitute permission by the City to engage in business involving alcoholic beverages.

2. A separate beer license shall be required for each premises where beer will be sold.

3. It shall be unlawful for any business required to be licensed under this article to fail to display the beer license granted pursuant to this article in a prominent location within the business premises.

G. No Vested Rights: The issuance of a license pursuant to this article shall grant only a mere revocable privilege to sell beer and liquor or to sell, dispense and allow its patrons to consume beer and liquor on the licensed premises, as provided in this article and the laws of the State, and shall not confer any vested rights of any kind or nature upon a beer licensee.

H. Nontransferable License: Licenses issued under this article are not transferable. A beer licensee selling his business is not entitled to a refund of the license fee paid unless the license fee was paid and the request for refund was made prior to the commencement of the license year. (Ord. 12-13, 6-13-2012; amd. Ord. 18-25, 7-11-2018; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2A-4: OPERATIONAL RESTRICTIONS:

Each person granted a business license under this article and the employees and management personnel of the licensee shall comply with the following conditions and requirements. Failure to comply may result in a suspension or revocation of the license or other criminal action taken against the business or individual:

A. The business may not sell alcoholic beverages in original containers having a volume greater than two liters (2 l).

- B. A patron or guest of an "on premises" alcoholic beverage business may only make purchases from a server designated and trained by the person or business holding the business license.
- C. Alcoholic beverages may not be sold or offered for sale after one o'clock (1:00) A.M., and before seven o'clock (7:00) A.M., or, as to on premises licensees, before ten o'clock (10:00) A.M.
- D. Alcoholic beverages may not be sold, delivered or furnished to any:
 - 1. Minor.
 - 2. Person actually, apparently or obviously intoxicated.
 - 3. Known interdicted person.
- E. A person may not bring onto the business premises any alcoholic beverage for on premises consumption, nor may an on premises beer business, or its officers, managers, employees or agents, allow a person to bring onto the business premises any alcoholic beverage for on premises consumption or allow consumption of any such alcoholic beverage on its premises.
- F. Persons under the age of twenty one (21) years are not allowed to participate in a sales transaction involving alcoholic beverages unless such persons are under the immediate supervision and in the immediate vicinity of a person who is at least age twenty one (21) years who is on the premises at the time of the sale.
- G. An employee of a licensed business, while on duty, may not consume an alcoholic beverage or be under the influence of alcoholic beverages.
- H. The licensed business shall display in a prominent place in the licensed premises a sign in large letters stating:

Warning: The consumption of alcoholic beverages purchased in this establishment may be hazardous to your health and the safety of others.
- I. Alcoholic beverages may not be purchased by the person or business holding the alcohol special business license or any agent or employee for patrons or guests of the business.
- J. Alcoholic beverages must be obtained from a licensed wholesaler.
- K. Alcoholic beverages must be segregated from other beverages in the display case.
- L. At each point where alcoholic beverages are displayed for sale, and at each cash register and other locations where the sale is consummated, a notice shall be displayed indicating that:
 - 1. The purchase and/or consumption of alcoholic beverages by persons under the age of twenty one (21) years is unlawful.

2. Having an open container of alcoholic beverage in a motor vehicle while on the public street is unlawful.

3. The purchasers of alcoholic beverages will be expected to produce identification. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2A-6: ADMINISTRATIVE REGULATIONS:

The city administrator may prepare and promulgate such administrative forms and regulations, not inconsistent with the provisions of this article, as are necessary to carry out the purposes of this article. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2A-10: SPECIAL RESTRICTIONS ON HOLDERS OF ALCOHOLIC BEVERAGE LICENSES:

A. Proof Of Sales: The applicant will, upon request, furnish certified documents substantiating sales of any and all products and services.

B. Distance Restrictions: A business or person holding a class B license shall not be located or proposed to be located as follows:

1. Within six hundred feet (600') of any religious facilities, schools, public parks, daycare centers or sexually oriented businesses, as measured from the main entrance of the outlet by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular traffic along public thoroughfares, whichever is closer, to the property boundary of the religious facility, school, public park, daycare center or sexually oriented business;

2. Within two hundred fifty feet (250') of any residences measured from the main public entrance of the outlet by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular traffic along public thoroughfares, whichever is closer, to the property boundary of the residence; or

3. Within two hundred feet (200') of any religious facilities, schools, public parks, daycare centers or sexually oriented businesses, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the religious facility, school, public park, daycare center or sexually oriented business.

C. Variances: After all other application requirements are met and approved by the business license authority, a class B beer license applicant may request a variance from the proximity distance requirement stated in this section from the variance board, as defined in section 4-1A-2, by complying with the following requirements:

1. Advertising: Subject to review of the business license authority, the applicant shall cause notice of a public hearing to be published once a week for three (3) consecutive weeks in a newspaper of general circulation. As a minimum, the advertisement shall state the date, time, location and reason for the public hearing.

2. Notice To Property Owners And Tenants: Subject to review of the business license authority, an applicant must mail notices of public hearing stating the date, time, location and proposed nature of the applicant's business, at least ten (10) days in advance of the hearing, to all property owners and tenants within six hundred feet (600') of the proposed premises and provide the city clerk-recorder with proof of such mailing and a sample of the notice.

D. Public Hearing For Variance: After satisfying the notice requirements, the variance board shall hold a public hearing to consider the granting of the variance from the distance requirements stated in this section.

E. Disqualified Applicants: No single event, class A or class B beer license shall be granted to any applicant who:

1. Has been convicted of or pled no contest to:

a. A felony under any federal or state law;

b. Any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages;

c. Any crime involving moral turpitude; or

d. Any misdemeanor conviction for crimes occurring within five (5) years prior to the date of application. "Misdemeanor" shall not include minor traffic offenses. Any traffic offense designated as a class B misdemeanor shall not be construed as a minor traffic offense.

2. Has had any type of license, agency or permit to sell liquor or beer revoked by any state or local government within the last five (5) years.

3. Is under the age of twenty one (21) years.

4. Has failed to meet any other licensing requirement under this title. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2A-11: APPLICATION AND DISCLOSURE:

A. Class A Or Single Event: An applicant seeking a class A beer sales license or single event permit within the city shall provide a written application on forms provided by the city. In addition to the information provided on the standard business license application, the class A beer sales license application shall provide to the business license authority:

1. Copies of the written policies, procedures, training materials and other methods which the applicant will use to ensure compliance with the laws relating to the marketing and sale of alcoholic beverages. The applicant must also sign a statement certifying that all employees have been trained in these policies, procedures and laws.

2. If the application is for a single event permit, a statement by the applicant of the dates of the event and whether this event has been licensed by the city previously.

3. Any other information which the city may require to accurately evaluate the merits of the application.

4. A nonrefundable application fee in an amount adopted by the city council in its uniform fee schedule.

B. Class B: An applicant seeking a class B beer sales license within the city for consumption on the premises shall provide a written application on forms provided by the city. In addition to the information provided on the standard business license application, the class B beer sales license application shall provide to the business license authority:

1. For all applicants, a statement of:

- a. Any other names or aliases used by the individual;
- b. The age, date and place of birth;
- c. Height;
- d. Weight;
- e. Color of hair;
- f. Color of eyes;
- g. Present business address and telephone number (if applicable);
- h. Present residence and telephone number;
- i. Utah driver's license or identification number; and
- j. Social security number.

2. Acceptable written proof that an individual is at least twenty one (21) years of age and a U.S. citizen.

3. A statement of the business, occupation and employment history of the applicant for three (3) years immediately preceding the date of the filing of the application.

4. A statement detailing the license and permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including:

a. Whether such applicant previously operated or was seeking to operate a business authorized to allow consumption of alcohol on the premises in this or any other county, city, state or territory.

b. Whether such applicant has ever had a license, permit or authorization to do business denied, revoked or suspended.

c. In the event of any such denial, revocation or suspension, a statement of

the date, the name of the issuing or denying jurisdiction, and the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.

5. Copies of the applicant's business license (if available) and of the application to the state for a liquor license.

6. A map drawn to scale showing evidence of proximity to any religious facilities, schools, public parks, daycare centers, sexually oriented businesses or other businesses currently possessing any license which allows it to serve or sell liquor or beer.

7. Evidence that the business is carrying dramshop insurance coverage of at least one hundred thousand dollars (\$100,000.00) per occurrence, and three hundred thousand dollars (\$300,000.00) in the aggregate.

8. A nonrefundable application fee in the amount adopted by the city council in its uniform fee schedule.

9. At least three (3) character references who meet the following qualifications:

a. The person giving the reference must have known the applicant for a minimum of five (5) years.

b. The person giving the reference must be of good repute.

c. The person giving the reference may not be a relative of the applicant.

10. A signed consent form provided by the applicant stating that the licensee will permit any representative of the city or any law enforcement officer unrestricted right to enter the licensed premises.

11. Copies of the written policies, procedures, training materials and other methods which the applicant uses to ensure compliance with the laws relating to the marketing and sale of alcoholic beverages. The applicant must also certify that all employees have been trained in these policies, procedures and laws.

12. Any other information which the city may reasonably require to accurately evaluate the merits of the application.

C. Criminal Background Check: Application for an alcoholic beverages business license shall constitute a waiver of disclosure of any criminal conviction or plea of no contest for the purposes of any proceeding involving the business or employee license. Each applicant will be required to provide an original or certified copy of criminal history from Utah BCI and the applicants home state if different. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 6. Title 4, Chapter 2, Article F, Section 4 of the 2009 City Code shall hereafter read as follows:

4-2F-4: APPLICATION FORM:

The business license authority shall provide a standard application form for use for the registration of solicitors. Upon request to the business license authority, or as otherwise provided, anyone may obtain a copy of this application form in person, by mail, by e-mail or by facsimile. The application form shall be accompanied by a copy of this article for review by the applicant. Each application form shall require disclosure and reporting by the applicant of the following information and documentation:

- A. Affirmation Of Review Of City Law: An affirmation by the applicant that applicant has received and reviewed a copy of this article.
- B. Contact Information:
 - 1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
 - 2. Applicant's telephone number, home address and mailing address, if different;
 - 3. If different from the applicant, the name, address and telephone number of the responsible person or entity; and
 - 4. The address by which all notices to the applicant required under this article are to be sent.
- C. Proof Of Identity: An in person confirmation by the business license authority of the applicant's true identity by use of any of the following, which bears a photograph of said applicant: 1) a valid driver's license issued by any state; 2) a valid passport issued by the United States; 3) a valid identification card issued by any state; or 4) a valid identification issued by a branch of the United States military. Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the applicant; however, a photocopy may be retained for the city's file.
- D. Proof Of Registration With Department Of Commerce: The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the state department of commerce.
- E. Special Events Sales Tax Number: The applicant shall provide a special events sales tax number for either the applicant or for the responsible person or entity for which the applicant will be soliciting.
- F. Marketing Information: A short and succinct description of: 1) the goods or services offered by the applicant, including any commonly known, registered or trademarked names; 2) whether the applicant holds any other licenses, permits, registrations or other qualifications required by federal or state law to promote, provide or render advice regarding the offered goods or services.

- G. BCI Background Check: The applicant shall provide: 1) an original or a certified copy of a BCI background check authorization; and 2) a signed copy of a waiver whereby applicant agrees to allow the city to obtain a name/date of birth, and BCI background check on applicant for purposes of enforcement of this article. Residents of Utah shall provide a BCI report from a Utah law enforcement agency. Residents of other states shall provide a BCI report from a law enforcement agency in their state of residence or from the FBI.
- H. Responses To Questions Regarding Disqualifying Factors: The applicant shall be required to affirm or deny each of the disqualifying factors and grounds for denial of a business license set out earlier in this title.
- I. Fee: The applicant shall pay such fees as periodically established by the city council in its uniform fee schedule.
- J. Execution Of Application: The applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the applicant, the information provided is complete, truthful and accurate.
- K. "Going Business" Representation: The applicant shall provide evidence that the proposed solicitation will only be for and on behalf of a "going business", having operations and assets and holding one or more valid business license(s) and state registration(s) from appropriate state(s) and local authorities. No certificate will be issued for a solicitor who does not represent a bona fide "going business". (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 7. Title 4, Chapter 2, Article H, Section 1 of the 2009 City Code shall hereafter read as follows:

4-2H-1: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct the business of massage in the city without first obtaining a city business license. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 8. Title 4, Chapter 2, Article R, Sections 2 and 4 of the 2009 City Code shall hereafter read as follows:

4-2R-2: GOOD LANDLORD PROGRAM:

The owner, or an authorized designee for and on behalf of an owner, of any rental dwelling unit may apply for admission into the West Jordan City Good Landlord Program.

A. Program Admission Requirements:

- 1. Completion and approval of the good owner application.
- 2. Completion of at least four (4) hours of property management education that is:
 - a. Sponsored by the City or its designated provider.

b. Sponsored by another jurisdiction with curriculum and a program similar to the program set forth in this article.

c. Another third party provided course that is preapproved by the licensing authority before making application.

3. The owner is current as to any and all fees, fines or penalties theretofore assessed by or due to the City.

4. Execution of a written, binding agreement with the City regarding landlord's obligations as set forth in this article.

B. Landlord's Obligations: Each owner participating in the program shall perform the following:

1. Tenant Screening: Owner shall perform all of the following screening requirements for all tenants prior to move in:

a. Application: Owner shall require each prospective tenant to complete a rental application which shall include the tenant's personal and pertinent financial information. Owner shall keep the application on file for the full term of the lease.

b. Driver's License Or State Identification: Owner shall require every prospective tenant as well as each occupant of the premises, who is eighteen (18) years or older, to provide a driver's license or state identification card which owner shall copy and keep on file for the full term of the lease.

c. Credit Check: Owner shall obtain a credit history from every prospective contract signing tenant over the age of eighteen (18). Owner shall keep the credit application on file for the full term of the lease.

d. Income/Employment Verification: Owner shall obtain income/employment verification from every prospective contract signing tenant.

e. Rental References: Owner shall obtain contact information for all of a prospective tenant's previous landlords within the last three (3) years, and the owner shall contact these previous landlords to determine the credit and tenant history of each prospective tenant.

2. Tenant Selection: Owner shall consider the following criteria, at a minimum, for tenant selection and will refuse to rent to any prospective tenant or other proposed occupant who:

a. Provided false information to the owner on the application or otherwise.

3. Eviction: Owner will promptly evict tenants that do not meet the requirements of this article or are or become involved in illegal activities.

4. Executed Lease: Owner shall execute a valid, written lease agreement or rental agreement with each tenant, which shall include the provisions listed in any owner training packet prepared by the licensing authority, and those set forth in this article.

5. Owner Training: As part of the continuing education requirement in subsection A2 of this section, owner agrees to attend and complete a City approved four (4) hour owner training program every four (4) years.

C. City's Obligations: The City shall perform the following for each owner participating in the Good Landlord Program:

1. Per Rental Unit Fee Discount: If admitted into the program, the owner shall receive the discounted per rental unit fees for members of the program as set forth in the fee schedule.

2. Discretionary Waiver: The City reserves the right to waive, amend or otherwise forgive a landlord's violation of their agreement, if, at the City's sole discretion, grounds exist for such a determination.

3. Notification Of Problems: The City will promptly notify the owner concerning any criminal activity or City Code violations by a tenant.

D. Program Eligibility Deadline: Within two (2) months of the initial approval or an annual renewal of a business license, an owner is eligible to seek admission into the Good Landlord Program. Landlords who miss the admission deadline may request a late admission waiver from the city administrator who shall promptly review all such requests and make a determination of late admission waiver based upon the undue circumstances resulting in the missed deadline and for good cause shown.

E. Termination And Effect:

1. An owner may be terminated from the Good Landlord Program if:

a. Owner fails to fulfill its obligations under the written, binding agreement with the City.

b. Owner has any unresolved violations of this article, the other provisions of this Code, and any other law of a governing authority for more than ninety (90) days.

c. Owner has two (2) or more total violations of this article, the other provisions of this Code, and any other law of a governing authority within the most recent twelve (12) consecutive months.

2. In the event of termination of participation in the program, an owner shall not be relieved of liability to the City for damages sustained by virtue of any breach of the program agreement by landlord.

3. A terminated owner shall immediately pay the City its accrued annual per rental unit fee, less the discount already paid, plus any other penalties provided by this chapter for breach or violation. (Ord. 12-13, 6-13-2012; Ord. 17-46, 8-9-2017; Ord. 19-27, 10-09-2019; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2R-4: ADDITIONAL GROUNDS FOR LICENSE DENIAL, REVOCATION OR SUSPENSION:

In addition to the grounds provided in chapter 1 of this title, a business license for the owner of one or more rental dwelling units in the city may be denied, revoked, or suspended for any one of the following reasons:

- A. The applicant does not meet the qualifications for a licensee as provided under this title.
- B. Applicant's failure to pay:
 - 1. Applicable license and per rental unit fees; and
 - 2. Late fees or other penalties that may apply.
- C. A returned check is given by an owner for required fees.
- D. Noncompliance with any requirement or condition set by the city's planning commission, the city administrator, mayor, or city council.
- E. Violation of the terms of site plan approval, conditional use permit, variance, development agreement, or similar approval.
- F. Noncompliance with any city, Salt Lake Valley Health Department (SLVHD), state, or federal regulations governing the applicant's business.
- G. The applicant or licensee has obtained or aided another person to obtain a license by fraud or deceit.
- H. The applicant or licensee has refused authorized representatives of the city to make an inspection or has interfered with such representatives in making such inspection.
- I. As a result of vicarious liability resulting in a violation of this title or other governing law by an agent or employee of the applicant or licensee. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 9. Title 4, Chapter 2, Article U, Sections 5 and 6 of the 2009 City Code shall hereafter read as follows:

4-2U-5: REASONABLE ACCOMMODATION:

An applicant or license holder who desires to request a reasonable accommodation from any of the requirements of this article based on the Utah fair housing act, the fair housing amendments act of 1988 (42 USC section 3601 et seq.), and section 504 of the federal rehabilitation act of 1973 et seq., shall have the right to make such request in writing to the city administrator. (Ord. 16-06, 1-13-2016; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2U-6: APPEAL:

- A. An applicant or license holder who is denied a license to operate a residential treatment facility, or whose license is revoked, or who is denied a reasonable accommodation, shall have the right to appeal such action to the city administrator at an informal nonpublic hearing.
- B. The notice of appeal shall be in writing and shall be delivered to the city recorder either in person or by certified U.S. mail. A notice of appeal must be filed within ten (10) business days of the person's receipt of notice of a denial of a license, revocation of a license or denial of an accommodation. The notice of appeal shall identify the appellant and state with specificity the grounds for appeal.
- C. The hearing shall be held no later than twenty (20) business days following the city's receipt of the applicant's notice of appeal. The hearing will be held by the city administrator or a designee.
- D. Within ten (10) business days of the hearing, the city administrator or the designee shall make written findings and issue a decision.
- E. Any applicant or license holder who is aggrieved by the city administrator's decision may file for relief in any court of competent jurisdiction within thirty (30) days following the date of the city administrator's decision. (Ord. 16-06, 1-13-2016; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 10. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the City Council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 11. This Ordinance shall become effective at 12 noon on January 6, 2020.

Passed and adopted by the City Council of the City of West Jordan, Utah this ____ day of _____, _____.

CITY OF WEST JORDAN

By: _____
JIM RIDING
Mayor

ATTEST:

JAMIE BROOKS, CMC
Interim City Clerk

Voting by the City Council	"YES"	"NO"
Council Member Alan Anderson	_____	_____
Council Member Dirk Burton	_____	_____
Council Member Zach Jacob	_____	_____
Council Member Chad R. Lamb	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Kayleen Whitelock	_____	_____
Mayor Jim Riding	_____	_____

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Jamie Brooks, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, _____, pursuant to Utah Code Annotated, 10-3-711.

JAMIE BROOKS, CMC
Interim City Clerk/Recorder
[SEAL]

Legislative

Title 4

BUSINESS AND LICENSE REGULATIONS

Chapter 1

GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS

ARTICLE A. GENERAL PROVISIONS

4-1A-1: PURPOSE:

4-1A-2: DEFINITIONS:

4-1A-3: APPLICABILITY OF THIS CHAPTER:

4-1A-4: GENERAL BUSINESS AND SPECIAL BUSINESS LICENSES NEEDED:

4-1A-1: PURPOSE:

Pursuant to its inherent police powers within statutory authority granted by the state to protect the health and welfare of its citizens, the city intends by this title to regulate and license businesses and occupations undertaken and operating within its corporate limits; to maintain a current index of licensed businesses and occupations; and to raise revenues sufficient, among other things, to offset the costs of administering this title by imposing license fees upon such businesses and occupations. (Ord. 12-13, 6-13-2012)

4-1A-2: DEFINITIONS:

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions in this section are also applicable to all subsequent chapters in this title.

Unless otherwise indicated, the definitions found within the Utah alcoholic beverage control act, Utah Code Annotated title 32B, are incorporated into this chapter as though set forth in their entirety. In addition to these definitions, the following words and phrases used in this chapter shall have the following meanings unless a contrary meaning is clearly indicated. The definitions in this section are also applicable to all other chapters in this title.

ADULT BOOKSTORE OR ADULT VIDEO STORE: Any commercial establishment which:

- A. Excludes minors from more than fifteen percent (15%) of the retail floor or shelf spaces of the premises; or

- B. As one of its principal purposes, offers for sale or rental, for any form of consideration: 1) any pictures or written material, whether alone or in a book or magazine; 2) motion pictures, on film, tape or electronic media; or 3) sound recordings, the central theme of any of which depicts or describes specified sexual activities or specified anatomical areas; or 4) instruments, devices or paraphernalia which are designated for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives. As used in this definition, "principal purposes" means fifteen percent (15%) or more of the business's gross yearly sales measured in any year.

ADULT BUSINESSES: All adult bookstores, adult video stores, adult motion picture theaters and adult theaters.

ADULT MOTION PICTURE THEATER: A commercial establishment which:

- A. Excludes minors from the showing of two (2) consecutive exhibitions; repeated showings of any single exhibition shall not be considered a consecutive exhibition; or
- B. Shows for any form of consideration motion pictures, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER: A theater, concert hall, auditorium or similar commercial establishment which:

- A. Holds itself out as such a business;
- B. Excludes minors from the showing of two (2) consecutive exhibitions; or
- C. Features persons who appear in live performances in a state of nudity, or which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

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

AGREEMENT: Unless otherwise qualified, the binding agreement entered with the city as part of the good landlord program.

AGRICULTURAL VENDOR: A person engaged in the sale of fruits and/or vegetables from stands, motor vehicles or roadsides.

ALCOHOLIC BEVERAGE: Means and includes "beer" and "liquor", as they are defined in this section.

ANTIQUE DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling old or archaic items which are indicative of an older culture, excluding numismatic items, bullion items, and precious metals and/or precious gems.

APPLICANT: A person or business possessing a business license from the city, and any person or business seeking a business license from the city. If the application is made by a corporation, partnership, limited partnership, individual or entity doing business under an assumed name, each partner, principal, officer, director, manager, assistant manager, and any shareholder (corporate or personal) of more than twenty percent (20%) of the stock of the business entity shall also be considered an applicant. Any holding company or any entity holding more than twenty percent (20%) of an applicant shall be considered an "applicant" for purposes of this title.

APPLICATION: The completed forms provided by the business licensing authority with all attachments required by this title for the issuance of a permit or license.

ARCADE: A place of business containing more than three (3) automatic amusement devices.

AUCTION HOUSE: A business where property is sold on an ongoing basis by auction to the highest bidder.

AUCTIONEER: A person who conducts an auction.

AUTOMATIC AMUSEMENT DEVICES: Each machine which, upon the insertion of a coin, trade token, slug, or similar object, operates, or may be operated, as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff for the return of money to the player. An "automatic amusement device" is hereby further defined as any machine, apparatus or contrivance which is used, or which may be used, as a game of skill and amusement wherein, or whereby, the player initiates, employs or directs any force generated by the machine, but specifically excludes a "musical mechanical device" as defined in this section. Such term shall include, but is not limited to, such devices as mechanical or electronic marble machines, pinball machines, skill balls, mechanical grab machines which yield prizes, electronic skill games of all types and all games, operations or similar transactions however called or by whatever name indicated. This definition is intended to be broadly construed and to include, but not be limited to, devices and activities otherwise defined in this section; provided, however, that this definition does not include single coin operated devices held for private amusement in private residences.

BCI OR UTAH BCI: Bureau of criminal identification in the Utah department of public safety.

BCI BACKGROUND CHECK: An original or certified copy, dated no older than one hundred eighty (180) days prior to the date of the application, of either:

- A. A Utah department of public safety bureau of criminal identification, verified criminal history report personal to the applicant; or
- B. Verification by the Utah department of public safety bureau of criminal identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

BEER, LIGHT BEER, MALT LIQUOR AND MALTED BEVERAGE: Any beverage containing sixty three one-hundredths of one percent (0.63%) of alcohol by volume, or one-half of one percent (0.5%) of alcohol by weight, but not more than four percent (4%) of alcohol by volume or three and two-tenths percent (3.2%) by weight, fermentation, infusion or decoction of any malted grain. Beer may or may not contain hops or other vegetable products. Beer includes products referred to as malt liquor, malted beverages or malt coolers.

BILLIARD HALL: Business premises containing more than three (3) tables on which billiards, bagatelle or pool is played by the public for a fee. This definition includes virtual games operating through computer simulation.

BOWLING ALLEY: An amusement hall where bowling and related activities are played by the public for a fee.

BULLION: Items of or containing gold, silver, platinum or palladium in any form or shape, including, but not limited to, bars, ingots or medallions which:

- A. Are gold or silver coins originally minted or manufactured as legal tender in their country of origin, but which, because of their physical condition, have little or no numismatic value and which are bought, sold, bartered or exchanged based on the value of the gold or silver they contain and are commonly known as "junk silver" or "junk gold"; or
- B. Carry a hallmark which:

1. Identifies the manufacturer;
 2. States the degree or percentage of purity; and
 3. States the weight of the item; and
- C. Are of a purity at or exceeding eighty percent (80%), i.e., the item is composed of or contains eighty (80) parts of gold, silver, platinum and/or palladium to twenty (20) parts of other metal.

"Bullion" does not include sterling silver flatware or utensils and does not include jewelry containing gold, silver, platinum or palladium.

BULLION DEALER: Any person who engages in the business of purchasing, selling, bartering or exchanging bullion.

BUSINESS: Means and includes:

- A. All activities, trades, professions or callings undertaken, operated or engaged in within the corporate limits of the city of West Jordan carried on for the purpose of economic gain or economic benefit, except that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically prescribed.
- B. As used in this title, the owning and operating of one or more residential rental units, whether a single-family home, a residential dwelling complex (such as a duplex, triplex or larger apartment complex) or mobile home park, or otherwise, for economic gain or economic benefit shall be deemed to be a business.
- C. Activities, trades, professions or callings undertaken, operated, or engaged in for the purpose of economic gain or economic benefit within the confines of a person's residence building or within or from an ancillary structure on the same property as the person's residence building will constitute a "business" subject to the requirements of this title.
- D. There is no regulatory distinction in this title between a "business" and an "occupation". Both are a "business".

BUSINESS LICENSE AUTHORITY: The city ~~manager~~ administrator or an authorized designee.

CARD ROOM: Any room where there is played any backgammon, cards, checkers, chess, or other games of similar nature, or any game played with beans, buttons, dice or similar devices, or to keep, maintain or operate in the city any table on which said games are played, where charge is made for the use of the room, use of the tables or for the privilege of playing on such tables or in such room. This definition includes virtual games operating through computer simulation.

CERTIFICATE: ~~A card representing an issued city solicitor's license.~~

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

CHARITABLE ORGANIZATION: Includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity that is organized or established: a) as a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization; b) for the benefit of a public safety, law enforcement or firefighter fraternal association; or c) for any charitable purpose. A "charitable organization" includes a chapter, branch, area or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization, that has its principal place of business outside the city or the state of Utah pursuant to Utah Code Annotated section 13-22-2, or its successor statute.

CHRISTMAS TREE: A cut tree, usually fir or evergreen, but including any tree sold to be decorated and used as part of the Christmas celebration and commemoration.

CHRISTMAS TREE BUSINESS: To sell, offer to sell or display for sale Christmas trees to the public for profit. Each location at which Christmas trees are sold, offered or displayed for sale shall be considered a separate business.

CITY MANAGER ADMINISTRATOR: The city ~~manager~~ administrator of the city, or the employee(s) or official(s) designated by the city administrator.

COINS: Pieces of metal money issued by any government as legal tender in the country of origin and includes commemorative coins, mint sets and proof sets, but does not include items manufactured primarily for transfer as bullion, including, but not limited to, Krugerrands, Maple Leafs and Austrian Coronas. "Coin" refers to a single piece of money as defined in this definition.

COMMUNITY LOCATION:

- A. A public or private kindergarten, elementary, middle, junior high, or high school;
- B. A licensed childcare facility or preschool;
- C. A trade or technical school;
- D. A church;
- E. A public library;
- F. A public playground;
- G. A public park;
- H. A youth center or other space used primarily for youth oriented activities;
- I. A public recreational facility; or
- J. A public arcade.

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

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

CONVENIENCE STORE: An establishment serving a limited market area and engaged in the retail sale or rental, from the premises, of primarily food, beverages and other frequently or recurrently needed items for household use, excluding gasoline sales. These products must constitute forty five percent (45%) or more of the store's gross monthly proceeds. The store's signage must clearly identify it as a convenience store and not as another type of store.

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

CURRENCY: Paper money or money of a material other than metal which was originally printed, minted or manufactured as legal tender in the country of origin and includes commemorative currency.

DANCE STUDIO: A place where people are taught to dance, with or without the payment of a fee.

DISQUALIFYING FACTORS: Anything specifically defined in this title as requiring the denial or suspension of a certificate, plus any of the following:

- A. Criminal charges are currently pending against the applicant or a key employee;
- B. The applicant or a key employee has been criminally convicted of a felony, within the last ten (10) years;
- C. The applicant or a key employee has been criminally convicted of a misdemeanor within the past five (5) years;
- D. A final civil judgment has been entered against the applicant or a key employee within the last five (5) years indicating that: 1) the applicant or key employee had either engaged in fraud or intentional misrepresentation; or 2) the applicant or key employee engaged in wilful and malicious activity causing injury to another entity or to the property of another entity;
- E. The applicant or key employee is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction;
- F. The applicant is currently on parole or probation to any court, penal institution or governmental entity, including being under house arrest or subject to a tracking device (for this purpose probation includes pleas in abeyance, diversions, etc.); or
- G. The applicant has an outstanding arrest warrant from any jurisdiction.
- H. The applicant, or any principal of the applicant, has administrative, civil or criminal citations or charges pending or on appeal, brought or assessed by the state or another jurisdiction, and based on violations of applicable licensing or regulatory requirements in connection with the business proposed to be conducted.

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

EMPLOY: Hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of employment relationship.

EMPLOYEE: The operator, owner or manager of a business and any persons employed by such person in the operation of the business in any capacity, and also any salesperson, agent, leased employee or independent contractor engaged in the business in any capacity.

EMPLOYMENT AGENCY: Any person or persons, including an entity, procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work or employment for persons seeking the same, or to otherwise engage in such business, or in any way to act as a broker or go-between between employers and persons seeking work; provided that the term "employment agency" does not include any person operating such an office or business exclusively for schoolteachers provided such an office or business does not receive directly or indirectly, for employment information or assistance rendered, a commission or other remuneration valued in excess of five percent (5%) of the amount of the first year's salary of the person to whom such information is furnished.

ENGAGING IN BUSINESS: Means and includes, but is not limited to, the sale or offer for sale of tangible personal property at retail or wholesale, the manufacturing of goods, including foodstuffs, the owning or operating of rental property, the building and development of real property, and the rendering of personal services for others for compensation, but does not include the rendering of personal services by an employee to his employer under any arrangement or contract of personal employment.

ESCORT: Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another person or other persons to or about social affairs, entertainment or places of amusement, or within any place of public or private resort, or any business or commercial establishment or any private quarters. An "escort" shall not be construed to include persons who provide business or personal services, such as private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve (12) hours and who provide a service not principally characterized as dating or socializing. An "escort" shall also not be construed to include persons providing services such as singing telegrams, birthday greetings, or similar activities characterized by appearances in a public place, contracted by a party other than the person for whom the service is being performed and of a duration not longer than one hour.

ESCORT SERVICE: An individual or entity who, for pecuniary compensation, furnishes or offers to furnish one or more escorts, or provides or offers to introduce patrons to escorts.

ESCORT SERVICE RUNNER: Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contacting or meeting with escort services, escorts or patrons at any location within the city, whether or not such third person is employed by such escort service, escort, patron or by another business, or is an independent contractor or self-employed.

~~**EXEMPT RENTAL DWELLING UNIT:** A rental dwelling unit contained within a single building containing up to three (3) other dwelling units (i.e., a duplex, triplex or fourplex) wherein one of the dwelling units is owner occupied by the owner of the building.~~

FEES OR FEE SCHEDULE: The city's comprehensive fee schedule as it relates to business license fees, disproportionate rental dwelling unit fees and the discount fees associated with the good landlord program.

GENERAL SECONDHAND DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling of any secondhand merchandise of value other than antiques, precious metals or numismatic pieces. For the purpose of this title, a "general secondhand dealer" shall not include any person who:

- A. Deals solely in the purchasing, bartering, exchanging or selling of used motor vehicles or trailers;
- B. Is a scrap metal processor;
- C. Is a store, office or place of business operated by a charitable organization which acquires secondhand goods or merchandise exclusively by charitable donation;
- D. Engages in a business which requires a license pursuant to this title; or
- E. Is a person who deals solely in the consignment sale of used clothing, provided such clothing does not include jewelry or furs.

GROSS SALES:

- A. Total sales at invoice values, not reduced by customer discounts, returns or allowances, or other adjustments. Gross sales includes the amount of any manufacturer's or importer's excise tax included in the price of the product or property sold, even though the manufacturer or importer is also the wholesaler or retailer thereof, and whether or not the amount of such tax is stated as a separate charge.
- B. "Gross sales" shall not include:
 - 1. The amount of any federal tax, except excise taxes imposed upon or with respect to retail or wholesale sales, whether imposed upon the retailer, wholesaler, jobber or upon the consumer, and regardless of whether or not the amount of federal tax is stated to customers as a separate charge; and
 - 2. The amount of net Utah state sales tax.

HOME SOLICITATION SALE: To make or attempt to make a sale of goods or services by a solicitor at a residence by means of door to door solicitation, regardless of the means of payment or consideration used for the purchase; the time of delivery of the goods or services; or the previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

ICE CREAM WAGON: A vehicle holding, offering and selling ice cream products by means of cruising residential neighborhoods and parks and thus seeking customers.

JUKEBOX OR MUSICAL MECHANICAL AMUSEMENT DEVICE: Includes each machine vending recorded music, or a period of radio or television entertainment in return for the insertion or deposit therein of a coin, trade token, slug, or similar object.

LEGITIMATE ARTISTIC MODELING: A person contracted in writing for nude modeling or appearance, whether on an outcall basis or otherwise, which contract is signed more than forty eight (48) hours in advance of the modeling or appearance; provided that during such nude modeling or appearance, it is unlawful to:

- A. Appear nude or seminude in the presence of persons under the age of eighteen (18);
- B. Allow, offer or agree to any touching of any other person;
- C. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or undertaking activities harmful to a minor;
- D. Allow, offer, commit or agree to any specified sexual activities;
- E. Allow, offer, agree or permit any person to masturbate in the presence of the individual contracted to appear nude;
- F. Allow, offer or agree for the individual appearing nude to be within five feet (5') of any other person while performing or while nude or seminude.

LICENSE DENIAL APPEAL BOARD: Defined in section 4-1C-5.

LICENSED PREMISES: Any building, enclosure, room or equipment used in connection with the conduct of the business, including, but not limited to, the sale, storage, service, manufacture, distribution or consumption of alcoholic beverages.

LIQUOR: Alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid or combination of liquids, a part of which is spirituous, vinous or fermented, and all other drinks or drinkable liquids, which contain more than one-half of one percent (0.5%) of alcohol by volume which is suitable to use for beverage purposes; except that the term shall not include any beverage defined as beer, malt liquor or malted beverage that has an alcohol content of less than four percent (4%) alcohol by volume.

MASSAGE: The practice whereby a person, either by the hands or with a mechanical or electrical apparatus, administers to another person effleurage (stroking), friction (rubbing), petrissage (kneading), tapotement (percussion) and vibration (shaking or trembling), or variations of these, and the use of rehabilitative procedures involving the muscles by nonintrusive means and without spinal manipulation. The practice of massage may include the use of oil rubs, heat lamps, salt glows, hot and cold packs or tub, shower, steam or cabinet baths. For purposes of this title, "massage" also includes shiatsu and reiki therapy.

MASSAGE APPRENTICE: A person who is licensed as a massage apprentice by the state of Utah.

MASSAGE ESTABLISHMENT: Any place where massages are given for hire.

MASSAGE TECHNICIAN: A person who is licensed as a massage technician by the state of Utah.

MECHANICAL BULL: An automatic amusement device that is ridden by the public.

MINOR: Any person under the age of twenty one (21) years.

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

NONPUBLIC DANCES: Dances conducted and sponsored by public or private schools, not for profit associations, the city or churches for the students or members thereof, even though an admission fee is charged. Dances conducted in private homes on a private basis shall not be deemed to be public dances, and shall be exempt from the licensing provisions of this title.

NUDE DANCING AGENCY AND SEMINUDE DANCING AGENCY: Any person who furnishes, books or engages or offers to furnish, book or otherwise engage the service of a professional dancer licensed pursuant to this title for performance or appearance at a business licensed for nude entertainment, seminude dancing bars, or adult theaters.

NUDE ENTERTAINMENT BUSINESS: Any business, including an adult theater, where employees perform or appear, in the presence of patrons of the business, in a state of nudity or seminudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business. Notwithstanding the foregoing, "nude entertainment business" does not include:

- A. A preparatory school licensed by the state, or a college, junior college or university supported entirely or partly by taxation.
- B. A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.

NUDITY AND STATE OF NUDITY:

- A. The human body in a state of undress allowing the viewing of the anus, genitals, or female nipple or areola.
- B. A state of dress which fails to opaquely cover the anus, genitals, or nipple or areola of the female breast.

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 such number, each regular full time employee shall be counted as one full time employee and each employee which is not a regular full time employee shall be counted as a part time employee.~~

NUMISMATIC DEALER: Any person who engages in the business of purchasing, selling, bartering or exchanging coins or currency.

OPERATOR: The manager or other natural person principally in charge of a sexually oriented business.

OUTCALL SERVICES: Services of a type performed by a sexually oriented business employee away from the licensed premises, including, but not limited to, escorts, models, dancers, entertainers and other similar employees, regardless of the location of the premises of the licensed business employing the outcall employee.

OWNER: The person having ownership.

OWNER OCCUPIED: A residence occupied as a primary residence by the legal owner of the building within which the residence exists. For example a single-family home occupied as a primary residence by the legal owner of the building is owner occupied. ~~Similarly a residence within a fourplex building occupied as a primary residence by the legal owner of the building, even though the other three (3) residences in the building are occupied by third parties under rental agreements, is owner occupied.~~

PARTICIPANT: A temporary merchant, not licensed as such, participating in a sales event.

PATRON: Any person who contracts with or employs any escort services or escort, or is a customer of any business licensed pursuant to this title.

PAWNBROKER: Any person who loans money on deposit of personal property, or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledger or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his or her possession, and who sells the unredeemed pledges together with such new merchandise as will facilitate the sale of same.

PECUNIARY COMPENSATION: Any commission, fee, salary, tip, gratuity, hire fee, profit, reward or any other form of consideration given in return for goods or services offered by a business.

PERSON: Includes any individual, group of individuals, partnership, corporation, association or other legal entity.

PLACE OF BUSINESS: Each separate location at or from which business is conducted or transacted. For this purpose branch locations and mobile business locations are each considered a separate place of business requiring a business license.

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

PREMISES: Any room, house, building, structure or place licensed by or defined in this title.

PRIVATE SCHOOL: For the purposes of this title, any school accredited by the state of Utah, whether by formal state action or by state acceptance of accreditation given to an academic program, which has been accepted as an alternative to public schools.

PROGRAM: As used in this title, the good landlord program of the city.

PROPRIETOR: Any person who, as the owner, lessee or proprietor, has under that person's control an arcade.

PUBLIC DANCE: Any dance to which the general public may gain admission, with or without the payment of a fee, or any dance which is conducted in the normal course of business on the premises of a restaurant, tavern or private club, but shall not include any dance conducted on or in any public park, street or public grounds by permission of the city, under the supervision of the city ~~manager~~ administrator or his/her assignee, or the Salt Lake County recreation department.

PUBLIC DANCE HALL: Any room, place or space in which a public dance is held and in which dancing or providing space for dancing is the principal business.

PUBLIC SCHOOLS: The public education system and higher education system as defined in article X of the Utah constitution and as implemented by appropriate state statutes.

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

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

RELIGIOUS OR CHARITABLE ORGANIZATION: Any organization which can provide written approval from the internal revenue service that the organization has been granted tax exempt status under section 501(c)(3) of the internal revenue code, or its successor.

RENTAL DWELLING UNIT: Any individual dwelling unit, other than an exempt dwelling unit, that is rented, leased, or hired out to be used or occupied as a home or residence. This definition is inclusive of any buildings or apartment buildings so arranged, designed, built, rented, let or hired out to be used or occupied as the home, residence, or dwelling unit of one or more families living independently of each other. For the purpose of this definition, a residence that is under a bona fide contract of sale to an occupying purchaser is not a rental dwelling unit.

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

RESIDENTIAL TREATMENT FACILITIES: An adult daycare (limited and general), group home (large and small), residential substance abuse treatment home (large and small), and/or transitional home (large and small), all as defined in title 13 of this code. "Residential treatment facilities" is a special purpose definition used to apply general requirements to each of its constituent defined facilities.

RESPONSIBLE PERSON OR ENTITY: That person or entity responsible to refund any money or reversing any credit card charges for persons who timely rescind any sale pursuant to applicable contractual rights or legal requirements, and the competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale.

SALE OF GOODS OR SERVICES: The conduct and agreement of a solicitor and the competent individual in a residence regarding particular goods or services that entitles the consumer to rescind the same within three (3) days under any applicable federal, state or local law.

SALES EVENT: An event where two (2) or more temporary merchants, not more than one of whom is licensed as a temporary merchant, display any goods, wares or services at a location in the city for the purpose of sale or soliciting orders to be filled in the future, for financial gain or profit.

SCRAP METAL PROCESSOR: Any person who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades, and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for sale for remelting purposes.

SECONDHAND COMPACT DISC DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling secondhand compact discs or "CDs", including DVDs.

SECONDHAND COMPUTER DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling secondhand computers and/or computer parts.

SECONDHAND JUNK COLLECTOR: Any person not having a fixed place of business within the corporate limits of the city who goes from house to house or place to place gathering, collecting, or otherwise dealing solely in secondhand rags, papers, metals or other articles commonly known as "junk" for his own account.

SECONDHAND JUNK DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling:

- A. Secondhand metals other than precious metals; or
- B. Glass, rags, rubber, paper or other articles commonly known as "junk" from a fixed place of business.

For the purpose of this title, a "junk dealer" shall not include a scrap metal processor.

SECONDHAND PRECIOUS METAL AND/OR PRECIOUS GEM DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling, in any form:

- A. Secondhand gold, silver, platinum or other precious metals, or secondhand articles containing any of such metals, but not including "coins", "currency" or "bullion"; or
- B. Secondhand precious gems or any secondhand articles containing any precious gems.

SELF SERVICE DISPLAY: A display of a cigarette, tobacco, or an electronic cigarette to which the public has access without the intervention of a retailer or retailer's employee.

SELL, SALE, AND TO SELL: Any transaction, exchange, or barter whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or under any pretext is promised or obtained, whether done by a person as principal, proprietor, or as an agent, servant or employee, unless otherwise defined in the alcoholic beverage control act or regulations adopted by the state alcoholic beverage control commission.

SEMINUDE: A state of human undress in which opaque cloth or other opaque material fully covers only the areola of the female breast, the genitals, pubic region, and anus.

SEMINUDE BOOKING AGENCY: Any person which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer licensed pursuant to this title for seminude performance or appearance.

SEMINUDE ENTERTAINMENT BUSINESS: A business, including adult theater, where employees perform or appear in the presence of patrons of the business seminude. A business shall also be presumed to be a seminude entertainment business if the business holds itself out as such a business.

SERVICES: Those intangible goods or personal benefits offered, provided or sold to a competent individual.

SEXUALLY ORIENTED BUSINESS: An adult bookstore, adult video store, adult motion picture theater, adult theater, escort service, nude and/or seminude dancing agency, nude and/or seminude entertainment business or entertainer, and/or an outcall service. "Legitimate artistic modeling", as defined in this article, is not a sexually oriented business. This definition does not include a sex therapist or similar individual licensed by the state to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the state for activities in the classroom.

SEXUALLY ORIENTED BUSINESS EMPLOYEES:

- A. Those employees who work on the premises of the sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, entertainers, escorts, models and other similar employees whether or not hired as employees, agents or as independent contractors.
- B. Sexually oriented business employees do not include individuals whose work is not directly related to the sexually oriented portion of the business such as janitors, bookkeepers and similar employees, cooks, serving persons, bartenders and similar employees, except where they are managers or supervisors of the business or where the employee will be required or chooses to appear in the sexually oriented business in a nude or seminude condition.
- C. All persons making outcall meetings, including escorts, models, entertainers, guards, escort runners, drivers, chauffeurs and other similar employees, are sexually oriented business employees, regardless of the location of the premises of the licensed business employing the outcall employee.

SHOOTING GALLERY: A place of business where shooting of any kind is done, including a shooting range.

SOLICITING, SOLICIT, SOLICITATION: Any of the following activities when conducted on a door to door home contact basis:

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

SOLICITOR, SOLICITORS: A person or persons engaged in door to door solicitation. A solicitor's license and certificate does not authorize or enable hawking goods or contacting people in public places, in a park or on the street.

SPECIFIED ANATOMICAL AREAS: The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, or nipple to its end with less than full opaque covering.

SPECIFIED CRIMINAL ACTS:

- A. Providing material harmful to minors;
- B. Prostitution or prostitution offenses;
- C. Unlawful sexual intercourse with a minor;
- D. Lewdness or gross lewdness;
- E. Rape;
- F. Object rape;
- G. Forcible sexual abuse;
- H. Contributing to the delinquency of a minor;
- I. Pornographic, obscene harmful materials, or lewd performance offenses;
- J. Any sexual offense involving a child;
- K. Any offense involving theft or dishonest practices;
- L. Any offense against government order;
- M. Racketeering enterprise offenses;
- N. Money laundering and currency transportation reporting offenses;
- O. Furnishing alcohol, drugs or paraphernalia, or sale of firearms to a minor;
- P. Offenses committed in other jurisdictions which are substantially similar to those listed in this definition, regardless of the exact title of the offense; or
- Q. Attempt, aiding, abetting, solicitation, or conspiracy to commit any of the offenses described in this definition.

SPECIFIED SEXUAL ACTIVITIES:

- A. Acts of:
 - 1. Masturbation;
 - 2. Human sexual intercourse;
 - 3. Sexual copulation between a person and a beast;
 - 4. Fellatio;
 - 5. Cunnilingus;
 - 6. Bestiality; or

7. Anal copulation between two (2) persons or person and a beast.
- B. Manipulating, caressing or fondling by any person of:
1. The genitals of a human, including oneself;
 2. The pubic area of a human, including oneself; or
 3. The covered or uncovered female nipple or areola, including of oneself.
- C. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SUBSTANTIATED REPORT: An oral, written or electronic report that is submitted to and documented by the city that provides any of the following information regarding a person or business holding a city business license of any type:

- A. Documented verification of a previously undisclosed disqualifying factor;
- B. Probable cause that the person or business has committed a disqualifying factor which has not yet been determined to be a disqualifying factor;
- C. Documented, eyewitness accounts that the person or business has engaged in repeated patterns of behavior that demonstrates failure by the person or business to adhere to the requirements of this title; or
- D. Probable cause that continued licensing of the person or business demonstrates exigent circumstances that threaten the health, safety or welfare of any individuals or entities within the city.

TEMPORARY MERCHANT:

- A. Any person, whether a resident of the city or not, who within the limits of the city:
1. Engages in a temporary business of selling and/or delivering goods, wares or services, or who conducts meetings open to the general public where franchises, distributorships, contracts or business opportunities are offered to the public; or
 2. Sells, offers or exhibits for sale any goods, wares or services, franchises, distributorships, contracts or business opportunities, during the course of or any time within six (6) months after a lecture or public meeting pertaining to such goods, wares, services, franchises, business opportunities, contracts or distributorships.
- B. The foregoing notwithstanding, a "temporary merchant", for the purposes of this title, shall not include the following:
1. A person who shall occupy any business establishment for the purpose of conducting a permanent business therein; provided, however, that no person shall be relieved from the provisions of this title by reason of a temporary association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer; or
 2. Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stock has been acquired from a merchant or merchants of the city regularly licensed and engaged in business; provided, however, no such stock of merchandise shall be augmented by new goods; or

3. A person who sells his or her own property which was not acquired for resale, barter or exchange, and who does not conduct such sales more than twice during any calendar year; or
4. Art exhibits, where participating artists sell their original works, and which do not contain any sales of artwork purchased or taken on consignment and held for resale, providing such art exhibits are sponsored by a local, responsible organization; or
5. "Religious or charitable organizations", as defined in this section; or
6. Sales of goods, wares or services at a convention, meeting or exposition which is not open to nor advertised to the general public, to the extent such sales are made to registered members of the sponsoring organization, provided the sponsoring organization or its designated agent delivers to the city license supervisor, at least fifteen (15) days in advance of such convention, meeting or exposition, a statement of the organization's qualification for this exemption and a statement of the common interest or category of those who will be attending such convention, meeting or exposition; and providing all persons selling or purchasing goods, wares or services at such convention, meeting or exposition shall wear or display in a conspicuous manner a tag stating the name of the sponsoring organization.

TEMPORARY MERCHANT SPONSOR: Any person who leases or rents a building or portion of a building, or other space, for the purpose of conducting a sales event with two (2) or more participants.

TOBACCO PRODUCT:

- A. Any cigar, cigarette, or electronic cigarette as defined in Utah code section 76-10-101;
- B. A tobacco product as defined in Utah code section 59-14-102, including:
 1. Chewing tobacco; or
 2. Any substitute for a tobacco product, including flavoring or additives to tobacco; and
- C. Tobacco paraphernalia as defined in Utah code section 76-10-104.1.

TOBACCO SPECIALTY BUSINESS: A commercial retail establishment that, through signage, floor space allocation and sales revenue, demonstrates it is substantially engaged in the offer and sale of tobacco products. ~~Any one or more of the following factors indicate the operation of a tobacco specialty business:~~

- ~~A. The sale of tobacco products accounts for more than thirty five percent (35%) of the total quarterly gross receipts for the establishment for two (2) successive calendar quarters; to facilitate the city's perception of this factor, a licensee operating a retail sales business that includes the offer of tobacco products shall send to the city's business license administrator quarterly gross sales information within ten (10) business days of the end of each calendar quarter. This quarterly data provision requirement does not apply to businesses already licensed as a tobacco specialty business, or to business locations within which an area is licensed by the state of Utah as a pharmacy;~~
- ~~B. The name of the business evidences holding oneself out as a tobacco specialty business; e.g., "Smoke Shop", "Vape Shop", etc., as opposed to "Tommy's Trinkets" or "Nonie's Notions";~~
- ~~C. The allocation of floor and shelf space inside the business shows a focus on tobacco products. Forty percent (40%) or more is devoted to the offer, display and/or storage of tobacco products. See Utah Code Annotated sections 10-8-41.6 and 76-10-105.1 and related and successor provisions.~~

TRANSIENT AUCTION HOUSE: Any person or any agent, servant or employee of any person who shall sell, or offer for sale at auction, any goods, wares, merchandise or articles for value in or from any hotel, rooming house, dwelling house, boarding house, store, storeroom, stall, tent, building, structure, stand or other place indoors or outdoors, and who shall occupy such place for the purpose of conducting a temporary business in that place.

VARIANCE BOARD: The board of adjustment. See section 4-2A-10, subsection C and D.

WAIVER: The written form provided to an applicant by the city wherein applicant agrees that the city may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this title and which contains applicant's signature, which is either executed in the presence of the business licensing authority, or notarized at the time the waiver is signed. (Ord. 12-13, 6-13-2012; amd. Ord. 13-14, 3-27-2013; Ord. 16-01, 1-13-2016; Ord. 16-06, 1-13-2016; Ord. 16-11, 3-23-2016; Ord. 19-__, __ - __-2019, Effective at 12 noon on January 6, 2020)

4-1A-3: APPLICABILITY OF THIS CHAPTER:

The provisions of this chapter apply to all businesses and employees in the city. (Ord. 12-13, 6-13-2012)

4-1A-4: GENERAL BUSINESS AND SPECIAL BUSINESS LICENSES NEEDED:

Certain types of businesses have additional and special licensing and business conduct requirements, and these are set forth in chapter 2 of this title. For these specially addressed types of business, a general business license and a special business license will be required, including the payment of such license fees as are provided from time to time by the city council. (Ord. 12-13, 6-13-2012)

ARTICLE B. BUSINESS LICENSES

- 4-1B-1: UNLAWFUL TO CONDUCT BUSINESS WITHIN THE CITY WITHOUT A BUSINESS LICENSE:**
- 4-1B-2: RESPONSIBILITY FOR OBTAINING A BUSINESS LICENSE:**
- 4-1B-3: BUSINESS LICENSE AUTHORITY:**
- 4-1B-4: POWERS OF BUSINESS LICENSE AUTHORITY:**
- 4-1B-5: CITY INSPECTION AUTHORITY:**
- 4-1B-6: LICENSE NONTRANSFERABLE; LIMITED TO LICENSED NAME AND PREMISES:**
- 4-1B-7: LICENSE APPLICATION REQUIREMENTS:**
- 4-1B-8: FURNISHING FALSE INFORMATION:**
- 4-1B-9: APPLICATION NUMBERING AND FILING:**
- 4-1B-10: ENGAGING IN BUSINESS PROHIBITED DURING INVESTIGATION:**
- 4-1B-11: APPLICANT INVESTIGATION:**
- 4-1B-12: ISSUANCE OF LICENSE:**
- 4-1B-13: INDEX OF LICENSED PERSONS AND BUSINESSES:**
- 4-1B-14: LICENSE POSTING AND DISPLAY REQUIRED:**
- 4-1B-15: EXEMPTIONS FOR NONPROFIT BUSINESSES, ORGANIZATIONS AND OTHER ENTITIES:**
- 4-1B-16: LICENSE FEES:**
- 4-1B-17: LICENSE YEAR; FEE PAYMENTS AND PRORATIONS:**
- 4-1B-18: LATE PAYMENT PENALTY AND CONSEQUENCES:**
- 4-1B-19: FEE EXEMPTIONS FOR BUSINESSES OPERATING FOR PROFIT:**
- 4-1B-20: MISTAKES IN FEE CALCULATIONS:**
- 4-1B-21: DEVIATIONS PROHIBITED:**
- 4-1B-22: LICENSE FEE COLLECTION; CIVIL ACTIONS AUTHORIZED:**
- 4-1B-23: REFUNDS:**
- 4-1B-24: LICENSE TRANSFERS:**
- 4-1B-25: DESIGNATION OF AGENT FOR SERVICE OF PROCESS:**
- 4-1B-26: RECORDKEEPING REQUIRED:**
- 4-1B-27: ILLEGALITY OR DECEPTIVE ARTIFICES:**
- 4-1B-28: HOURS OF OPERATION:**
- 4-1B-29: DEALING WITH CERTAIN PERSONS PROHIBITED:**
- 4-1B-30: LICENSE TERMINATION FOLLOWING CESSATION OF OPERATIONS:**
- 4-1B-31: EQUIVALENT ALTERNATIVE METHODS OF REGULATION:**

4-1B-1: UNLAWFUL TO CONDUCT BUSINESS WITHIN THE CITY WITHOUT A BUSINESS LICENSE:

Unless specifically exempt from such requirement in this title or other applicable law, it shall be unlawful for any person to engage in or carry on any business within the city, without first procuring a business license, or for any person to continue to engage in or carry on a business when the required business license has been suspended or revoked. (Ord. 12-13, 6-13-2012)

4-1B-2: RESPONSIBILITY FOR OBTAINING A BUSINESS LICENSE:

Every person engaging in business within the city shall apply for and maintain in full force and effect a valid city business license. (Ord. 12-13, 6-13-2012)

4-1B-3: BUSINESS LICENSE AUTHORITY:

The business license authority shall have responsibility for issuing business licenses and collecting all license fees and taxes, based on the rates and charges established by law and as set forth in the city's general fee schedule, and assist in the enforcement of civil and criminal actions brought against persons violating this title. (Ord. 12-13, 6-13-2012)

4-1B-4: POWERS OF BUSINESS LICENSE AUTHORITY:

The business license authority and all license inspectors in the performance of their official duties shall have and exercise the following powers:

- A. **Notices Of Violation; Criminal Referrals:** The business license authority may issue notices of violation and seek suspension or revocation of a license and/or assess fines for violations of the provisions of this title using the procedures set forth in title 4 16, chapter 44 1, article C of this code, and may refer cases to the criminal authorities for prosecution as crimes.
- B. **Inspections:** The business license authority and any authorized agent may enter free of charge, during normal business hours, the physical space being used or occupied by any business, in conformity with law, and demand the exhibition of the applicable city license for the current term from any person engaged or employed in the operation or transaction of such business or the operation of such vehicle, and may generally inquire into and inspect the conduct and operations of the business.
- C. **Right To Consider Individual Officers Of An Artificial Entity:** In determining whether the applicant is entitled to a business license, the business license authority may disregard the corporate or business entity status, if any, of the applicant and examine the qualifications, or lack of qualifications, of the individual owners, officers, agents and employees of the business entity.
- D. **Conditions Precedent To License Issuance:** The business license authority shall not issue a license unless the application forms have been properly completed and the annual business license fee for the first year has been paid in advance. The business license authority may require the applicant to fully disclose the nature and scope of the proposed business activity. In making the determination to issue the business license, the business license authority may look to the previous activities of the business or its principals and employees.
- E. **Time Period Within Which To Act On License; Denial:** The business license authority may take up to ninety (90) days from the date when the license application is received by the business license authority, to review an application and investigate the relevant facts. If the business license authority concludes to deny an application, a statement of the facts and reasons for the denial shall be given to the applicant.
- F. **Time Extensions:** Upon a showing of good cause, the business license authority may grant extensions of time.
- G. **License Authority Denial:** The business license authority shall have the authority, without a hearing, to deny a license for the reasons provided for in this article, subject to appeal rights.
- H. **Business License Authority Investigation:** The business license authority may, on his or her own initiative or in response to complaints from the general public or any city department or division, investigate and gather evidence of violations of this title or other circumstances which may give rise to a denial, suspension or revocation; or seek the ~~police department's~~ code enforcement division's or other investigative organization's assistance or investigations. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1B-5: CITY INSPECTION AUTHORITY:

- A. New Business Premises Inspections: Prior to the issuance of a license to a person to engage in a new business not previously licensed under this title, the person or applicant shall permit inspections to be made of the prospective place of business by representatives of the appropriate departments of the city to ensure compliance with zoning, building, fire and health, and other codes, statutes, ordinances, and laws which may apply to the business and premises for which a license application was submitted. No license shall be granted without the approval of all such required inspections.
- B. Periodic Inspection; Time To Correct: Places of business licensed within the city shall be inspected periodically by departments of the city, county or the state for compliance with zoning, building, fire and health codes. Written notice shall be given by the business license authority to a licensed person or business upon the finding of any code infractions, which shall provide for sixty (60) days in which to correct such infractions, unless the noncompliant issue constitutes a hazard or exigent circumstance requiring immediate remediation under law. Failure to bring the licensed premises into legal compliance may result in the revocation of the license by the city.
- C. Identifying Violations: From time to time one or more agents of the city, including, but not limited to, police officers and community enforcement officers, are authorized and required to enter and examine the physical locations and space occupied and used by any business or vehicle, for which a city license is required. They shall determine if such places of business, persons and vehicles are properly licensed and that no business, other than the one described in and covered by the license, is operating or transacting business. They may issue citations or otherwise enforce the law, and shall advise the business license authority of each person doing business in violation of this title. (Ord. 12-13, 6-13-2012)

4-1B-6: LICENSE NONTRANSFERABLE; LIMITED TO LICENSED NAME AND PREMISES:

- A. No Transfer Of License: No license granted or issued under the provisions of this title shall be in any manner assignable or transferable unless authorized by the business license authority in writing; or authorize any person, other than is therein named, to do business; or authorize any other business, calling, trade or profession than is therein described to be done or transacted; or the business, calling, trade or profession therein described to be done or transacted, at any place other than is therein provided.
- ~~B. No Transfer Of Entity Ownership: If an entity is the licensee, the licensee may not transfer more than ten percent (10%) of the ownership interest in such entity within any two (2) year period without notice to and approval by the business license authority.~~
- GB. Duty To Use Name Identified In License Application: It is unlawful for a business to do business under any name other than the business name specified in the application. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1B-7: LICENSE APPLICATION REQUIREMENTS:

- A. Written Application: Applications for licenses and permits required by this title shall be made in writing to the business license authority in the absence of provision to the contrary, which applications shall be made upon forms provided by the city. The application shall show:
 - 1. Legal Name: The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.

2. Doing Business Under Assumed Name: If the applicant is a corporation, partnership, limited partnership, individual or entity doing business under an assumed name, submittal of the information required for individual applicants for each partner, principal, officer, director and any shareholder (corporate or personal) of more than twenty percent (20%) of the stock of any applicant. Any holding company or any entity holding more than twenty percent (20%) of an applicant shall be considered an applicant for purposes of disclosure under this article.

3. Signatories: Identification by all corporations, partnerships or noncorporate entities included on the application of each individual authorized by the corporation, partnership or noncorporate entity to sign the checks for such corporation, partnership or noncorporate entity.

4. Applicant Information: For all applicants, a statement of:

- a. Any other names or aliases used by the individual;
- b. The age, date and place of birth;
- c. Present business address and telephone number (if applicable);
- d. Present residence and telephone number; and
- e. Utah driver's license, social security or identification number.

5. Age; Citizenship: Acceptable written proof that an individual is at least twenty one (21) years of age and a U.S. citizen; provided that the business license authority is empowered to waive this age requirement in appropriate cases.

6. Employment History: A statement of the business, occupation and employment history of the applicant for three (3) years immediately preceding the date of the filing of the application.

7. License Type: The kind of license desired, stating in detail the business to be performed, practiced or carried on.

8. License Class: The class of license desired, if the particular business activity has special licenses divided into classes.

9. Place: The place where such business, calling, trade or profession is to be carried on, giving the street number if such business is to be carried on in any building or enclosure.

10. Term: The period of time for which such license is desired to be issued (i.e., an ongoing business activity or a temporary business activity).

11. Convictions: Disclosure of all class B misdemeanor and higher criminal convictions for five (5) years prior to the application date and all felony criminal convictions for the applicant, individual or other entity subject to disclosure under this article. This disclosure shall include the date, place, nature of each conviction or plea of no contest, and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court; and providing the court identifying case numbers or docket numbers.

12. Application Fee: A nonrefundable application fee in an amount adopted by the city council in its uniform fee schedule.

13. Additional Information:

a. The application may also request such additional information as may reasonably be needed to demonstrate that the applicant:

- (1) Meets all requirements of applicable city ordinances, including requirements regarding unexpunged criminal convictions;
- (2) Is not in default under the provisions of any city ordinance; and
- (3) Is not overdue on any indebtedness or obligation owed to the city.

b. The application may also require information reasonably calculated to demonstrate that the proposed use of any premises by the applicant will not be in violation of city zoning regulations, that the principals of the applicant's business are properly bonded if bonding is required, and that the applicant will otherwise be in full compliance with all applicable city, state and federal laws and ordinances.

- B. **Accuracy And Veracity Required:** The truthfulness, completeness and accuracy of all of information provided by an applicant shall be attested to by the applicant or an authorized representative thereof.
- C. **Misleading Prohibited:** Failure to provide all required information or providing false or misleading information in the application shall constitute grounds for denial of the application or revocation of an existing permit or license, and shall constitute a misdemeanor, if done wilfully with the intent to mislead the city.
- D. **Notice Of Change To Application Information:** Any change in the information required to be submitted under this article for a business license shall be given in writing to the business license authority within fourteen (14) days after such change. (Ord. 12-13, 6-13-2012)

4-1B-8: FURNISHING FALSE INFORMATION:

It is unlawful for any person to wilfully give the licensee or his or her agents or employees false or misleading information which the licensee is required by this chapter to obtain from such person. (Ord. 12-13, 6-13-2012)

4-1B-9: APPLICATION NUMBERING AND FILING:

The license application, with accompanying statements and bonds, shall be numbered by the business license authority in the order in which they appear in the license supervisor's office and, after numbering, the bonds shall be filed in the office of the business license authority, and the applications shall be filed in the office of the business license authority in the order in which they are recorded in the business license master list. Each application shall bear its proper number and shall be filed in said office. (Ord. 12-13, 6-13-2012)

4-1B-10: ENGAGING IN BUSINESS PROHIBITED DURING INVESTIGATION:

It is unlawful for any person applying for a business license which requires investigation by the business license authority to engage in the business for which license application is made, until such investigation is completed and the license approved and issued. (Ord. 12-13, 6-13-2012)

4-1B-11: APPLICANT INVESTIGATION:

- A. **Investigation:** The business license authority may, prior to the issuance of any business license required by this title, investigate any applicant for such license, if there is reasonable cause to believe that the applicant:
1. Has filed an application which is incomplete, erroneous or false in any respect;

2. Fails in any respect to qualify to do business in the city under any federal, state or city law, rule or regulation; or
 3. Has committed such act or acts as may be grounds for revocation or denial of a license application under any federal, state or city law, rule or regulation; or
 4. Investigation is required by city ordinance.
- B. Documents And Witnesses: The business license authority may compel the production of documents and witnesses in order to conduct such investigation as provided by this section. (Ord. 12-13, 6-13-2012)

4-1B-12: ISSUANCE OF LICENSE:

- A. License Issuance: Within thirty (30) days after receiving a completed application and completion of any needed investigation, or as in law specifically required, the business license authority shall issue the license, provided all fees are paid and all legal procedures and requirements are met, or shall deny the license if the all fees are not paid or if all legal procedures and requirements are not met.
- B. Formal Requirements: All certificates of license shall be signed by the business license authority, which may be by facsimile signature, and shall contain the following information:
1. The name of the person to whom such certificate has been issued;
 2. The kind of license, and the class of license, if such licenses are divided into classes;
 3. The term of the license, stating the commencing date and the expiration date.
- C. Issuance Approval: No new business license certificate which requires inspection or approval of any department of city government, whether new or renewal, shall be delivered or mailed to the applicant, until all legal requirements for the issuance or renewal have been met. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1B-13: INDEX OF LICENSED PERSONS AND BUSINESSES:

The business license authority shall keep a registry containing the names of the businesses and persons holding business licenses. (Ord. 12-13, 6-13-2012)

4-1B-14: LICENSE POSTING AND DISPLAY REQUIRED:

Every certificate of license issued shall be posted by the applicant in a conspicuous place upon the wall of the building, room or office of the store or place in which such licensed business is carried on, so that the same may be easily seen, and when such certificate of license shall have expired or be revoked or suspended, it shall be removed by the applicant from such place in which it has been posted; and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room, store, office or place of business after the period of such certificate or license has expired. It shall be the duty of each and every person and business holding a business license from the city to show the license certificate at any proper time when requested so to do by any police officer or license inspector. Any person holding a separate business license must have such license on their person at all times during the business activity. (Ord. 12-13, 6-13-2012)

4-1B-15: EXEMPTIONS FOR NONPROFIT BUSINESSES, ORGANIZATIONS AND OTHER ENTITIES:

The provisions of this title shall not be deemed or construed to require the payment of a license fee for the issuance of a license to any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes from which profit is not derived, directly or indirectly, by any person; nor shall the payment of a license fee be required to issue a license for the conducting of any entertainment, concert, exhibition or lecture whenever the receipts from such are to be appropriated to any church, school, governmental entity, or nonprofit organization. (Ord. 12-13, 6-13-2012)

4-1B-16: LICENSE FEES:

Annual license and other fees shall be those periodically adopted by the city council in its uniform fee schedule. (Ord. 12-13, 6-13-2012)

4-1B-17: LICENSE YEAR; FEE PAYMENTS AND PRORATIONS:

A. Fees To Be Paid In Advance In U.S. Legal Tender: All license fees shall be paid in advance in legal tender of the United States at the main office of the city.

B. License Year; Renewal Date; Prorations:

1. License Year; Good Landlord Program: ~~Except for any first year prorations, a~~ A "license year" will run for twelve (12) consecutive calendar months following the date of commencement and end on the last day of the twelfth month. Notwithstanding the foregoing, participants in the city's "good landlord" program, governed by chapter 2, article R of this title, must renew their good landlord certification every four (4) years, and thus good landlord certification will run for forty eight (48) consecutive calendar months.

2. Administratively Assigning License Year Dates: Annual licenses issued pursuant to this title need not be issued on a calendar year basis. In order to have city licenses come due for renewal and spread city administrative handling of license issuance and renewals in a roughly uniform basis throughout the calendar year, the business license authority shall cause the city to be divided into four (4) geographic quadrants that are periodically established to equalize estimated licensing activity in the city into fourths. Each geographic quadrant will be assigned a month of commencement. Licenses issued within each quadrant shall commence on the first day of that quadrant's designated commencement month, also known as the "renewal date", as follows: quadrant A, July; quadrant B, October; quadrant C, January; and quadrant D, April. Licenses for preschools and daycares will not use the geographic quadrant system.

3. Pro Rata Charges For Initial License Period: The initial license period shall run from the first day of the month the license was issued through the last day of the month immediately preceding the applicable quadrant's renewal date. The first year's annual license fee shall be reduced on a pro rata basis, for each quarter of a year for which the license was not in effect. Any partial quarter or three (3) month period of the license year in which the initial license was granted shall be counted as a period for which full pro rata payment is required. This pro rata payment shall be administered so that a license applicant shall pay a percentage of the annual license fee periodically established in the city council uniform fee schedule, computed on a license year quarter, as follows:

a. One hundred percent (100%) for a license issued in the first three (3) calendar months of the initial license year;

b. Seventy five percent (75%) for a license issued in the second three (3) calendar months of the initial license year;

c. Fifty percent (50%) for a license issued in the third three (3) calendar months of the initial license year; and

d. Twenty five percent (25%) for a license issued in the fourth three (3) calendar months of the initial license year.

4. Renewal License Fee: Following the pro rata payment, renewal license fees shall be for a full twelve (12) month license year period.

- C. Payments: Each license fee shall be paid at the time of an application's filing, whether as a new or a late renewal application. The application shall not be processed until the fee is paid. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015; Ord. 19- __, __ - __-2019, Effective at 12 noon on January 6, 2020)

4-1B-18: LATE PAYMENT PENALTY AND CONSEQUENCES:

- A. Late Renewal Fee Penalties: If a license renewal fee is not paid by the due date, a penalty in the amount provided in the uniform schedule of fees and service charges shall be added to the original amount.
- B. Duty To Cease Business Operations: Any person holding a business license from the city whose license renewal fee and accrued penalties remain unpaid for thirty (30) calendar days from the original due date shall terminate business operations. No business shall be conducted thereafter by such person, unless and until:
1. The business license authority approves a reinstatement application or petition for renewal of a license following payment of all overdue fees and costs; or
 2. A new license application is filed and a new license issued by the business license authority.
- C. Initial Fee Nonpayment Penalty: When any person engages in any business or occupation requiring a license and fee by the provisions of this title, or engages in any additional activities which require an additional license and fee, without first paying the required license fee, a penalty in the amount provided in the uniform schedule of fees and service charges shall be added to the original amount thereof.
- D. Collection: All penalties provided for in this section shall be collected by the business license authority and the payment thereof shall be enforced by him or her in the same manner as the license fees are collected and payment enforced.
- E. No License Issuance: No license shall be issued, until all penalties legally assessed have been paid in full.
- F. Other Enforcement Not Precluded: Nothing in this section shall be construed to prevent or in any manner interfere with the enforcement of any criminal or civil penalty provision contained in any other title of this code, including, but not limited to, those provisions pertaining to operation of businesses without a current and valid business license. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015)

4-1B-19: FEE EXEMPTIONS FOR BUSINESSES OPERATING FOR PROFIT:

Although they shall apply in all respects for the obtaining of a business license pursuant to this title, the following persons are exempt from the payment of license fees:

- A. Building contractors having no retail product sales and who pay construction permit fees, pursuant to applicable city ordinances, but do not have an actual business location within city limits. However, contractors who operate a construction business from a home located within the city are not exempt.
- B. Insurance companies paying license fees to the state pursuant to the provisions of Utah Code Annotated title 31A, chapter 1, or any successor provisions. (Ord. 12-13, 6-13-2012)

4-1B-20: MISTAKES IN FEE CALCULATIONS:

In no event shall any mistakes made by an applicant or the city in the calculation of a license fee prevent or prejudice the collection by the city of the amount actually due from any person subject to licensing under this title. Likewise, no such mistakes shall prevent or prejudice the refund to licensees of amounts overpaid by reason of mistakes. (Ord. 12-13, 6-13-2012)

4-1B-21: 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 title. (Ord. 12-13, 6-13-2012)

4-1B-22: LICENSE FEE COLLECTION; CIVIL ACTIONS AUTHORIZED:

- A. Civil Actions: In all cases where a city ordinance requires that a license be obtained to carry on or to engage in any business, occupation or calling within the city, and a fee for such license is authorized by ordinance, and the fee is not paid at the time or in the manner provided in said ordinance, a civil action may be brought in the name of the city against the person failing to pay such license fee, in any court of this state having jurisdiction of such action, to recover the fee and any penalty due, together with reasonable attorney fees and reasonable costs of collection. In any case where several or diverse amounts of license fees remain due and unpaid by any such person, such several amounts of unpaid license fees may be joined as separate causes of action in the same complaint in such civil actions.
- B. Other Enforcement: Nothing in this section shall be construed to prevent or in any manner interfere with the enforcement of any penalty provision contained in any ordinance of the city. (Ord. 12-13, 6-13-2012)

4-1B-23: REFUNDS:

No refund shall be made for any fee paid for a license issued pursuant to this title, unless the fee paid was incorrect due to a calculation error or not legally owed under the provision of this title. (Ord. 12-13, 6-13-2012)

4-1B-24: LICENSE TRANSFERS:

Upon the written consent of the business license authority endorsed on the license, licenses issued pursuant to the provisions of this title may be transferred from one place of business to another, provided the business or person holding the business license remains the same and the nature of the business is unchanged. A transfer fee shall be paid in a sum established periodically by the city council in its uniform fee schedule. (Ord. 12-13, 6-13-2012)

4-1B-25: DESIGNATION OF AGENT FOR SERVICE OF PROCESS:

- A. Duty To Designate Service Of Process Agent: Before any business license shall be issued to a person, the applicant shall file with the business license authority an instrument naming a true and lawful agent of such applicant with full power and authority to accept service or

notice of process for or on behalf of such applicant with respect to any matters connected with or arising in connection with such license, which agent, for an individual, can be him or herself. The instrument shall also state that applicant for the license consents and agrees that any service or notice of process shall be made upon the agent and when so made shall be taken and held to be valid, as if personally served upon the applicant according to the laws of this or any other state, waiving all claim or right of error by reason of such acknowledgment of service or manner of service. (Ord. 12-13, 6-13-2012)

4-1B-26: RECORDKEEPING REQUIRED:

Every person liable for the payment of any license fee imposed by this title shall keep for three (3) years records which accurately state the amount of such person's gross annual sales of goods and services. Such records shall also state the number of employees of the business in a manner and format which reasonably permits the amount of any license fee for which such person to be liable under the provisions of this title may be determined. (Ord. 12-13, 6-13-2012)

4-1B-27: ILLEGALITY OR DECEPTIVE ARTIFICES:

Notwithstanding anything else in this title, the business license authority shall not issue a business license for any business or business activity which would, in the reasonable opinion of the business license authority:

- A. Involve the violation of any city ordinance, county ordinance, state statute or federal statute, or lawful regulations issued under such ordinances or statutes;
- B. Involve activities, under the guise of conducting a legitimate business, which are fraudulent or deceptive. (Ord. 12-13, 6-13-2012)

4-1B-28: HOURS OF OPERATION:

- A. Duty To Post Operating Hours: Every licensed business in the city is required to post in plain sight, clearly visible by all participants, the relevant operating hours of said place of business.
- B. Curfew Law Applicable: Any business accepting or catering to minors shall not be operated in a manner contrary to the curfew provisions of any applicable state, county or municipal curfew statutes. (Ord. 12-13, 6-13-2012)

4-1B-29: DEALING WITH CERTAIN PERSONS PROHIBITED:

It is unlawful for any person licensed pursuant to this article, or any employee of any person licensed pursuant to this article, to receive any items from a person who is under eighteen (18) years of age, without the written consent of the parent or guardian of such person, or who is either intoxicated or obviously mentally deficient. (Ord. 12-13, 6-13-2012)

4-1B-30: LICENSE TERMINATION FOLLOWING CESSATION OF OPERATIONS:

Any business license issued pursuant to this article will expire no later than ten (10) calendar days following the continuous closure or cessation of business operations for which the license was issued, except when cessation or closure is required to repair damage caused by flood, fire, earthquake or other natural disaster. (Ord. 12-13, 6-13-2012)

4-1B-31: EQUIVALENT ALTERNATIVE METHODS OF REGULATION:

- A. City Manager Administrator Alternate Regulatory Rules: Whenever a person regulated under this chapter and/or chapter 2 of this title alleges that specified requirements are impracticable or excessively burdensome as applied to such person, s/he may file with the city ~~manager~~ administrator a written petition setting forth such allegations and presenting suggested

methods of regulation of such person by the city in lieu of enforcement of the specified requirements of this chapter so objected to. The city ~~manager~~ administrator may either approve or deny the proposed alternative methods of regulation proposed by the petitioner or may approve other alternative methods of regulation. Upon approval by the city ~~manager~~ administrator, such alternative regulation shall be as obligatory upon the petitioner as if such had been specific requirements set forth in this chapter, the violation of any of which alternate regulations shall be a misdemeanor.

- B. Standards For Approval: The standard for approval of any such alternative regulation shall be that they are equivalent to the existing requirements which they would supplant, in meeting the objectives of enhancing and protecting the public health, safety and welfare, including, but not limited to, inhibiting theft and trafficking of stolen merchandise and providing adequate opportunity for examination by the police of suspect transactions. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __ - __-2019, Effective at 12 noon on January 6, 2020)

ARTICLE C. DENIAL, SUSPENSION, REVOCATION; LICENSE DENIAL APPEAL BOARD

- 4-1C-1: DENIAL OF A BUSINESS LICENSE:**
- 4-1C-2: REVOCATION OR SUSPENSION OF LICENSE:**
- 4-1C-3: PROCEDURE FOR SUSPENSION OR REVOCATION:**
- 4-1C-4: EFFECT OF REVOCATION AND SUSPENSION:**
- 4-1C-5: LICENSE DENIAL APPEAL BOARD ESTABLISHED:**
- 4-1C-6: AUTHORITY AND DUTIES OF BOARD:**
- 4-1C-7: FILING AN APPEAL OF A DENIAL:**
- 4-1C-8: APPEAL HEARING:**
- 4-1C-9: DECISION OF LICENSE DENIAL APPEAL BOARD:**
- 4-1C-10: APPEAL OF LICENSE DENIAL APPEAL BOARD DECISION:**
- 4-1C-11: LICENSING AFTER REVOCATION:**
- 4-1C-12: VALIDITY OF BUSINESS LICENSE DURING APPEAL:**

4-1C-1: DENIAL OF A BUSINESS LICENSE:

- A. Reasons For Denial: After a person has made application to the city for a business license, including a renewal of an existing business license, the application may be denied for any lawful reason, including, but not limited to, the following reasons:
1. The business will be involved in activities that will violate a city, county, state or federal law or regulation;
 2. The business will be involved in activities on the licensed premises which would constitute a public nuisance, or otherwise a menace to the health, welfare and peace of the city;
 3. The business would involve activities by patrons of the business or business activity where it could be shown the patrons are reasonably likely to constitute a public nuisance, or to commit violations of law;

4. The business is not in compliance with the city zoning standards or requirements applicable to the licensed premises;
 5. Issuance of the license would result from fraud or misrepresentation of a material fact in the procurement of or application for the license;
 6. The business or its employees will be undertaking activities which would constitute grounds for revocation or suspension of a business license; or
 7. Issuance of the license will jeopardize or unreasonably endanger the public health, safety or welfare, or the safety or welfare of any individual, because the applicant or a key employee:
 - a. Does not possess the requisite state or federal licensing to conduct the business activity for which the city license is applied;
 - b. Does not possess the required training, experience, professional degrees or licensing normally required for or associated with such business activity;
 - c. Has been guilty of unprofessional conduct, as proscribed by applicable statute or regulation or by applicable regulations or standards of conduct promulgated by the professional association or regulatory agency normally associated with that business activity;
 - d. Has been criminally convicted of a class B misdemeanor or greater offense or is subject to one or more "disqualifying factors" (as defined in article A of this chapter); or
 8. For a new application, nonpayment of a returned check for the required license fees at the time the application is made. For a renewal application, nonpayment of the required license renewal fees, plus any penalty due under this title;
 9. One of the reviewing departments or divisions of the city, whose approvals are required under law has lawfully disapproved the application pursuant to any applicable provision of the city code or other applicable law;
 10. False, or misleading, or incomplete information given on the application;
 11. Noncompliance with any requirement or condition imposed in a conditional use permit, a variance or a special exception in connection with any location of the proposed business activities;
 12. Noncompliance with any city, state or federal statutes or any health department regulations governing the applicant's proposed business.
- B. Refusal To Renew: The city may refuse to renew the business license based on any of the grounds provided for revocation or suspension of a license in this title arising at or before the time of the submittal and consideration of a license application. (Ord. 12-13, 6-13-2012)

4-1C-2: REVOCATION OR SUSPENSION OF LICENSE:

- A. License Revocable: Under the provisions of this title, the issuance of a license grants only a revocable privilege to engage in business and confers no vested rights of any kind or nature upon the business or person holding the business license.
- B. Revocation Or Suspension: Every business license issued by the city may be revoked or suspended for:

1. Substantiated report of any violation by the licensed person or business or by an agent, officer, employee, or invitee of any provisions of this title or any other applicable ordinance or law governing the business or activity. The person or business holding a business license shall be strictly responsible for the operation of the business or activity in conformance with all applicable laws;
 2. Substantiated report of fraud or misrepresentation of a material fact in the procurement of the license;
 3. Failure to pay when due any license fee, tax, charge and/or penalty provided in state statute or city ordinance;
 4. Substantiated report of the violation of city ordinance or federal or state statute relating to the licensed business and resulting from the conduct of such business or activity;
 5. Substantiated report of any condition or conduct at or in connection with the business;
 6. Substantiated report of using or possessing for use a false weight or measure or any other device for falsely determining or recording any quantity or quality;
 7. Substantiated report of selling, offering or exposing for sale products or commodities which vary from the standard of composition or quality described in connection with the offer or sale;
 8. Substantiated report of activities at or in connection with the business, which are fraudulent or deceptive;
 9. Substantiated report of failure of the applicant to retain the legal qualifications necessary for the business license, including the continuing absence of "disqualifying factors" (as defined in article A of this chapter); or
 10. Substantiated report of failure to properly maintain operational business records and other records required in this title for inspection and audit by the city.
- C. Pendency Of License: The city may revoke or suspend a license for any of the grounds listed for denying a license application or a renewal application in this chapter arising during the pendency of a business license. (Ord. 12-13, 6-13-2012)

4-1C-3: PROCEDURE FOR SUSPENSION OR REVOCATION:

The business license authority may prosecute a suspension or revocation administratively as provided in title 4 16, chapter 44 1, article C of this code, and/or as a class B misdemeanor. (Ord. 12-13, 6-13-2012; amd. Ord. 19- , - -2019, Effective at 12 noon on January 6, 2020)

4-1C-4: EFFECT OF REVOCATION AND SUSPENSION:

- A. If the license is revoked, no new application shall be considered by the business license authority until expiration of the time period, in any event not less than one year, specified in the order of revocation.
- B. A suspension shall be for a period not exceeding six (6) months, following which the license shall be reinstated. Should the license be under suspension at the time the license would have otherwise been renewed or renewable, the license shall not be renewed until expiration of the period of time imposed on the original suspension. (Ord. 12-13, 6-13-2012)

4-1C-5: LICENSE DENIAL APPEAL BOARD ESTABLISHED:

The ~~city manager~~ administrative law judge shall hear and decide all appeals of license denials ~~or, alternatively, may appoint one or more persons to hear such appeals.~~ Whether as an individual or when constituted of more than one person, the person or persons designated to hear an appeal shall hereafter be designated as the license denial appeal board. (Ord. 12-13, 6-13-2012; amd. Ord. 19-
-2019, Effective at 12 noon on January 6, 2020)

4-1C-6: AUTHORITY AND DUTIES OF BOARD:

The license denial appeal board shall have authority to hear evidence in all business license denial matters referred to the board and, after such hearing, shall prepare a written decision and order, as provided herein. (Ord. 12-13, 6-13-2012)

4-1C-7: FILING AN APPEAL OF A DENIAL:

Appeals of a business license authority's decision to deny a business license may be made by filing a written notice of appeal with the city ~~clerk~~-recorder, within fifteen (15) days of receipt of the notice of denial, suspension or revocation. The appeal notice shall contain a specific and detailed explanation of the alleged mistake made by the business license authority and a specific statement of the relief desired. (Ord. 12-13, 6-13-2012; amd. Ord. 19-
-2019, Effective at 12 noon on January 6, 2020)

4-1C-8: APPEAL HEARING:

- A. Hearing Date And Time: All hearings shall be conducted at a time, place and day set by the license denial appeal board through a written notice of hearing provided to all parties. The hearing shall be scheduled to occur no sooner than four (4) working days and no later than twenty (20) working days following the city clerk-recorder's receipt of the notice of appeal.
- B. City Attorney To Present Case: At the hearing, a representative from the city attorney's office or another designee of the business license authority shall present the reasons for the decision to deny, suspend or revoke the license.
- C. Licensee Presentation: The applicant, in person or through his or her attorney, may then present any evidence and/or argument showing reason why the business license authority's decision was in error.
- D. Sworn Witnesses: All witnesses, if any, shall be sworn to testify truthfully. Either party is entitled to confront and cross examine any witnesses.
- E. Evidentiary Rules: Any oral or documented evidence may be received, but the license denial appeal board shall exclude all privileged, irrelevant, immaterial, or unduly repetitious evidence.
- F. Grounds For Decision Under Review: If the denial appealed is based on a determination of the business license authority that sufficient grounds existed under city, state or federal law, the license denial appeal board may reexamine the factual nature of the grounds and determine whether they are sufficient to sustain the decision of the business license authority.
- G. Board Lacks Authority To Waive Compliance With Requirements: The license denial appeal board does not have the authority to waive compliance with applicable provisions of this title, nor can the license denial appeal board extend deadlines set forth in this title.

- H. Preponderance Of Evidence Standard Of Review: All factual determinations made by the license denial appeal board shall be supported by a preponderance of the evidence, presented to the license denial appeal board during hearing proceedings. (Ord. 12-13, 6-13-2012)

4-1C-9: DECISION OF LICENSE DENIAL APPEAL BOARD:

- A. Date Decision Due; Findings: The license denial appeal board, after hearing all the evidence, shall announce its decision within seven (7) calendar days from the date of hearing, unless for good cause, it extends the time for rendering a decision. The board may affirm or reverse the decision of the business license authority, and may remand the matter for further action by the business license authority. The decision shall be in writing and shall be based upon findings of fact and conclusions of law. The board may designate that the prevailing party draft the findings of fact and order. If the prevailing party drafts the decision, the opposing party shall have five (5) working days from the date the draft is submitted within which to file objections to the draft. Upon resolution of all objections to the draft, the board shall issue its decision.
- B. Service Of Appeal Decision: The decision of the license denial appeal board shall be delivered to the applicant by mail, postage prepaid, or by personal service, at the discretion of the board.
- C. Reversal Of Decision: The denial of the license shall be reversed by the appeals officer if, upon review of the written appeal and information submitted, the appeals board finds that the licensing officer made a material mistake of law or fact in denying or suspending the applicant or registered solicitor's certificate.
- D. Affirmation Of Decision: If the written appeal and information submitted indicates that the licensing officer properly denied a license the denial shall be affirmed.
- E. Administrative Exhaustion Of Remedies: After the ruling of the appeals board, the applicant or solicitor is deemed to have exhausted all administrative remedies with the city. (Ord. 12-13, 6-13-2012)

4-1C-10: APPEAL OF LICENSE DENIAL APPEAL BOARD DECISION:

The license denial appeal board's decision may be appealed by the applicant or the city to the district court within thirty (30) days from the date on which the board's written decision is issued. (Ord. 12-13, 6-13-2012)

4-1C-11: LICENSING AFTER REVOCATION:

A person, whose business license has been revoked, may not be issued a new license for a period of twelve (12) months following the revocation. (Ord. 12-13, 6-13-2012)

4-1C-12: VALIDITY OF BUSINESS LICENSE DURING APPEAL:

- A. Right To Operate During Appeal: A person or business holding a business license subject to an order of the business license authority suspending or revoking the license may continue to legally operate the licensed business in compliance with federal, state and all other local laws pending a final decision on appeal, or until the time for appeal has passed, whichever event occurs first.
- B. No Right To Operation Without Valid License Having Been Issued: An applicant for a currently unlicensed business shall not operate, and it shall be unlawful for any person to conduct business for which a license is required at the premises until a valid business license is issued, notwithstanding the city's denial of that license has been appealed. (Ord. 12-13, 6-13-2012)

ARTICLE D. ENFORCEMENT

4-1D-1: POWERS AND DUTIES OF POLICE AND INSPECTORS:

4-1D-2: PENALTIES FOR VIOLATION:

4-1D-3: EFFECT OF CONVICTION; PROSECUTION NOT BARRED:

4-1D-4: INJUNCTION:

4-1D-5: LIABILITY FOR ACTS OF EMPLOYEES:

4-1D-1: POWERS AND DUTIES OF POLICE AND INSPECTORS:

A. Authorized Enforcement Personnel:

1. All code enforcement officers, police officers, community enforcement officers and city building inspectors are appointed to act as business license inspectors, and are empowered and required to examine all places of business and persons who are required to have a business license and to determine if posted licenses are valid and displayed in a conspicuous place within the place of business, as required by law.

2. Police officers and inspectors shall have and exercise the power to enter free of charge, during normal business hours, any place open to the general public and for which a license is required. They may require the exhibition of a current license by any person engaged or employed in the conduct of such business.

B. Duty To Enforce: It shall be the duty of the city code enforcement officers, police officers and the city building inspectors, as well as the city business license authority, to cause complaints to be filed against all persons violating any of the provisions of this title. Enforcement against pawnshops is limited as provided in Utah code section 13-32a-112.5. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1D-2: PENALTIES FOR VIOLATION:

A. Administrative Fines And Penalties: If the city-council mayor so authorizes, the business license authority may assess administrative penalties for violations of this title. Such penalties shall not exceed five hundred dollars (\$500.00) one thousand dollars (\$1,000.00) for each violation.

B. Violation: Any violation of this title may be prosecuted administratively as provided in title 4 16, chapter 44 1, article C of this code, and/or as a class B misdemeanor.

C. Each Sale Without A License Is A Separate Offense: The sale of each article by a temporary merchant, a temporary merchant sponsor or a participant, without a license therefor, shall be a separate offense under and a separate violation of this title. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-1D-3: 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, penalties or fines due or unpaid at the time of such conviction, and nothing in this title shall prevent a criminal prosecution for any violation of the provisions of this title. (Ord. 12-13, 6-13-2012)

4-1D-4: INJUNCTION:

An entity or individual who operates or causes to be operated a business without a valid license in violation of the provisions of this chapter is subject to a suit for an injunction in addition to the civil and criminal violations provided in this chapter and any other remedy available at law or in equity. (Ord. 12-13, 6-13-2012)

4-1D-5: LIABILITY FOR ACTS OF EMPLOYEES:

The holder of a city business license is strictly liable for any and all acts of his or her own employees and for any violation by them of any provisions of this title. (Ord. 12-13, 6-13-2012)

Chapter 2

SPECIAL LICENSING AND REGULATION OF SPECIFIC BUSINESSES

ARTICLE A. BUSINESSES SELLING ALCOHOLIC BEVERAGES

- 4-2A-1: ALCOHOL SPECIAL LICENSE REQUIRED:**
- 4-2A-2: ALCOHOLIC BEVERAGE LICENSE PROVISIONS:**
- 4-2A-3: INSPECTIONS AND TESTING SAMPLES:**
- 4-2A-4: OPERATIONAL RESTRICTIONS:**
- 4-2A-5: CRIMINAL PENALTIES:**
- 4-2A-6: ADMINISTRATIVE REGULATIONS:**
- 4-2A-7: NO VESTED RIGHTS:**
- 4-2A-8: LICENSES NONTRANSFERABLE:**
- 4-2A-9: TERM AND PRORATION OF ALCOHOLIC BEVERAGE LICENSES:**
- 4-2A-10: SPECIAL RESTRICTIONS ON HOLDERS OF ALCOHOLIC BEVERAGE LICENSES:**
- 4-2A-11: APPLICATION AND DISCLOSURE:**
- 4-2A-12: APPROVAL PROCESS:**
- 4-2A-13: FEES FOR ALCOHOLIC BEVERAGE LICENSE:**
- 4-2A-14: MAINTENANCE OF RECORDS:**
- 4-2A-15: BOND REQUIRED FROM APPLICANT FOR CLASS B LICENSE:**

4-2A-1: ALCOHOL SPECIAL LICENSE REQUIRED:

- A. A person must obtain one of the licenses referred to in this article in addition to the regular business license issued by the city and any licenses required by state or federal law. The regular city business license issued to a business does not constitute permission by the city to engage in any business involving alcoholic beverages.

- B. A separate alcohol special license shall be required for each premises where alcoholic beverages will be sold.
- C. It shall be unlawful for any business required to be licensed under this article to fail to display the alcohol special license granted pursuant to this article in a prominent location within the business premises. (Ord. 12-13, 6-13-2012)

4-2A-2: ALCOHOLIC BEVERAGE LICENSE PROVISIONS:

- A. Utah Alcoholic Beverage Control Act Adopted: The Alcoholic Beverage Control Act, Utah Code Annotated section 32B-1-101 through 32B-16-302, as amended from time to time, is hereby adopted by this reference in its entirety as if set forth in full herein. The Alcoholic Beverage Control Act as adopted herein shall be construed to apply only to the incorporated areas of the City and shall be interpreted and constructed where necessary to carry out the intent of this article.
- B. Preemption And Local Control: Utah Code Annotated section 32B-1-104 of the Alcoholic Beverage Control Act states that the Act governs alcoholic beverage in this State, except in those areas where the local authorities are expressly granted regulatory control over local issues. Nothing in this title precludes local authorities from regulating the sale, storage or consumption of alcoholic beverages if that regulation does not conflict with the provisions of this article.
- C. State Law Compliance Required: All businesses regulated pursuant to this article shall comply with the State Alcoholic Beverage Control Statutes, Utah Code Annotated title 32B, chapter 1, and the regulations of the State Department of Alcoholic Beverage Control.
- D. Classifications; Privileges: Business licenses issued to businesses governed under this article shall be of the following classes and carry the following privileges:
 - 1. Class A: A Class A retail beer sales license authorizes the person or business holding the business license to sell beer at the licensed premises in original containers for off premises consumption if such sale constitutes less than forty percent (40%) of the total sales (in dollar volume) made upon the same premises.
 - 2. Class B: A Class B retail beer sales license authorizes the person or business holding the business license, which must be a restaurant, hotel, cafeteria, golf course snack shop or other public eating place which furnishes bona fide meals to guests and patrons, to sell beer at retail in original containers or on draft for consumption on the licensed premises. When such beer is purchased at a restaurant, hotel, cafeteria or other public eating place, exclusive of a golf course snack shop, the beer must be purchased in conjunction with the purchase of a bona fide meal which will also be consumed on the premises. A bona fide "meal" is defined as the quantity of food of such nature as is ordinarily consumed by an individual at regular intervals for the purpose of sustenance in the dining rooms of hotels, non-fast food restaurants, cafeterias and other public eating houses where sit down and plated meals are regularly served at tables or counters. For the purpose of this chapter, a business shall be deemed to be a non-fast food restaurant or cafeteria if at least three (3) of the following criteria are met:
 - a. No more than twenty five percent (25%) of the total dollar volume of sales are food and drink merchandise not consumed by the customer on the premises.
 - b. The business does not contain a takeout window by which customers, while still within their vehicles, may order and receive the food and drink merchandise without actually entering the enclosed building in which the licensed business operates.

c. No more than twenty five percent (25%) of the total dollar of sales for food and drink merchandise are served upon or in disposable materials (such as paper plates, paper cups, plastic utensils).

d. The seating places for customers eating on the premises is significantly separated from the place where other customers waiting to order will be located.

3. Restaurant Liquor License: A restaurant liquor license authorizes the holder of a Class B retail beer sales license to sell liquor for consumption on the licensed premises. A restaurant liquor license may be issued by the business license authority, only in conjunction with a restaurant liquor license issued by the State. The business license authority may not consent to the issuance of a State restaurant liquor license unless and until the applicant:

a. Completes and submits a Class B retail beer sales license application and receives a Class B retail beer sales license;

b. Meets the qualifications for a restaurant liquor license as contained in Utah Code Annotated title 32B, chapter 6, or its successor; and

c. The applicant has paid all fees required under this article.

4. Single Event Permit:

a. A single event permit authorizes the holder to sell beer in the original container or on draft for on premises or off premises consumption for a temporary period of time not to exceed thirty (30) days in connection with a special event. Each temporary license shall expire at eleven fifty nine o'clock (11:59) P.M. on the last day stipulated for the temporary license. Single event permits shall be approved or denied by the City Council mayor.

b. Notwithstanding the License Denial Appeal Board provisions found earlier in this title, a denial by the City Council mayor of a single event permit is immediately appealable to District Court.

5. Tavern Beer License: Tavern beer license authorizes the holder to sell beer on draft in containers not to exceed two liters (2 L) in size for consumption on the premises, or in original containers not to exceed two liters (2 L) in size for consumption off the premises. Beer sold for consumption off the premises must be sold in the original sealed container. It is unlawful and shall constitute a strict liability offense for an on premises tavern beer licensee, operator, agent or employee to permit or to allow any person under the age of twenty one (21) years to be allowed in the premises occupied by an on premises tavern beer license.

6. Manufacturing License: A manufacturer of an alcoholic product must first obtain the appropriate manufacturing license(s): a winery manufacturing license, a distillery manufacturing license, and a brewery manufacturing license.

a. Winery Manufacturing License: A winery manufacturing license allows a winery manufacturing licensee to:

(1) Store, manufacture, transport, import, and export wine;

(2) Sell wine at wholesale to the department and to out-of-State customers;

(3) Purchase liquor for fortifying wine, if the department is notified of the purchase and date of delivery; and

(4) Warehouse on the licensed premises liquor that is manufactured or purchased for manufacturing purposes.

b. Distillery Manufacturing License: A distillery manufacturing license allows a distillery manufacturing licensee to:

- (1) Store, manufacture, transport, import, and export wine;
- (2) Sell liquor to the department, an out-of-State customer, or as otherwise provided by State law;
- (3) Purchase an alcoholic product for mixing and manufacturing purposes if the department is notified of the purchase and the date of delivery; and
- (4) Warehouse on its licensed premises an alcoholic product that the distillery manufacturing licensee manufactures or purchases for manufacturing purposes.

c. Brewery Manufacturing License: A brewery manufacturing license allows a brewery manufacturing licensee to:

- (1) Store, manufacture, brew, transport, import, or export beer, heavy beer, and flavored malt beverages;
- (2) Sell heavy beer and a flavored malt beer to the department, a military installation, or an out-of-State customer;
- (3) Sell beer to a beer wholesaler licensee;
- (4) In the case of a small brewer, in accordance with other State law, sell beer manufactured by the small brewer to a retail licensee, an off-premise beer retailer, or an event permittee; and
- (5) Warehouse on its premises an alcoholic product that the brewery manufacturing licensee manufactures or purchases for manufacturing purposes.

d. Compliance With State Law: The applicant of a West Jordan City beer manufacturing license must obtain and meet Utah Code Annotated section 32B-11 parts 1-6 of the Utah State Alcohol Beverage Control Manufacturing Act and Related Licensing Act.

7. Wholesale License: A beer wholesaling license entitles the beer wholesaler licensee to purchase and import beer into the State, store beer in an approved warehouse, and sell and distribute beer directly to a beer retailer or an event permittee. Nothing in this section precludes a small brewer from selling beer the small brewer manufactures directly to a retail licensee, an off-premises beer retailer, or an event permittee. The applicant of a West Jordan City beer manufacturing license must obtain and meet Utah Code Annotated section 32B-11 parts 1-6 of the Utah State Alcohol Beverage Control Manufacturing Act and Related Licensing Act.

E. Other Liquor And Beer Sales Not Permitted: Other than the specific classes of business licenses listed in subsection D of this section, no license or consent will be given to authorize the sale of beer or liquor within the City.

F. Beer License Additional:

1. A person must obtain one of the licenses referred to in this section in addition to the regular business license issued by the City and any licenses required by State or Federal law. The regular City business license issued to a business does not constitute permission by the City to engage in business involving alcoholic beverages.

2. A separate beer license shall be required for each premises where beer will be sold.
 3. It shall be unlawful for any business required to be licensed under this article to fail to display the beer license granted pursuant to this article in a prominent location within the business premises.
- G. No Vested Rights: The issuance of a license pursuant to this article shall grant only a mere revocable privilege to sell beer and liquor or to sell, dispense and allow its patrons to consume beer and liquor on the licensed premises, as provided in this article and the laws of the State, and shall not confer any vested rights of any kind or nature upon a beer licensee.
- H. Nontransferable License: Licenses issued under this article are not transferable. A beer licensee selling his business is not entitled to a refund of the license fee paid unless the license fee was paid and the request for refund was made prior to the commencement of the license year. (Ord. 12-13, 6-13-2012; amd. Ord. 18-25, 7-11-2018; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2A-3: INSPECTIONS AND TESTING SAMPLES:

The business shall, at the request of any authorized city officer, furnish samples of beer which the business holds for sale. Failure to allow an authorized inspection is grounds for revocation of a business license. (Ord. 12-13, 6-13-2012)

4-2A-4: OPERATIONAL RESTRICTIONS:

Each person granted a business license under this article and the employees and management personnel of the licensee shall comply with the following conditions and requirements. Failure to comply may result in a suspension or revocation of the license or other criminal action taken against the business or individual:

- A. The business may not sell alcoholic beverages in original containers having a volume greater than two liters (2 l).
- B. A patron or guest of an "on premises" alcoholic beverage business may only make purchases from a server designated and trained by the person or business holding the business license.
- C. Alcoholic beverages may not be sold or offered for sale after one o'clock (1:00) A.M., and before seven o'clock (7:00) A.M., or, as to on premises licensees, before ten o'clock (10:00) A.M.
- D. Alcoholic beverages may not be sold, delivered or furnished to any:
1. Minor.
 2. Person actually, apparently or obviously ~~drunk~~ intoxicated.
 3. Known interdicted person.
- E. A person may not bring onto the business premises any alcoholic beverage for on premises consumption, nor may an on premises beer business, or its officers, managers, employees or agents, allow a person to bring onto the business premises any alcoholic beverage for on premises consumption or allow consumption of any such alcoholic beverage on its premises.
- F. Persons under the age of twenty one (21) years are not allowed to participate in a sales transaction involving alcoholic beverages unless such persons are under the immediate supervision and in the immediate vicinity of a person who is at least age twenty one (21) years who is on the premises at the time of the sale.

- G. An employee of a licensed business, while on duty, may not consume an alcoholic beverage or be under the influence of alcoholic beverages.
- H. The licensed business shall display in a prominent place in the licensed premises a sign in large letters stating:

Warning: The consumption of alcoholic beverages purchased in this establishment may be hazardous to your health and the safety of others.

- I. Alcoholic beverages may not be purchased by the person or business holding the alcohol special business license or any agent or employee for patrons or guests of the business.
- J. Alcoholic beverages must be obtained from a licensed wholesaler.
- K. Alcoholic beverages must be segregated from other beverages in the display case.
- L. At each point where alcoholic beverages are displayed for sale, and at each cash register and other locations where the sale is consummated, a notice shall be displayed indicating that:
 - 1. The purchase and/or consumption of alcoholic beverages by persons under the age of twenty one (21) years is unlawful.
 - 2. Having an open container of alcoholic beverage in a motor vehicle while on the public street is unlawful.
 - 3. The purchasers of alcoholic beverages will be expected to produce identification. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2A-5: CRIMINAL PENALTIES:

In addition to revocation or suspension of a license, any entity or individual who violates any provision of this article shall be guilty of a class B misdemeanor. Any fines imposed under this section may be deducted from the cost bond posted pursuant to section 4-2A-15 of this article, unless paid within ten (10) days of notice of the fine. (Ord. 12-13, 6-13-2012)

4-2A-6: ADMINISTRATIVE REGULATIONS:

The city ~~manager~~ administrator may prepare and promulgate such administrative forms and regulations, not inconsistent with the provisions of this article, as are necessary to carry out the purposes of this article. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2A-7: NO VESTED RIGHTS:

The issuance of a license pursuant to this article shall grant only a mere revocable privilege to sell alcoholic beverages or to sell, dispense and allow its patrons to consume alcoholic beverages on the licensed premises, as provided in this article and the laws of the state, and shall not confer any vested rights of any kind or nature upon a special licensee. (Ord. 12-13, 6-13-2012)

4-2A-8: LICENSES NONTRANSFERABLE:

Licenses issued under this article are not transferable. An alcoholic beverage licensee selling his business is not entitled to a refund of the license fee paid unless the license fee was paid and the request for refund was made prior to the commencement of the license year. (Ord. 12-13, 6-13-2012)

4-2A-9: TERM AND PRORATION OF ALCOHOLIC BEVERAGE LICENSES:

- A. Term: Licenses issued pursuant to this article shall be valid from the date of issuance through December 31 of each succeeding year.
- B. Closure Or Cessation Of Business: Any city alcoholic beverage license will expire no later than ten (10) days following the continuous closure or cessation of the business operations for which the license was issued, except when cessation or closure is required to repair damages caused by flood, fire, earthquake or other natural disaster.
- C. Proration Of Fees Not Permitted: The beer license fees prescribed by the city council shall not be prorated for any portion of a year, but shall be paid in full regardless of the portion of the year the license is applied for.
- D. Renewal; Employee Certification: Upon the yearly renewal of each beer license, the business or person holding the beer license shall be required to certify that all current employees have received training as approved by the state department of public safety on the written policies, procedures and laws relating to the marketing and sale of alcoholic beverages. (Ord. 12-13, 6-13-2012)

4-2A-10: SPECIAL RESTRICTIONS ON HOLDERS OF ALCOHOLIC BEVERAGE LICENSES:

- A. Proof Of Sales: The applicant will, upon request, furnish certified documents substantiating sales of any and all products and services.
- B. Distance Restrictions: A business or person holding a class B license shall not be located or proposed to be located as follows:
 - 1. Within six hundred feet (600') of any religious facilities, schools, public parks, daycare centers or sexually oriented businesses, as measured from the main entrance of the outlet by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular traffic along public thoroughfares, whichever is closer, to the property boundary of the religious facility, school, public park, daycare center or sexually oriented business;
 - 2. Within two hundred fifty feet (250') of any residences measured from the main public entrance of the outlet by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular traffic along public thoroughfares, whichever is closer, to the property boundary of the residence; or
 - 3. Within two hundred feet (200') of any religious facilities, schools, public parks, daycare centers or sexually oriented businesses, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the religious facility, school, public park, daycare center or sexually oriented business.
- C. Variances: After all other application requirements are met and approved by the business license authority, a class B beer license applicant may request a variance from the proximity distance requirement stated in this section from the ~~city council~~ variance board, as defined in section 4-1A-2 by complying with the following requirements:
 - 1. Advertising: Subject to review of the business license authority, the applicant shall cause notice of a public hearing to be published once a week for three (3) consecutive weeks in a newspaper of general circulation. As a minimum, the advertisement shall state the date, time, location and reason for the public hearing.

2. Notice To Property Owners And Tenants: Subject to review of the business license authority, an applicant must mail notices of public hearing stating the date, time, location and proposed nature of the applicant's business, at least ten (10) days in advance of the hearing, to all property owners and tenants within six hundred feet (600') of the proposed premises and provide the city clerk-recorder with proof of such mailing and a sample of the notice.
- D. Public Hearing For Variance: After satisfying the notice requirements, the ~~city council~~ **variance board** shall hold a public hearing to consider the granting of the variance from the distance requirements stated in this section.
- E. Disqualified Applicants: No single event, class A or class B beer license shall be granted to any applicant who:
1. Has been convicted of or pled no contest to:
 - a. A felony under any federal or state law;
 - b. Any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages;
 - c. Any crime involving moral turpitude; or
 - d. Any misdemeanor conviction for crimes occurring within five (5) years prior to the date of application. "Misdemeanor" shall not include minor traffic offenses. Any traffic offense designated as a class B misdemeanor shall not be construed as a minor traffic offense.
 2. Has had any type of license, agency or permit to sell liquor or beer revoked by any state or local government within the last five (5) years.
 3. Is under the age of twenty one (21) years.
 4. Has failed to meet any other licensing requirement under this title. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2A-11: APPLICATION AND DISCLOSURE:

- A. Class A Or Single Event: An applicant seeking a class A beer sales license or single event permit within the city shall provide a written application on forms provided by the city. In addition to the information provided on the standard business license application, the class A beer sales license application shall provide to the business license authority:
1. Copies of the written policies, procedures, training materials and other methods which the applicant will use to ensure compliance with the laws relating to the marketing and sale of alcoholic beverages. The applicant must also sign a statement certifying that all employees have been trained in these policies, procedures and laws.
 2. If the application is for a single event permit, a statement by the applicant of the dates of the event and whether this event has been licensed by the city previously.
 3. Any other information which the city may require to accurately evaluate the merits of the application.
 4. A nonrefundable application fee in an amount adopted by the city council in its uniform fee schedule.

B. Class B: An applicant seeking a class B beer sales license within the city for consumption on the premises shall provide a written application on forms provided by the city. In addition to the information provided on the standard business license application, the class B beer sales license application shall provide to the business license authority:

1. For all applicants, a statement of:
 - a. Any other names or aliases used by the individual;
 - b. The age, date and place of birth;
 - c. Height;
 - d. Weight;
 - e. Color of hair;
 - f. Color of eyes;
 - g. Present business address and telephone number (if applicable);
 - h. Present residence and telephone number;
 - i. Utah driver's license or identification number; and
 - j. Social security number.
2. Acceptable written proof that an individual is at least twenty one (21) years of age and a U.S. citizen.
3. A statement of the business, occupation and employment history of the applicant for three (3) years immediately preceding the date of the filing of the application.
4. A statement detailing the license and permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including:
 - a. Whether such applicant previously operated or was seeking to operate a business authorized to allow consumption of alcohol on the premises in this or any other county, city, state or territory.
 - b. Whether such applicant has ever had a license, permit or authorization to do business denied, revoked or suspended.
 - c. In the event of any such denial, revocation or suspension, a statement of the date, the name of the issuing or denying jurisdiction, and the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
5. Copies of the applicant's business license (if available) and of the application to the state for a liquor license.
6. A map drawn to scale showing evidence of proximity to any religious facilities, schools, public parks, daycare centers, sexually oriented businesses or other businesses currently possessing any license which allows it to serve or sell liquor or beer.
7. Evidence that the business is carrying dramshop insurance coverage of at least one hundred thousand dollars (\$100,000.00) per occurrence, and three hundred thousand dollars (\$300,000.00) in the aggregate.

8. A nonrefundable application fee in the amount adopted by the city council in its uniform fee schedule.
 9. At least three (3) character references who meet the following qualifications:
 - a. The person giving the reference must have known the applicant for a minimum of five (5) years.
 - b. The person giving the reference must be of good repute.
 - c. The person giving the reference may not be a relative of the applicant.
 10. A signed consent form provided by the applicant stating that the licensee will permit any representative of the city or any law enforcement officer unrestricted right to enter the licensed premises.
 11. Copies of the written policies, procedures, training materials and other methods which the applicant uses to ensure compliance with the laws relating to the marketing and sale of alcoholic beverages. The applicant must also certify that all employees have been trained in these policies, procedures and laws.
 12. Any other information which the city may reasonably require to accurately evaluate the merits of the application.
- C. Criminal Background Check: Application for an alcoholic beverages business license shall constitute a waiver of disclosure of any criminal conviction or plea of no contest for the purposes of any proceeding involving the business or employee license. Each applicant will be required to ~~sign a release authorizing the city to perform a criminal background check~~ provide an original or certified copy of criminal history from Utah BCI and the applicants home state if different. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2A-12: APPROVAL PROCESS:

- A. Application: Original applications for a license under this article shall be made to the city business licensing authority upon forms authorized or promulgated by the business license authority.
- B. Investigation And Review: Once the application is received, it shall be submitted to the business license authority's office for investigation and review. The business license authority may submit the application to the proper authorities and departments for evaluation and review.
- C. Approval: If the business license authority determines that the application is complete and the applicant meets the criteria required by this article, the city shall approve the application.
- D. Number Of City Licenses Permitted: The total number of class B beer licenses in the city shall not exceed one per each five thousand (5,000) residents of the city. (Ord. 12-13, 6-13-2012)

4-2A-13: FEES FOR ALCOHOLIC BEVERAGE LICENSE:

The city business licensing authority shall assess and collect fees for licenses issued pursuant to this article, which fees are in addition to the fees charged for the required standard business license, in the amounts the city council adopts in its uniform fee schedule. (Ord. 12-13, 6-13-2012)

4-2A-14: MAINTENANCE OF RECORDS:

All holders of an alcoholic beverage license issued under this article shall maintain records which shall disclose the gross sales of beer, liquor and food purchases during the license year. Such records shall be available for inspection and audit by the city at any time during normal business hours after giving reasonable notice and shall be maintained for a period ending two (2) years following the expiration of the license. (Ord. 12-13, 6-13-2012)

4-2A-15: BOND REQUIRED FROM APPLICANT FOR CLASS B LICENSE:

- A. Amount: Each applicant for a Class B or single event license shall post with the business license authority, a cash bond or corporate surety bond payable to the City in an amount consistent with Utah State Code and as stated on the City of West Jordan Consolidated Schedule of Fees and Service Charges ("fee schedule"). The posting of the bond amount on the fee schedule is for convenience and tracking purposes only and shall not be interpreted to be a fee or service charge. Fees and service charges by the City are monies collected to pay for the costs of a City service. Subject to this section, the bond money or surety bond will only be held by the City to address liability or noncompliance issues and will not be retained as a fee or service charge. The licensee must maintain such bond: 1) for a Class B license, for so long as the licensee continues to operate the business; and 2) for a single event license, for so long as the event is occurring.
- B. Form Of Bond: The bond shall be in a form approved by the City Attorney's Office, conditioned upon the licensee's faithful compliance with this article and all other State and Federal laws.
- C. Reinstatement Fee: If the surety bond is canceled due to the licensee's negligence, a fee as set by the City Council in its uniform fee schedule will be assessed. No part of any cash or corporate bond so posted may be withdrawn during the period the license is in effect, or while revocation proceedings are pending against the licensee.
- D. Forfeiture: A bond filed by a licensee may be forfeited if the license is finally revoked.
- E. Funds Drawn From Bond: Any fines assessed against the business, officers or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of the fine. If funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to the original amount within fifteen (15) days of the day of notice of any draw against it or the bonding requirement will be considered as unfulfilled.
- F. Failure To Post Bond: Failure of the licensee to post the bond required by this section shall be grounds for the denial, suspension or revocation of the licensee's license. (Ord. 12-13, 6-13-2012; amd. Ord. 19-22, 7-31-2019)

ARTICLE B. AUCTIONS AND AUCTIONEERS

- 4-2B-1: LICENSE REQUIRED:**
- 4-2B-2: APPLICATION FOR AUCTIONEER'S LICENSE:**
- 4-2B-3: EMPLOYEES AND AGENTS:**
- 4-2B-4: EXCEPTIONS:**
- 4-2B-5: LABELS FOR MERCHANDISE; RECORDS:**
- 4-2B-6: RECEIPTS:**
- 4-2B-7: REPLENISHING ITEMS FOR AUCTION; MINIMUM TIME FOR PRODUCT TO BE IN STATE:**
- 4-2B-8: FALSE BIDS:**
- 4-2B-9: FRAUD:**
- 4-2B-10: TRANSIENT AUCTION HOUSES:**
- 4-2B-11: CONDUCT OF AUCTIONEER:**
- 4-2B-12: BOND REQUIRED:**

4-2B-1: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct the business of an auction or auctioneer in the city without first obtaining a city business license and a city auction license. (Ord. 12-13, 6-13-2012)

4-2B-2: APPLICATION FOR AUCTIONEER'S LICENSE:

In addition to the information required in the application for a general business license, an application for an auctioneer's license shall include the following:

- A. The name of the applicant, his or her residence, and the address of the proposed place of sale;
- B. A statement that:
 - 1. Neither fraud nor deception of any kind is contemplated nor will be practiced; and
 - 2. Neither the sale, the reasons given for the sale or the goods to be sold have been or will be fraudulently or falsely advertised or in any way misrepresented;
- C. Detailed statements or representations proposed to be made or advertised regarding the goods to be sold;
- D. The length of time for which the license is desired;
- E. A statement as to whether or not the applicant has previously engaged in a like or similar business, designating the place and time where the business was conducted;

- F. A true and correct detailed inventory that lists the articles proposed to be sold by auction. This inventory shall include any identifying numbers or marks, which may be upon the articles to be sold; indicate, opposite the description of each article whether it is new or used; and a sequential number for each article described in the inventory. However, no article need be listed in the inventory which has a reasonably anticipated retail value of five dollars (\$5.00) or less; and
- G. The names, addresses and telephone numbers of any employees, not to exceed two (2), who are to be authorized to conduct auctions under the authority of the licensee. (Ord. 12-13, 6-13-2012)

4-2B-3: EMPLOYEES AND AGENTS:

Every person holding an auctioneer's license may designate not to exceed two (2) employees or agents who may be authorized by him/her to conduct auctions. The person holding an auctioneer's license shall be liable for any violation of the state, county or city ordinances committed by such employees or agents in conducting an auction. (Ord. 12-13, 6-13-2012)

4-2B-4: EXCEPTIONS:

Nothing in this article shall be held to apply to any public auction or sale made or conducted by a public officer by virtue of any power or authority contained in a mortgage or trust deed, nor to any auction held for charitable or benevolent purposes, nor to any church affair, festival or bazaar, nor to the sale of animals. (Ord. 12-13, 6-13-2012)

4-2B-5: LABELS FOR MERCHANDISE; RECORDS:

Before any sale is made at auction, a person holding an auctioneer's license must attach to each article to be sold, which has a retail value of five dollars (\$5.00) or more, a card with an identifying number endorsed thereon, and each licensee shall maintain a list of all articles sold by him at auction at a retail price of five dollars (\$5.00) or more, giving any identifying numbers or marks which may be upon the said articles; and indicating opposite the description of each article whether the same is new or used; showing the identifying number assigned to the article as required by this section, the name and address of the purchaser and the date of sale. The person holding an auctioneer's license shall keep said list for a period of one year following the date of the last sale shown on said list. (Ord. 12-13, 6-13-2012)

4-2B-6: RECEIPTS:

Each person holding an auctioneer's license shall, at the time of selling an article at public auction, give to the purchaser thereof a receipt, which receipt shall contain the name of the person holding an auctioneer's license, date of sale, description of the article sold and the identifying number assigned to the article. (Ord. 12-13, 6-13-2012)

4-2B-7: REPLENISHING ITEMS FOR AUCTION; MINIMUM TIME FOR PRODUCT TO BE IN STATE:

When any merchant or auction house advertises or announces a public auction of any kind with a specific stock of merchandise for sale, such stock shall not be replenished without the prior permission of the business license authority. No article of property shall be offered for sale or sold at public auction unless said article has been within the state for at least ten (10) days prior to said sale or offer of sale. (Ord. 12-13, 6-13-2012)

4-2B-8: FALSE BIDS:

A person holding an auctioneer's license shall not act in any sale by auction as a "by bidder" or "booster" to bid in behalf of the auctioneer or owner, or to run up the price of the article to be sold, or make any false bid. The person holding an auctioneer's license or an authorized agent, shall remain in continuous attendance during the auction. All sales and all persons participating in sales must truly and correctly represent at all times to the public attending such auction the facts in respect to the quality of the merchandise being sold. (Ord. 12-13, 6-13-2012)

4-2B-9: FRAUD:

It shall be unlawful for a person holding an auctioneer's license or an agent when selling or offering for sale at public auction any goods, wares or merchandise under the provisions of this chapter, while describing such goods, wares or merchandise with respect to character, quality, kind of value or otherwise, to make any fraudulent, misleading, untruthful or unwarranted statements tending in any way to mislead bidders, or to substitute one article for another. (Ord. 12-13, 6-13-2012)

4-2B-10: TRANSIENT AUCTION HOUSES:

A transient auction house or agent, servant or employee of a transient auction house so engaged shall not be relieved from the provisions of this title by reason of association temporarily with any licensed dealer, trader, merchant or auctioneer. (Ord. 12-13, 6-13-2012)

4-2B-11: CONDUCT OF AUCTIONEER:

A person holding an auctioneer's license and their assistants are forbidden to conduct their sales in such a manner as to cause people to gather in crowds on the sidewalks so as to obstruct the sidewalks; nor shall they use immoral or indecent language in crying their sale; nor make or cause to be made noisy acclamations such as the ringing of bells, blowing of whistles or otherwise (though not enumerated here) through the streets in advertising their sales; and no bellman or crier, drum, fife or other musical instrument or noisemaking means of attracting attention of the passerby, except the customary auctioneer's flags shall be employed or suffered to be used at or near any place of auction whatsoever. All auctioneers are forbidden to conduct their sales in a disorderly manner or in such fashion as to constitute a public nuisance. (Ord. 12-13, 6-13-2012)

4-2B-12: BOND REQUIRED:

Each applicant for an auctioneer's license shall execute a bond to the city with a corporate surety in the sum of one thousand dollars (\$1,000.00), conditioned upon the faithful observance of all laws and ordinances of the city, and the honest performance of all duties required by this article, or other ordinance, and for the protection of persons dealing with such auctioneer against fraud, deception and imposition. Said bond to be approved by the city attorney and filed with the city clerk-recorder. (Ord. 12-13, 6-13-2012)

ARTICLE C. CHRISTMAS TREE SALES

4-2C-1: LICENSE REQUIRED:

4-2C-2: POSSESSING OR SELLING UNTAGGED TREES; WRITTEN CONSENT:

4-2C-3: APPLICATION FOR CITY CHRISTMAS TREE LICENSE:

4-2C-4: ISSUANCE OF LICENSE; FEE AND LICENSE PERIOD:

4-2C-5: CLEANUP DEPOSIT; ELECTRICAL AND FIRE INSPECTIONS:

4-2C-1: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct the business of selling Christmas trees in the city without first obtaining a city business license and a city Christmas tree license. (Ord. 12-13, 6-13-2012)

4-2C-2: POSSESSING OR SELLING UNTAGGED TREES; WRITTEN CONSENT:

It shall be unlawful for any person to have in his possession for sale, or to sell or offer for sale in this city trees from within the public domain of the United States, or of the state, or from any private lands, within or without the state, without written authority having been first obtained from the United States, the state, or from the owner of such private lands, as the case may be, to cut and remove such trees. The trees shall have been officially tagged with a tag furnished or approved either by the United States forest service or the state department of forestry. (Ord. 12-13, 6-13-2012)

4-2C-3: APPLICATION FOR CITY CHRISTMAS TREE LICENSE:

Any person desiring a license to sell and dispose of Christmas trees within the city shall make application to the business license authority. Such application shall specifically state and set forth the source of title to the trees to be sold and whether the trees or any of them were cut or procured within any public domain of the United States, or of the state, or from any private lands, either within or without the state. Applicants shall be required in connection with such application to furnish the business license authority with evidence of ownership of such trees and/or authority to cut and procure the trees from the public domain or from private lands. (Ord. 12-13, 6-13-2012)

4-2C-4: ISSUANCE OF LICENSE; FEE AND LICENSE PERIOD:

Upon satisfactory showing made by the applicant that: a) the applicant has a bona fide title to Christmas trees and that the trees were not obtained illegally or in violation of any laws of the United States or of the state, or any law, rule or regulation of the state or county from which such trees have been obtained; b) the applicant has authority to cut and procure the trees from either the public domain or from private land; c) the prepared location is appropriately zoned; and d) the applicable license fee is paid; and applicant has been granted a valid city general business license, the business license authority shall grant to such applicant a city Christmas tree license. Such license shall be valid for a period of sixty (60) days from November 1 of each year. (Ord. 12-13, 6-13-2012)

4-2C-5: CLEANUP DEPOSIT; ELECTRICAL AND FIRE INSPECTIONS:

- A. A cleanup deposit established by city council resolution shall be required of a person or business holding a city Christmas tree license to assure the removal of unsold trees and related debris remaining on the premises at the conclusion of the license period. This deposit shall be refunded, provided the premises is left clean and free of unsold trees and related debris as determined by inspection.
- B. Nonrefundable electrical and fire inspection fees are required for the inspection of the premises and all electrical wiring, in amounts periodically set by the city council in its uniform fee schedule. (Ord. 12-13, 6-13-2012)

ARTICLE D. HOME OCCUPATIONS

4-2D-1: DEFINITION AND PURPOSE:

4-2D-2: REQUIREMENTS:

4-2D-3: PROCEDURE:

4-2D-4: FEES:

4-2D-5: LICENSE RENEWAL; INSPECTION:

4-2D-6: OTHER LICENSES REQUIRED:

4-2D-1: DEFINITION AND PURPOSE:

A home occupation is any business or income producing activity conducted from a residential property. The home occupation provisions are intended to provide opportunities for minor in-home businesses which do not require the facilities of or have the impacts of larger concerns. Home occupations do not include occasional baby sitting at the dwelling which would not be classified as a daycare or preschool operation. Home occupations are considered accessory uses in residential and agricultural zones. Garage or yard sales are not considered home occupations but may be held no more than two (2) calendar days per year. Sales of night crawlers gathered from the subject property, lemonade stands and similar occasional activities related to the subject premises are not considered home occupations. Home occupations will have no significant impact on the neighborhoods in which they are located and are considered to be secondary and incidental to and compatible with residential use. (Ord. 17-36, 6-28-2017)

4-2D-2: REQUIREMENTS:

The following requirements shall apply to any home occupation:

- A. Home occupations shall be required to obtain and maintain a current City business license from the City of West Jordan only if it is determined to have a combined offsite impact that materially exceeds the offsite impact of the primary residential use alone. Home occupations that do not have an offsite impact that materially exceeds the offsite impact of the primary residential use alone may receive a business license from the City at their request so long as the administrative fee associated with this license is paid in full.
- B. The following home occupations have been determined to have a combined offsite impact that materially exceeds the offsite impact of the primary residential use alone. These home occupations shall meet all requirements of this title.

1. In-home child or adult care and preschool businesses;
2. Businesses that require or attract more than ten (10) vehicle trips per day, including but not limited to package delivery, client visits, and employee trips;
3. Businesses that have more than two (2) employees who live outside of the residence but work in the home;
4. Any business that is required to have a fire inspection; and
5. Any home occupation that the combined offsite impact of the home occupation and the primary residential use materially exceeds the offsite impact of the primary residential use alone as determined by the City at its discretion after having inspected the home occupation in response to complaints from surrounding property owners. (Ord. 17-36, 6-28-2017)

4-2D-3: PROCEDURE:

All applications for a City home business license shall be referred to the City Zoning Administrator for clearance, before any business license is issued. Clearance shall not be given unless the Zoning Administrator is satisfied that the applicant meets all of the home occupation zoning standards imposed by this Code.

More than one (1) home occupation may be associated with a residential dwelling, provided that all home occupations associated with a residential dwelling shall collectively comply with the regulations of this section.

The City may place additional restrictions on a home occupation relating to hours of operation, parking, traffic or other matters as it deems necessary to mitigate impacts on the neighborhood and the City in general. (Ord. 12-13, 6-13-2012; § 4-2D-2, amd. Ord. 17-36, 6-28-2017)

4-2D-4: FEES:

The license fee for a City home business license shall be as provided by City Council resolution from time to time. (Ord. 12-13, 6-13-2012; § 4-2D-3, amd. Ord. 17-36, 6-28-2017)

4-2D-5: LICENSE RENEWAL; INSPECTION:

- A. The City reserves the right to inspect any and all premises licensed for home occupation during reasonable hours to determine compliance with the provisions of this title.
- B. On the anniversary date of a City home business license, the premises will be inspected by or at the direction of the business license authority for any hazards that may have been installed after the initial inspection. (Ord. 12-13, 6-13-2012; § 4-2D-4, amd. Ord. 17-36, 6-28-2017)

4-2D-6: OTHER LICENSES REQUIRED:

Whether a City business license is required under this chapter does not relieve the home occupation of any requirement of the State, County, City or any other public agency relating to the type of business being licensed, including the requirement to also obtain a general City business license. (Ord. 12-13, 6-13-2012; § 4-2D-1, amd. Ord. 17-36, 6-28-2017)

ARTICLE E. TEMPORARY MERCHANTS

4-2E-1: LICENSE REQUIRED:

4-2E-2: LICENSE FEE:

4-2E-3: PARTICIPANT LICENSE REQUIRED:

4-2E-4: TEMPORARY MERCHANT SPONSOR LICENSE REQUIRED:

4-2E-5: MERCHANT AND SPONSOR; INFORMATION REQUIRED:

4-2E-1: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct the business of a temporary merchant in the city without first obtaining a city temporary merchant license in addition to a general city business license. (Ord. 12-13, 6-13-2012)

4-2E-2: LICENSE FEE:

The license fee for a city temporary merchant license shall be as provided by city council resolution in the consolidated fee schedule. (Ord. 12-13, 6-13-2012)

4-2E-3: PARTICIPANT LICENSE REQUIRED:

A participant shall not be required to obtain a city temporary merchant license, but it is unlawful for a participant to transact any business at a sales event without first obtaining a general city business license and without acting under the sponsorship of a person or business holding a valid city temporary merchant license. (Ord. 12-13, 6-13-2012)

4-2E-4: TEMPORARY MERCHANT SPONSOR LICENSE REQUIRED:

It is unlawful for any person to act in the capacity of a temporary merchant sponsor in the city without first obtaining a general city business license. (Ord. 12-13, 6-13-2012)

4-2E-5: MERCHANT AND SPONSOR; INFORMATION REQUIRED:

- A. Required Information: Every temporary merchant sponsor and person or business holding a city temporary merchant license must submit to the business license authority, at least fifteen (15) days prior to a sales event, the following information:
 - 1. A list of all participants, including their names and addresses;
 - 2. Location of the sales event;
 - 3. Dates of commencement and termination of the sales event; and
 - 4. Letter from property owner granting use of property for temporary location.
- B. Duty To Update Participant List: In the event the temporary merchant sponsor or a person or business holding a city temporary merchant license shall desire to add additional participants after the above information has been submitted to the business license authority, such sponsor or merchant must notify the business license authority and update the list of participants. (Ord. 12-13, 6-13-2012)

ARTICLE F. RESIDENTIAL SOLICITATION AND ICE CREAM WAGONS

- 4-2F-1: LICENSE REQUIRED:**
- 4-2F-2: PROHIBITED SOLICITATION:**
- 4-2F-3: REGISTRATION OF SOLICITORS:**
- 4-2F-4: APPLICATION FORM:**
- 4-2F-5: APPLICATION MUST BE COMPLETE:**
- 4-2F-6: ISSUANCE OF LICENSE:**
- 4-2F-7: FORM OF LICENSE; IDENTIFICATION BADGE:**
- 4-2F-8: MAINTENANCE OF REGISTRY:**
- 4-2F-9: NONTRANSFERABILITY OF LICENSE:**
- 4-2F-10: NO OTHER CITY LICENSE OR APPROVAL REQUIRED:**
- 4-2F-11: EXEMPTIONS FROM THIS ARTICLE:**
- 4-2F-12: DECEPTIVE SOLICITING PRACTICES PROHIBITED:**
- 4-2F-13: "NO SOLICITATION" NOTICE:**
- 4-2F-14: DUTIES OF SOLICITORS:**
- 4-2F-15: TIME OF DAY RESTRICTIONS:**
- 4-2F-16: BUYER'S RIGHT TO CANCEL:**

4-2F-1: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct the business of residential solicitation or ice cream wagon in the city without first obtaining a city business license and a city residential solicitation license. (Ord. 12-13, 6-13-2012)

4-2F-2: PROHIBITED SOLICITATION:

Unless otherwise authorized, permitted or exempted pursuant to the terms and provisions of this article, the practice of being in and upon the grounds of a private residence within the city as a solicitor for the purpose of home solicitation sales or to provide unsolicited goods or services, is prohibited and is punishable as set forth in this title. (Ord. 12-13, 6-13-2012)

4-2F-3: REGISTRATION OF SOLICITORS:

Unless otherwise exempt under this article, all persons desiring to engage in door to door solicitation or conducting business as an ice cream wagon within the city, and who are not exempt from such requirement, shall submit a completed application to the business license authority and obtain a license, prior to engaging in any solicitation. (Ord. 12-13, 6-13-2012)

4-2F-4: APPLICATION FORM:

The business license authority shall provide a standard application form for use for the registration of solicitors. Upon request to the business license authority, or as otherwise provided, anyone may obtain a copy of this application form in person, by mail, by e-mail or by facsimile. The application form shall be accompanied by a copy of this article for review by the applicant. Each application form shall require disclosure and reporting by the applicant of the following information and documentation:

- A. Affirmation Of Review Of City Law: An affirmation by the applicant that applicant has received and reviewed a copy of this article.
- B. Contact Information:
1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
 2. Applicant's telephone number, home address and mailing address, if different;
 3. If different from the applicant, the name, address and telephone number of the responsible person or entity; and
 4. The address by which all notices to the applicant required under this article are to be sent.
- C. Proof Of Identity: An in person confirmation by the business license authority of the applicant's true identity by use of any of the following, which bears a photograph of said applicant: 1) a valid driver's license issued by any state; 2) a valid passport issued by the United States; 3) a valid identification card issued by any state; or 4) a valid identification issued by a branch of the United States military. Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the applicant; however, a photocopy may be retained for the city's file.
- D. Proof Of Registration With Department Of Commerce: The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the state department of commerce.
- E. Special Events Sales Tax Number: The applicant shall provide a special events sales tax number for either the applicant or for the responsible person or entity for which the applicant will be soliciting.
- F. Marketing Information: A short and succinct description of: 1) the goods or services offered by the applicant, including any commonly known, registered or trademarked names; 2) whether the applicant holds any other licenses, permits, registrations or other qualifications required by federal or state law to promote, provide or render advice regarding the offered goods or services.
- G. BCI Background Check: The applicant shall provide: 1) an original or a certified copy of a BCI background check authorization; and 2) a signed copy of a waiver whereby applicant agrees to allow the city to obtain a name/date of birth, and BCI background check on applicant for purposes of enforcement of this article. Residents of Utah shall provide a BCI report from a Utah law enforcement agency. Residents of other states shall provide a BCI report from a law enforcement agency in their state of residence or from the FBI.
- H. Responses To Questions Regarding Disqualifying Factors: The applicant shall be required to affirm or deny each of the disqualifying factors and grounds for denial of a business license set out earlier in this title.
- I. Fee: The applicant shall pay such fees as periodically established by the city council in its uniform fee schedule.
- J. Execution Of Application: The applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the applicant, the information provided is complete, truthful and accurate.

- K. "Going Business" Representation: The applicant shall provide evidence that the proposed solicitation will only be for and on behalf of a "going business", having operations and assets and holding one or more valid business license(s) and state registration(s) from appropriate state(s) and local authorities. No certificate will be issued for a solicitor who does not represent a bona fide "going business". (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2F-5: APPLICATION MUST BE COMPLETE:

The business license authority shall not begin the registration process unless the applicant has submitted a completed application. The original identification submitted to establish proof of identity shall be returned after the business license authority verifies the applicant's identity. A copy of the identification may be retained by the business license authority. If an original BCI background check is submitted by the applicant, the business license authority shall make a copy of the BCI background check and return the original to the applicant. (Ord. 12-13, 6-13-2012)

4-2F-6: ISSUANCE OF LICENSE:

The business license authority shall review the completed application submitted by the applicant and issue a license in accordance with the following requirements:

A. License: The city shall:

1. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the applicant, including, but not limited to, those disclosed with the application form; and
2. Issue written notice to the applicant and the responsible person or entity, if any, that the applicant:
 - a. Will be issued a license, eligible for renewal one year from the date of issuance; or
 - b. Will not be issued a license for reasons cited in the notice.

B. Renewal: A license shall be valid for one year from its issuance and shall expire at twelve o'clock (12:00) midnight on the anniversary date of issuance. Any license that is not suspended, revoked or expired may be renewed upon the request of the registered solicitor and the submission of a new completed application and payment of the then applicable fee, unless any of the conditions for the denial, suspension or revocation of a business license generally are present as set forth in sections 4-1C-1 and 4-1C-2 of this title, or a disqualifying status is present. (Ord. 12-13, 6-13-2012)

4-2F-7: FORM OF LICENSE; IDENTIFICATION BADGE:

- A. License Form: If the applicant is entitled to a license as provided in this article, the business license authority shall issue a license. The license shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the license expires. The license shall be dated and signed by the license officer. The license shall be carried by the registered solicitor at all times while soliciting in the city.
- B. Identification Badge: The city shall issue each registered solicitor an identification badge that shall be worn prominently on his or her person while soliciting in the city. The identification badge shall bear the name of the city and shall contain:
1. The name of the registered solicitor;

2. Address and phone number of the registered solicitor, or the name, address and phone number of the responsible person or entity;
3. A recent photograph of the registered solicitor; and
4. The date on which the certificate expires. (Ord. 12-13, 6-13-2012)

4-2F-8: MAINTENANCE OF REGISTRY:

The business license authority shall maintain and make available for public inspection a copy or record of every completed application received and the license or written denial issued by the city; however, the applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection, except as disclosure is required by law. The business license authority may furnish to the head of the city law enforcement agency a listing of all applicants, those denied, and those issued a certificate. (Ord. 12-13, 6-13-2012)

4-2F-9: NONTRANSFERABILITY OF LICENSE:

Licenses shall be issued only in the name of the applicant and shall list the responsible party or entity, if any. The license shall be nontransferable. A registered solicitor desiring to facilitate or attempt to facilitate home solicitation sales with different: a) goods or services; or b) responsible person or entity, from those designated in the originally submitted completed application, shall submit a written change request to the business license authority. A new license based on the amended information shall issue for the balance of time remaining on the solicitor's previous certificate before the amendment was filed. Before the new license is given to the registered solicitor, the registered solicitor shall obtain a revised identification badge from the city, after payment of the applicable fee for the identification badge. (Ord. 12-13, 6-13-2012)

4-2F-10: NO OTHER CITY LICENSE OR APPROVAL REQUIRED:

- A. Registration Or Exempt Status Sufficient: Registered solicitors and persons otherwise engaged in door to door solicitation in the city but who are exempt from registration and licensing need not apply for, nor obtain, any other license, permit or registration from the city to engage in door to door solicitation.
- B. Duty To Register Unless Exempt: Any person or business holding a city business license that uses employees, independent contractors, or agents for door to door solicitation in an effort to provide any tangible or intangible benefit to the business, shall be required to have such solicitors seek and obtain a certificate from the business license authority, unless otherwise exempt from registration.
- C. No Business License Required: Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit or registration from the city, provided they do not establish a temporary or fixed place of business in the city and they do have a valid local business license and/or state license where they do maintain a physical place of business. (Ord. 12-13, 6-13-2012)

4-2F-11: EXEMPTIONS FROM THIS ARTICLE:

- A. Specified: The following persons and businesses are exempt from licensure under this article:
 1. Visit By Invitation: Persons specifically invited to a residence by a responsible person who is a competent individual prior to the time of the person's arrival at the residence;

2. State Granted Permits: Persons whose license, permit, certificate or registration with the state permits them to engage in door to door solicitation to offer goods or services to an occupant of the residence without a city license;

3. Preordered Goods And Services: Persons delivering goods to a residence pursuant to a previously made order, or persons providing services at a residence pursuant to a previously made request by a competent individual;

4. Goods Or Services In Conjunction With Religious Or Political Activity: Persons advocating or disseminating information for, against, or in conjunction with, any religious belief or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge or purchase; and

5. Charitable Solicitations: Persons representing a charitable organization. The charitable exemption shall apply to students soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs; provided, that the solicitation has been approved in writing by the school administration, and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting.

B. Exempt Status Not Waiver Of Other Duties: Those persons exempt from registration are not exempt from the duties and prohibitions provided in this article. (Ord. 12-13, 6-13-2012)

4-2F-12: DECEPTIVE SOLICITING PRACTICES PROHIBITED:

A. Fraud: No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.

B. Duty To Disclose Identity: A solicitor shall immediately disclose to the consumer during face to face solicitation: 1) the true and correct name of the solicitor; 2) the name and address of the entity with whom the solicitor is associated; and 3) the true purpose of the solicitor's contact with the person and/or competent individual. This requirement may be satisfied through the use of the badge and an informational flier.

C. Ban On Suggesting City Authority Or Endorsement: No solicitor shall represent directly or by implication that the granting of a certificate of registration implies any endorsement by or authority of the city. (Ord. 12-13, 6-13-2012)

4-2F-13: "NO SOLICITATION" NOTICE:

A. Citizen Right To Post Property For No Solicitation: Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign, which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.

B. Posting As Notice: The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.

C. Solicitor Duty To Look For Postings: It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.

D. Applicability Of Posting To Exempt Solicitors: The provisions of this section shall apply also to solicitors who are exempt from registration pursuant to the provisions of this article. (Ord. 12-13, 6-13-2012)

4-2F-14: DUTIES OF SOLICITORS:

- A. Check For No Solicitation Posting: Every person soliciting or advocating shall check each residence for any "No Soliciting" or "No Trespassing" sign or placard, or any other notice or sign notifying a solicitor not to solicit on the premises. If such sign or placard is posted, the solicitor shall forego and desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property. Possession of a certificate of registration does not in any way relieve any solicitor of this duty.
- B. Crime To Violate No Solicitation Notice: It is a violation of this title for any person soliciting or advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating a home solicitation sale, door to door soliciting, or soliciting.
- C. Crime To Use Deception Or Ruse: It is a violation of this article for any solicitor through ruse, deception or fraudulent concealment of a purpose to solicit or to take action calculated to secure an audience with an occupant at a residence.
- D. Duty To Honor Request To Leave: Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.
- E. Ban Against Physical Contact: The solicitor shall not intentionally or recklessly make any physical contact with or touch another person, without the person's consent.
- F. Building Entry Banned Without Permission: The solicitor shall not follow a person into a residence without their explicit consent.
- G. Badgering Banned: The solicitor shall not continue repeated soliciting after a person and/or competent individual has communicated clearly and unequivocally their lack of interest in the subject, goods or services of the solicitor. (Ord. 12-13, 6-13-2012)

4-2F-15: TIME OF DAY RESTRICTIONS:

It shall be unlawful for any person, whether licensed or not, to solicit at a residence before nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M., Mountain Standard Time, unless the solicitor has express prior permission from the responsible person to do so. (Ord. 12-13, 6-13-2012)

4-2F-16: BUYER'S RIGHT TO CANCEL:

In connection with any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay in an emergency, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel the sale on or before five o'clock (5:00) P.M. on the third business day after signing an agreement to purchase. Such notice of "buyer's right to cancel" shall be in the form required by Utah Code Annotated title 70C, chapter 5, or any successor provisions, and any federal law modifying or amending such provision or subject matter. (Ord. 12-13, 6-13-2012)

ARTICLE G. ARCADES

- 4-2G-1: LICENSE REQUIRED:**
- 4-2G-2: EXEMPTIONS:**
- 4-2G-3: LIQUOR, BEER AND TOBACCO:**
- 4-2G-4: INTERIOR VISIBILITY:**
- 4-2G-5: GAMBLING PROHIBITED:**
- 4-2G-6: LICENSE APPLICATION:**
- 4-2G-7: ARCADE PROPRIETOR'S LICENSE; FEE:**
- 4-2G-8: NUMBER OF DEVICES:**
- 4-2G-9: NAME OF OWNER SHOWN ON DEVICES:**
- 4-2G-10: PERSONAL SUPERVISION REQUIRED:**

4-2G-1: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct the business of an arcade in the city without first obtaining a city business license and a city arcade license. (Ord. 12-13, 6-13-2012)

4-2G-2: EXEMPTIONS:

This article does not include any building, activity or performance given, played or used solely for the benefit of and under the supervision of a religious, educational or charitable organization. (Ord. 12-13, 6-13-2012)

4-2G-3: LIQUOR, BEER AND TOBACCO:

Liquor, beer or tobacco shall not be sold to or placed in the possession of a minor, or used or allowed to be consumed on the premises or in the parking lot of any arcade catering to minors. However, a restaurant with a class B beer license may have an arcade, if it is located in a room or area entirely separate from the dining area and if it is separately licensed as provided in this article. (Ord. 12-13, 6-13-2012)

4-2G-4: INTERIOR VISIBILITY:

A clear, unobstructed view from the entrance of the entire interior of the arcade, excluding the restroom, shall be maintained by the proprietor at all times. The proprietor shall not erect or maintain any enclosed booth, blinds or stalls relating to amusement within the interior of the licensed premises. All automatic amusement devices shall be kept in plain view. (Ord. 12-13, 6-13-2012)

4-2G-5: GAMBLING PROHIBITED:

Nothing in this article shall in any way be construed to authorize, license or permit the use of any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device or gambling on mechanical amusement devices, or any other such action contrary to law. If any mechanical amusement device is being used as a gambling device, such machine may be seized, impounded and disposed of pursuant to the procedures established in the applicable sections of Utah Code Annotated. (Ord. 12-13, 6-13-2012)

4-2G-6: LICENSE APPLICATION:

An application for a license under this article shall be filed in writing with the business license authority on a form to be provided by the city, which shall include, in addition to the information on the general business license application:

- A. Name And Address Of Applicant: The name and address of the applicant and, if a firm, corporation, partnership, association or club, the principal officers thereof and their addresses;
- B. Address Of Premises: The address of the premises where the licensed device or devices are to be operated, together with the character of the business as carried on at such place; and
- C. Description Of Devices: The general description of the device or devices to be licensed and the number of devices to be licensed. (Ord. 12-13, 6-13-2012)

4-2G-7: ARCADE PROPRIETOR'S LICENSE; FEE:

- A. Classifications: The license fee for an arcade proprietor shall be that sum periodically adopted by city council resolution in the city uniform fee schedule and may include annual fees for the following classification of amusement devices which are used, played or exhibited for use or play:
 - 1. Class A: Class A devices are all mechanical amusement devices that permit the player to win free games by a high score or by any system of reward.
 - 2. Class B: Class B devices are all mechanical amusement devices that do not have provisions for additional games and all electronic and video skill games regardless of provisions for additional games.
 - 3. Class C: Class C devices are all mechanical amusement devices known as claw, scoop or grab machines wherein, upon payment of a consideration, a player manipulates the device or its parts in expectation of receiving a prize.
 - 4. Class D: Class D devices are jukeboxes.
 - 5. Class E: Class E devices are table devices such as pool, billiards, foosball, air hockey, shuffleboard, etc.
 - 6. Class F: Class F devices are children ride on machines and all others not classified in this section.
- B. Applicable To Each Location: In the event any proprietor shall engage in arcade business at more than one location, an arcade license and any maximum fee established periodically by the city council in its uniform fee schedule shall apply separately and be required for each location. (Ord. 12-13, 6-13-2012)

4-2G-8: NUMBER OF DEVICES:

- A. Number Of Devices Shown: Each proprietor's arcade license shall show on its face the number of devices to be used, played or exhibited thereunder, and if the number of devices actually used, played or exhibited exceeds the number shown on the face of the license, the license may be revoked in addition to any other action that may be taken.
- B. Increasing Number Of Devices: If a proprietor desires, after the expiration of any portion of any license year, to increase the number of devices to be used for play, or exhibited for use or play in his or her establishment, the proprietor shall surrender his or her license to the business license authority, who shall, upon payment of the proper additional license fee therefor, issue a new license showing the number of devices licensed thereunder. (Ord. 12-13, 6-13-2012)

4-2G-9: NAME OF OWNER SHOWN ON DEVICES:

It is unlawful for any person to place any amusement devices in a location available to the public without attaching thereto in a conspicuous place the name and address of the proprietor. (Ord. 12-13, 6-13-2012)

4-2G-10: PERSONAL SUPERVISION REQUIRED:

No proprietor shall allow any person to play or operate any automatic amusement device unless the establishment, place or premises where such device is located shall be under the personal supervision of the proprietor, or an employee or agent of the proprietor. (Ord. 12-13, 6-13-2012)

ARTICLE H. MASSAGE

4-2H-1: LICENSE REQUIRED:

4-2H-2: PROHIBITED ACTS:

4-2H-1: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct the business of massage in the city without first obtaining a city business license ~~and a city massage license~~. (Ord. 12-13, 6-13-2012; ~~amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020~~)

4-2H-2: PROHIBITED ACTS:

The following acts are prohibited:

- A. State License Required: It is unlawful for any person to practice or engage in or attempt to practice or engage in massage, without first being licensed by the state as a massage technician or massage apprentice.
- B. Alcohol: It is unlawful to serve, store, allow to be served, or allow to be consumed any alcoholic beverage on the licensed premises of a massage establishment.
- C. Massaging Specified Anatomical Areas: It is unlawful for a massage technician, massage apprentice, or any employee of a massage establishment to touch or offer to touch or massage the specified anatomical areas of customers.
- D. Sexual Activity: It is unlawful for the massage technician, massage apprentice, or any customer or employee of the massage establishment, to display to any other person any "specified anatomical area" or to engage in any "specified sexual activity", while on the premises of the massage establishment. (Ord. 12-13, 6-13-2012)

ARTICLE I. SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES

- 4-2I-1: TITLE:**
- 4-2I-2: PURPOSE:**
- 4-2I-3: GENERAL APPLICABILITY:**
- 4-2I-4: OBSCENITY:**
- 4-2I-5: LICENSE REQUIRED:**
- 4-2I-6: ZONING:**
- 4-2I-7: SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE:**
- 4-2I-8: LICENSE CATEGORY AND NUMBER:**
- 4-2I-9: SPECIAL APPLICATION AND DISCLOSURE REQUIRED:**
- 4-2I-10: BOND:**
- 4-2I-11: STATEMENT IN ADVERTISEMENTS:**
- 4-2I-12: OUTCALL SERVICES; OPERATION REQUIREMENTS:**
- 4-2I-13: SPECIAL REQUIREMENTS FOR ADULT BUSINESSES:**
- 4-2I-14: SPECIAL REQUIREMENTS FOR SEMINUDE ENTERTAINMENT BUSINESSES:**
- 4-2I-15: LICENSE REQUIRED FOR SEMINUDE DANCING AGENCIES; ADULT THEATERS:**
- 4-2I-16: SEXUALLY ORIENTED BUSINESSES; PROHIBITED ACTIVITIES:**
- 4-2I-17: SEXUALLY ORIENTED BUSINESS EMPLOYEES; PROHIBITED ACTIVITIES:**
- 4-2I-18: PATRONS; PROHIBITED ACTIVITIES:**

4-2I-1: TITLE:

This article shall be known and may be referred to as the *SEXUALLY ORIENTED BUSINESS AND EMPLOYEE LICENSING ORDINANCE*. (Ord. 12-13, 6-13-2012)

4-2I-2: PURPOSE:

It is the objective of this article that the city establish reasonable and uniform regulations governing the time, place and manner of operations of sexually oriented businesses and their employees doing business in the city. This article shall be construed to protect the governmental interests in protecting the health, safety and welfare of this community in a manner consistent with constitutional protection provided by the United States and the state constitutions. (Ord. 12-13, 6-13-2012)

4-2I-3: GENERAL APPLICABILITY:

This article imposes regulatory standards and license requirements on: a) certain business activities, which are characterized and defined as sexually oriented businesses and b) certain employees of those businesses characterized and defined as sexually oriented business employees. Where the context or specific provisions require, the provisions of this article supersede any other related ordinances. (Ord. 12-13, 6-13-2012)

4-2I-4: OBSCENITY:

Notwithstanding anything contained in this article, nothing in this article shall be deemed to permit or allow the showing or display of any matter which is contrary to the provisions of this code or other applicable federal or state statutes prohibiting obscenity. (Ord. 12-13, 6-13-2012)

4-2I-5: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct a sexually oriented business in the city without first obtaining a city business license and a city sexually oriented business license. (Ord. 12-13, 6-13-2012)

4-2I-6: ZONING:

It is unlawful for any sexually oriented business to do business at any location within the city not zoned for such business. Sexually oriented businesses shall only be allowed in areas zoned M-2. Businesses regulated by this article shall not be located closer than six hundred feet (600') to each other and not closer than six hundred feet (600') to any residence, religious facility, school, public park, historic site, medical facility, daycare center, and any facility which is licensed for the sale or consumption of alcohol. (Ord. 12-13, 6-13-2012)

4-2I-7: SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE:

- A. Employee License Required: It is unlawful for any person to be employed by a sexually oriented business in the capacity of a sexually oriented business employee, unless that person first obtains a sexually oriented business employee license. (Ord. 12-13, 6-13-2012)

4-2I-8: LICENSE CATEGORY AND NUMBER:

- A. Single Category License Provisions: No sexually oriented business may operate or be licensed for more than one category of sexually oriented business, except that a business may have a license for both outcall services and a seminude dancing agency on the same premises.
- B. Categories: The categories of sexually oriented businesses are:
1. Adult businesses;
 2. Escort services;
 3. Nude and seminude dancing agencies;
 4. Nude and seminude entertainment businesses;
 5. Outcall services; and
 6. Seminude entertainment bars. (Ord. 12-13, 6-13-2012)

4-2I-9: SPECIAL APPLICATION AND DISCLOSURE REQUIRED:

Before any applicant may be licensed to operate a sexually oriented business or to function as a sexually oriented business employee, the applicant shall submit, on a form to be supplied by the business license authority, the following, in addition to the general information for a business license application:

- A. Proof Of Age: Acceptable written proof that every owner and employee is a legal adult as provided in applicable state, federal or local law.
- B. Photographs And Fingerprints: Four (4) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the police department. For persons not residing in the city, the photographs and fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency.
- C. Permit History: A statement detailing the license and permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including:
1. Whether such applicant previously operated or was seeking to operate a sexually oriented business in this or any other county, city, state or territory;
 2. Whether such applicant has ever had a license, permit or authorization to do business denied, revoked or suspended; and
 3. Whether such applicant has had any professional or vocational license or permit denied, revoked or suspended.

In the event of any such denial, revocation or suspension, the applicant must state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.

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

F. Diagram Of Business Premises: An applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the business. The design and construction, prior to granting a license shall conform to the following:

1. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
2. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person being allowed in the restroom per stall, and only one person in any stall at a time, and requiring that patrons shall not be allowed access to manager's station areas.
3. For businesses which exclude minors from the entire premises, all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded.
4. The diagram required shall not necessarily be a professional engineer or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures, and ratings for illumination capacity. (Ord. 12-13, 6-13-2012)

4-2I-10: BOND:

Each applicant for a sexually oriented business license shall post with the business license authority a cash or corporate surety bond payable to the city in the amount of two thousand dollars (\$2,000.00). Any fines assessed against the business, officers or managers for violations of city ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of the fine. If funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to two thousand dollars (\$2,000.00) within fifteen (15) calendar days of the day of notice of any draw against it or the bonding requirement will be considered as unfulfilled. (Ord. 12-13, 6-13-2012)

4-2I-11: STATEMENT IN ADVERTISEMENTS:

It is unlawful for any advertisement by a sexually oriented business or employee to fail to state that the business or employee is licensed by the city, and the statement shall include the city license number. (Ord. 12-13, 6-13-2012)

4-2I-12: OUTCALL SERVICES; OPERATION REQUIREMENTS:

It is unlawful for any business or employee providing outcall services to fail to comply with the following requirements:

- A. Written Contract: All businesses licensed to provide outcall services pursuant to this article shall provide to each patron a written contract for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount such services shall cost the patron, and any special terms or conditions relating to the services to be performed. The business licensee shall keep and maintain a copy of each written contract entered into pursuant to this section for a period of not less than one year from the date of provision of services under the contract. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract, and pecuniary compensation paid.

- B. Open Office, Telephone: All outcall businesses shall maintain an open office or telephone at which the licensee or the licensee's designated agent may be personally contacted during all hours outcall employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. Private rooms or booths where the patrons may meet with the outcall employee shall not be provided at the open office or any other location by the service, nor shall patrons meet outcall employees at the business premises.
- C. Advertising: Outcall services shall not advertise in such a manner that would lead a reasonably prudent person to conclude that specified sexual activities would be performed by the outcall employee.
- D. Employee License Required: All employees of outcall services who provide outcall services within the city shall be licensed in accordance with this article, regardless of the primary location of the business. (Ord. 12-13, 6-13-2012)

4-2I-13: SPECIAL REQUIREMENTS FOR ADULT BUSINESSES:

- A. Duty Of Manager To Have Unobstructed Views; Patron Access To Private Area Prohibited: It shall be the duty of the licensee and the licensee's employees to ensure that the views from the manager's station in subsection 4-2I-9F1 of this article remain unobstructed by any doors, walls, merchandise, display racks or any other materials at all times any patron is present in the premises, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
- B. Lighting Requirements: The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illumination of not less than one foot-candle, measured at floor level. It shall be the duty of the licensee and the licensee's employees present on the premises to ensure that the illumination is maintained at all times any patron is present in the premises. (Ord. 12-13, 6-13-2012)

4-2I-14: SPECIAL REQUIREMENTS FOR SEMINUDE ENTERTAINMENT BUSINESSES:

- A. Beds Prohibited; Physical Barrier Required: It is unlawful for business premises licensed for seminude entertainment to:
 - 1. Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater, such items may be on the stage as part of a performance.
 - 2. Provide any room in which an employee and a patron are alone together without a separation by a solid physical barrier at least three feet (3') high and six inches (6") wide. The patron shall remain on one side of the barrier, and the employee shall remain on the other side of the barrier.
- B. Required Patron Separation And Physical Barrier In Theaters: Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet (3'), which separation shall be delineated by a physical barrier at least three feet (3') high. (Ord. 12-13, 6-13-2012)

4-2I-15: LICENSE REQUIRED FOR SEMINUDE DANCING AGENCIES; ADULT THEATERS:

- A. License Required: It is unlawful for any person to furnish, book or otherwise engage the services of a professional dancer, model or performer to appear in a state of seminudity for pecuniary compensation in or for any seminude entertainment business or adult theater licensed pursuant to this article, unless such agency is licensed with the city.
- B. License Required For Other Regulated Businesses: It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dancer, model or performer in a state of seminudity, either gratuitously or for compensation, in or for any business licensed by the city, unless such person also is licensed by the city. (Ord. 12-13, 6-13-2012)

4-2I-16: SEXUALLY ORIENTED BUSINESSES; PROHIBITED ACTIVITIES:

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

- A. Allow persons under the age of eighteen (18) years on the licensed premises; except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas.
- B. Allow, offer or agree to conduct or conduct any outcall business with persons under the age of eighteen (18) years.
- C. Allow, offer or agree to allow the sale, storage, supply or consumption of any alcoholic beverage on or in the licensed premises.
- D. Allow the outside door to the premises to be locked while any customer is in the premises.
- E. Allow, offer, agree to or commit gambling on the licensed premises.
- F. Allow, offer or agree to any sexually oriented business employee touching or being touched by any patron or customer; except that outcall employees and customers may touch; except that any touching of specified anatomical areas, whether clothed or unclothed, is prohibited.
- G. Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises.
- H. Allow sexually oriented business employees to possess, use, sell or distribute controlled substances while engaged in the activities of the business.
- I. Allow, offer, agree to commit, or commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor to occur on the licensed premises or, in the event of an outcall employee or business, the outcall employee committing, offering or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor.
- J. Allow, offer, commit or agree to any specified sexual activity as validly defined by city ordinance or state statute in the presence of any customer or patron.
- K. Allow, offer or agree to any outcall employee's appearing before any customer or patron in a state of nudity.
- L. Allow, offer or agree to allow a patron or customer to masturbate in the presence of the sexually oriented business employee or on the premises of a sexually oriented business.

- M. Allow, offer or agree to any employee's committing any of the specified criminal acts. (Ord. 12-13, 6-13-2012)

4-2I-17: SEXUALLY ORIENTED BUSINESS EMPLOYEES; PROHIBITED ACTIVITIES:

It is unlawful for any sexually oriented business employee, while performing in any sexually oriented business, to:

- A. Touch in any manner any other person;
- B. Throw any object or clothing off the stage area;
- C. Accept any money, drink or any other object directly from any person;
- D. Allow another person to touch such performer or to place any money or object on the performer or within the costume or person of the performer; or
- E. Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of partial or full nudity. (Ord. 12-13, 6-13-2012)

4-2I-18: PATRONS; PROHIBITED ACTIVITIES:

- A. Prohibited Contacts: It is unlawful for any person or any patron of any business to touch in any manner any performer; to place any money or object on or within the costume or person of any performer; or to give to any such performer any drinks, money or object while such performer is performing; except that money may be placed on the stage, which shall not be picked up by the performer except by hand.
- B. Alcohol Prohibited: It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any sexually oriented business. (Ord. 12-13, 6-13-2012)

ARTICLE J. PROFESSIONAL DANCERS AND ENTERTAINERS

4-2J-1: PURPOSE:

4-2J-2: LICENSE REQUIRED:

4-2J-3: SPECIAL APPLICATION PROCEDURES:

4-2J-4: SPECIAL APPLICATION DENIAL CRITERIA:

4-2J-5: LIVE ENTERTAINMENT AT RESTAURANTS, TAVERNS AND PRIVATE CLUBS:

4-2J-6: SPECIAL RESTRICTIONS:

4-2J-7: PATRONS; PROHIBITED ACTIVITIES:

4-2J-8: ALCOHOLIC BEVERAGE CONSUMPTION PROHIBITED:

4-2J-1: PURPOSE:

The purpose of this article is to set forth activities which are permitted to professional dancers providing entertainment in a business licensed by the city to sell, or to allow the consumption of alcoholic beverages, but which business is not a sexually oriented business. (Ord. 12-13, 6-13-2012)

4-2J-2: LICENSE REQUIRED:

- A. License Required To Perform: Any person intending to perform as a professional dancer on the premises of a business licensed by the city to sell, or to allow the consumption of alcoholic beverages, either gratuitously or for compensation, must first obtain a city professional dancer/entertainer license;
- B. Illegal To Book Or Engage Performer Without Agency License: Any person intending to furnish, book or otherwise engage the services of a professional dancer for compensation in or for any business, whether such performer is to be compensated by wages, salary, fees or other compensation, must first obtain an agency license; provided, however, a person who employs a professional dancer required to be licensed under this article solely for the entertainment of that person's patrons will not be required to obtain an agency license;
- C. Illegal To Book Or Engage Unlicensed Performer: It is illegal for any person, intending to furnish, book or otherwise engage or permit any person to dance as a professional dancer, either gratuitously or for compensation, which dancer, at the time of such booking, employment or performance, was not licensed;
- D. Business License Required: Any person who intends to furnish, book or otherwise engage or permit any person to dance as a professional dancer, either gratuitously or for compensation, for any business may not do so unless such business is licensed to allow professional dancing. (Ord. 12-13, 6-13-2012)

4-2J-3: SPECIAL APPLICATION PROCEDURES:

The applicant shall appear in person before the city business license coordinator and shall complete the application form in writing. The application shall include the name and address of the applicant, any stage name or names used, the name of the agent or agency if the performer uses an agent, the criminal record, if any, and such other information as may be reasonably required by the business license coordinator pertaining to verifying personal identification and criminal history of the applicant, including its officers and employees. (Ord. 12-13, 6-13-2012)

4-2J-4: SPECIAL APPLICATION DENIAL CRITERIA:

In addition to the general requirements for license applications and processing found earlier in this title, a professional dancer license or agency license covered by this article will be denied if the applicant has been convicted of or pled nolo contendere to a crime of moral turpitude within five (5) years immediately preceding the filing of the application, including: acts of prostitution; exploitation of prostitution; solicitation of sex acts or sex acts for hire; public lewdness; indecent exposure; attempt, conspiracy or solicitations to commit acts of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense. The fact that a conviction is being appealed shall have no effect on the license denial or disqualification. (Ord. 12-13, 6-13-2012)

4-2J-5: LIVE ENTERTAINMENT AT RESTAURANTS, TAVERNS AND PRIVATE CLUBS:

It is unlawful to furnish live entertainment for patrons of restaurants, taverns or private clubs, unless such a business is licensed to allow said entertainment by the city. (Ord. 12-13, 6-13-2012)

4-2J-6: SPECIAL RESTRICTIONS:

- A. Location: It is unlawful for a professional dancer to dance with or among the patrons of an establishment, or upon the tables or chairs, or in any part of an establishment other than on a stage, platform or dance floor which is separated on all sides from the aisles, tables, chairs, booths and the patrons of said establishment by at least three feet (3').
- B. No Touching: It is unlawful for any professional dancer, while performing in any establishment pursuant to the provisions of this article, to touch in any manner any other person, to throw any object or clothing, to accept any money, drink or any other object from any person, or to allow another person to touch such dancer or to place any money or object on such dancer or within the costume or person of such dancer.
- C. Age Restriction: It is unlawful for any person under the age of twenty one (21) to perform, dance or entertain either gratuitously or for compensation in any premises licensed under this chapter.
- D. Costume Standards: Professional dancers shall at all times be costumed during performances in a manner not to violate this title, and such dancers shall not perform or conduct themselves in such a manner which violates the provisions of this title.
- E. Seminudity Prohibited: Notwithstanding any other provision of this title, it is unlawful for a professional dancer to appear in any business not licensed as a sexually oriented business in a state of "seminudity".
- F. Licensee Dress Standards When Not Performing: It is unlawful for a professional dancer, while on the premises of a business other than a licensed sexually oriented business, to be dressed in other than opaque clothing, covering the dancer's body from the shoulders to the knees, excluding the dancer's arms and hands, at all times other than immediately before, during and immediately after the dancer's performance.
- G. Duty Of Employers: Each person employing, booking or using the services of a dancer required to be licensed under the provisions of this article shall require that such dancers comply with the provisions of this title. (Ord. 12-13, 6-13-2012)

4-2J-7: PATRONS; PROHIBITED ACTIVITIES:

It is unlawful for any person to touch in any manner any professional dancer, to place any money or object on or within the costume or person of any professional dancer, or to give or offer to give to any such dancer any drink, money or object while the dancer is performing any dance. (Ord. 12-13, 6-13-2012)

4-2J-8: ALCOHOLIC BEVERAGE CONSUMPTION PROHIBITED:

It is unlawful for a business utilizing the services of a professional dancer to permit the consumption of alcohol by anyone on premises, unless the business is licensed by the city to allow the consumption of alcoholic beverages. (Ord. 12-13, 6-13-2012)

ARTICLE K. PUBLIC DANCES AND DANCE STUDIOS

4-2K-1: LICENSE REQUIRED:

4-2K-2: FACILITIES REQUIRED:

4-2K-3: HOURS:

4-2K-4: LIGHTING AND SEATING REQUIREMENTS:

4-2K-5: PASS OUT AND RETURN CHECKS PROHIBITED:

4-2K-6: MINORS:

4-2K-1: LICENSE REQUIRED:

It shall be unlawful to operate any dance studio or public dance without first obtaining a valid city business license and a special city public dance/dance studio license. (Ord. 12-13, 6-13-2012)

4-2K-2: FACILITIES REQUIRED:

No license shall be issued pursuant to this article until it shall be found that the place for which it is issued complies with and conforms to all laws, ordinances, and health and fire regulations applicable thereto, is properly ventilated, has available separate and sufficient toilet conveniences for each sex, and is a safe and proper place for the purposes for which it shall be used. (Ord. 12-13, 6-13-2012)

4-2K-3: HOURS:

No dancing shall be permitted between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M. (Ord. 12-13, 6-13-2012)

4-2K-4: LIGHTING AND SEATING REQUIREMENTS:

Throughout the licensed premises and during the business hours a minimum lighting of one candlepower light, measured at a level five feet (5') above the floor, shall be maintained. Any booth, stall or seating area adjacent to the dancing area in a licensed premises shall be visible and open to full view from the entrance to the main dance floor. (Ord. 12-13, 6-13-2012)

4-2K-5: PASS OUT AND RETURN CHECKS PROHIBITED:

No pass out or return checks shall be issued for use by persons who leave licensed dance premises, anterooms thereof, and such portions of the grounds immediately adjacent to such premises shall be under the immediate control of the dance hall management. All persons leaving the licensed dance premises, anterooms thereof and well lighted grounds immediately adjacent thereto shall be required to pay the regular admission fee in case of return to such dance. (Ord. 12-13, 6-13-2012)

4-2K-6: MINORS:

Persons under the age of sixteen (16) years and not accompanied by an adult shall not be allowed to attend any public dance. (Ord. 12-13, 6-13-2012)

ARTICLE L. AGRICULTURAL VENDORS

4-2L-1: LICENSE REQUIRED:

4-2L-2: LICENSE REQUIRED; DISPLAY:

4-2L-3: EXEMPTIONS:

4-2L-4: PROCEDURE:

4-2L-5: UNLAWFUL ACTS:

4-2L-1: LICENSE REQUIRED:

It shall be unlawful to operate as an agricultural vendor without first obtaining a valid city business license and a special city agricultural vendor license. (Ord. 12-13, 6-13-2012)

4-2L-2: LICENSE REQUIRED; DISPLAY:

It shall be unlawful for any person to conduct business as an agricultural vendor, except as exempted in this article, without first securing a license for such business. (Ord. 12-13, 6-13-2012)

4-2L-3: EXEMPTIONS:

Agricultural vendors who sell only fruits and vegetables produced from their own homes or property immediately adjoining their homes, are exempt from licensing or the payment of license fees under this article; however, such agricultural vendors shall nevertheless be required to obtain a permit from the zoning administrator to assure adequate and safe off street parking at the place of sale. (Ord. 12-13, 6-13-2012)

4-2L-4: PROCEDURE:

All agricultural vendors, whether or not exempted, must obtain a use permit from the zoning administrator prior to the issuance of a temporary or annual license. The zoning administrator shall review each request to assure that adequate and safe parking exists at the place of sale. Upon issuance of such permit, agricultural vendors exempted from licensing may commence operations. Upon presenting an approved permit from the zoning administrator to the business license authority, all nonexempted applicants shall receive from, fill out and file a business license application, as required under the provisions of this title. (Ord. 12-13, 6-13-2012)

4-2L-5: UNLAWFUL ACTS:

It shall be unlawful for any person to supply an exempted vendor with produce grown other than on the exempted vendor's property, or to sell any merchandise other than fruits and vegetables at an exempted location. (Ord. 12-13, 6-13-2012)

ARTICLE M. SCRAP METAL PROCESSORS

4-2M-1: LICENSE REQUIRED:

4-2M-2: GOLD AND SILVER RESTRICTIONS; HOLDING PERIOD:

4-2M-3: RECORDKEEPING REQUIREMENTS:

4-2M-4: DEALING WITH MINORS PROHIBITED:

4-2M-1: LICENSE REQUIRED:

It shall be unlawful to operate as a scrap metal processor or dealer without first obtaining a valid city business license and a special city scrap metal license. (Ord. 12-13, 6-13-2012)

4-2M-2: GOLD AND SILVER RESTRICTIONS; HOLDING PERIOD:

It is unlawful for any scrap metal processor to deliver, sell, remelt, change the condition of, or otherwise dispose of any goods, articles or things containing gold or silver for a period of thirty (30) days from the date of receiving the same. If requested to do so by a police officer, any item must be retained and held, in the condition received, until released by the police department. (Ord. 12-13, 6-13-2012)

4-2M-3: RECORDKEEPING REQUIREMENTS:

Each scrap metal processor shall maintain for at least two (2) years written records of all materials purchased or received. Such records shall contain the name and address of the person from whom the materials were purchased and received, the date of the transaction, the type of identification presented, a description of the property, and the license number of the vehicle used by the seller to deliver such material to the purchaser. (Ord. 12-13, 6-13-2012)

4-2M-4: DEALING WITH MINORS PROHIBITED:

It is unlawful for any scrap metal processor by himself, his agents or servants, to purchase or receive any metal from any person under eighteen (18) years of age, without the written consent of a parent or guardian of such person. (Ord. 12-13, 6-13-2012)

ARTICLE N. SECONDHAND, ANTIQUE AND JUNK DEALERS

4-2N-1: LICENSE REQUIRED:

4-2N-2: HOLDING PERIOD FOR RECEIVED ITEMS:

4-2N-3: RECORDKEEPING REQUIREMENTS:

4-2N-4: METHOD OF ENTERING RECORDS:

4-2N-5: POLICE DEPARTMENT INVESTIGATIONS:

4-2N-6: GARAGE SALES:

4-2N-7: FENCE REQUIRED AROUND OUTSIDE STORAGE:

4-2N-8: ITEMS WITH ALTERED IDENTIFICATION NUMBERS:

4-2N-1: LICENSE REQUIRED:

- A. It is unlawful for any person to operate as a secondhand dealer, secondhand computer dealer, secondhand compact disc dealer, secondhand precious metal and/or precious gem dealer, junk dealer, junk collector or an antique dealer without first obtaining a general business license and a special secondhand/junk license from the city.
- B. Any antique dealer who intends to receive antique items that contain precious metals and/or precious gems must also obtain a secondhand precious metal and/or precious gem dealer's license. Any antique dealer who intends to receive numismatic and/or bullion items must also obtain a numismatic and/or bullion dealer's license. (Ord. 12-13, 6-13-2012)

4-2N-2: HOLDING PERIOD FOR RECEIVED ITEMS:

- A. **Thirty Day Holding Period Required:** It is unlawful for any person to dispose of or alter any items received for a period of thirty (30) days from the date of receiving such items, unless expressly permitted to do so by the police department's designated representative, prior to the expiration of the thirty (30) day period. Such items shall be available for inspection by any police officer during reasonable business hours while in the licensee's possession or control.
- B. **Duty To Surrender Property To Police As Evidence:** If requested to do so by a peace officer of the police department, any item delivered to the licensed business must be retained and held, until released by the police department or placed in the custody of a police agency to be held as evidence. (Ord. 12-13, 6-13-2012)

4-2N-3: RECORDKEEPING REQUIREMENTS:

- A. **Information Recorded:** It is unlawful for any person licensed under this article to fail to keep readily available for inspection by the police or other city agent a substantial and well bound book, in which such person shall enter in the English language at the time of receiving any goods, including those on consignment:
 - 1. An accurate account and description of each item received, including, but not limited to, all names, numbers and other identifying marks, and including all indications of ownership thereon;

2. The amount of money paid or value of property traded;
 3. The date, both day and hour, of receiving such items;
 4. The name, address and description of the person making the transaction;
 5. A numerical identifier obtained from identification containing a photograph of the person making the transaction. The person presenting the identification must be the same person whose photograph appears upon the identification;
 6. The date of sale, disposal or scrapping of the item shall be added when the item is sold, scrapped or otherwise disposed of.
- B. Required Compliance With Amended Police Bulletins: The records kept as required by this article shall include such further information or description or identification marks as may be required by the police department in bulletins given to licensees from time to time.
- C. Records Sent To Police: Each licensee shall also keep a separate record which shall be sent to the police department and which shall be cross referenced to the book referred to in this section and which shall contain, in addition to the requirements of such subsections:
1. A certificate, accompanied by the signature of the person delivering said item that s/he has the legal right to sell said item;
 2. A legible fingerprint of the person making the transaction, preferably the right index finger;
 3. A legible signature of the person receiving the item at time of transaction of each item;
 4. No entries on any record shall be erased, obliterated or defaced, and the receiving licensee shall keep the record available during business hours for inspection by any city police officer.
- D. Two Year Record Retention Duty: The records required to be maintained by this article shall be maintained by the business for a period of two (2) years from the date of the transaction. (Ord. 12-13, 6-13-2012)

4-2N-4: METHOD OF ENTERING RECORDS:

All entries shall be made with nonerasable ink in a legible manner. (Ord. 12-13, 6-13-2012)

4-2N-5: POLICE DEPARTMENT INVESTIGATIONS:

It is unlawful for any person licensed under this article to fail to allow the city police full access to the business and records of the licensee or to fail to submit a copy of all records maintained by the business to the police department upon request. (Ord. 12-13, 6-13-2012)

4-2N-6: GARAGE SALES:

It is unlawful for any person licensed under this article to hold or participate as a seller in more than two (2) sales of personal property at a private residence during any calendar year, or in any such sale exceeding seven (7) days in length. (Ord. 12-13, 6-13-2012)

4-2N-7: FENCE REQUIRED AROUND OUTSIDE STORAGE:

It is unlawful for the owner of, occupant of, or person having control of any lot, yard or any other premises within the city limits to keep, collect, permit, maintain or store outside thereon any metal, glass, bottles, rags, cans, sacks, rubber, paper or other articles commonly known as "junk", or any articles known as "secondhand goods, wares or merchandise", without enclosing such lot, yard or premises with a tight board fence not less than seven feet (7') high, and maintaining such fence in a good and sightly condition. Such a business must also comply with zoning requirements concerning outdoor storage. (Ord. 12-13, 6-13-2012)

4-2N-8: ITEMS WITH ALTERED IDENTIFICATION NUMBERS:

No business licensed pursuant to this article shall receive any item which has obviously had the manufacturer's serial number or an owner's personal identification mark altered, defaced or obviously mutilated or removed. (Ord. 12-13, 6-13-2012)

ARTICLE O. PAWNBROKERS

4-2O-1: LICENSE REQUIRED:

4-2O-2: BOND REQUIRED:

4-2O-3: EXEMPTION FROM OTHER LICENSE REQUIREMENTS:

4-2O-4: HOURS OF BUSINESS:

4-2O-5: PAWNBROKER RECORDKEEPING REQUIREMENTS:

4-2O-6: RECORDS; LEGIBILITY; ACCESS FOR INSPECTION:

4-2O-7: RECORDS; COPIES TO POLICE DEPARTMENT:

4-2O-8: RECEIVING ITEMS WITH ALTERED IDENTIFICATION NUMBERS:

4-2O-9: LICENSING OF BICYCLES SOLD BY PAWNSHOPS:

4-2O-1: LICENSE REQUIRED:

It shall be unlawful to operate any pawnshop or pawn business without first obtaining a valid city business license and a special city pawnshop license. (Ord. 12-13, 6-13-2012)

4-2O-2: BOND REQUIRED:

Before any license is issued to a pawnbroker under the provisions of this article, the applicant for such license shall execute and deliver to the city a bond in the sum of five thousand dollars (\$5,000.00), executed by a corporate surety authorized to do business in the state, and conditioned upon the faithful performance of such licensee of all ordinances of the city respecting pawnbrokers. (Ord. 12-13, 6-13-2012)

4-2O-3: EXEMPTION FROM OTHER LICENSE REQUIREMENTS:

A pawnbroker licensed under the provisions of this article shall be exempt from the licensing requirements for numismatic and bullion dealers, and for secondhand dealers, secondhand precious metal and/or precious gem dealers, which right shall be included under the pawnbroker's license. A pawnbroker engaged in said businesses shall comply with all other operating requirements pertaining to such businesses. (Ord. 12-13, 6-13-2012)

4-20-4: HOURS OF BUSINESS:

It is unlawful for any pawnbroker to receive any goods by way of pawn or pledge, or to keep his place of business open before the hour of seven o'clock (7:00) A.M. or after seven o'clock (7:00) P.M. of any day or on Sunday; provided, however, that on Saturday of each week and on days preceding legal holidays, and the last fifteen (15) days of December of each year, it shall be lawful for said pawnbroker to keep his or her place of business open until eleven o'clock (11:00) P.M. (Ord. 12-13, 6-13-2012)

4-20-5: PAWNBROKER RECORDKEEPING REQUIREMENTS:

- A. It is unlawful for any person licensed under this article to fail to keep upon the licensed premises a substantial and well bound book in which he shall enter in the English language at the time of receiving any goods, including those on consignment and including coins and currency, which coins and currency are obtained at a price other than face value:
 - 1. An accurate account and description of each item received, including, but not limited to, all names, numbers and other identifying marks, and including all indications of ownership thereon;
 - 2. The amount of money paid or value of property traded;
 - 3. The date, both day and hour, of receiving said items;
 - 4. The name, address and description of the person making the transaction;
 - 5. A numerical identifier obtained from identification containing a photograph of the person making the transaction. The person presenting the identification must be the same person whose photograph appears upon the identification;
 - 6. The date of sale, disposal or scrapping of the item shall be added when the item is sold, scrapped or otherwise disposed of.
- B. The description required by subsections A1 and A2 of this section shall include such further information or description or identification marks as may be required by the police department in bulletins given to licensees from time to time.
- C. Each licensee shall also keep a separate record which shall be sent to the police department and which shall be cross referenced to the book referred to in subsections A and B of this section, and which shall contain, in addition to the requirements of said subsections:
 - 1. A certificate, accompanied by the signature of the person delivering said item(s) that he/she has the legal right to pawn or sell said item(s);
 - 2. A legible fingerprint of the person making the transaction, being the right index finger;
 - 3. A legible signature of the person receiving the item at time of transaction of each item.
- D. No entries on any record shall be erased, obliterated or defaced, and the receiving licensee shall keep the record available during business hours for inspection by any city police officer.
- E. It is unlawful for any person to dispose of or alter any items received for a period of thirty (30) days from the date of receiving such items, except to return to the person originally pawning the item. Such items shall be available for inspection by any city police officer during reasonable business hours while in licensee's possession or control.

- F. If requested to do so by the city police department, any item delivered to the licensed business must be retained and held, until released by the police department or placed in the custody of a police agency to be held as evidence.
- G. The records required to be maintained by this article shall be maintained by the business for a period of two (2) years from the date of transaction. (Ord. 12-13, 6-13-2012)

4-20-6: RECORDS; LEGIBILITY; ACCESS FOR INSPECTION:

All entries shall be made with nonerasable ink in a legible manner. The police department shall also be permitted to have access, during business hours, to all premises licensed under this article for the purpose of the inspection of such premises and records. (Ord. 12-13, 6-13-2012)

4-20-7: RECORDS; COPIES TO POLICE DEPARTMENT:

It is unlawful for any person licensed under this article to fail to submit a copy of all entries required to be maintained by this article to the city police department upon request by such agency. (Ord. 12-13, 6-13-2012)

4-20-8: RECEIVING ITEMS WITH ALTERED IDENTIFICATION NUMBERS:

No business licensed pursuant to this article shall receive any item which has obviously had the manufacturer's serial number or an owner's personal identification mark altered, defaced or obviously mutilated or removed. (Ord. 12-13, 6-13-2012)

4-20-9: LICENSING OF BICYCLES SOLD BY PAWNSHOPS:

- A. Licensing Of Bicycles Authorized: The police department shall maintain a register of bicycles licensed by the department at the request of the owner thereof. A unique license number shall be affixed to the frame of the bicycle.
- B. Sale Of Licensed Bicycle By Pawnshop Prohibited: Unless possessed of a duly signed and notarized bill of sale referencing a specifically licensed and numbered bicycle, it shall be unlawful for a pawnshop to take possession of or sell a licensed bicycle.
- C. Sale Of Bicycle Must Be Licensed: Any bicycle coming into the possession of a pawnshop without showing any evidence of a license number from the city must be licensed with the police department by the pawnshop prior to any sale or other disposition of the bicycle. (Ord. 12-13, 6-13-2012)

ARTICLE P. NUMISMATIC AND BULLION DEALERS

4-2P-1: LICENSE REQUIRED:

4-2P-2: RECORDKEEPING REQUIREMENTS:

4-2P-3: COPIES TO POLICE DEPARTMENT:

4-2P-4: HOURS OF BUSINESS:

4-2P-5: RECEIVING ITEMS WITH ALTERED IDENTIFICATION NUMBERS:

4-2P-1: LICENSE REQUIRED:

It shall be unlawful to operate any numismatic and/or bullion dealer business without first obtaining a valid city business license and a special city numismatic/bullion dealer license. (Ord. 12-13, 6-13-2012)

4-2P-2: RECORDKEEPING REQUIREMENTS:

- A. On Premises Records: It is unlawful for any person licensed pursuant to this article to fail to keep upon the licensed premises a substantial and well bound book, in which such person shall enter in the English language at the time of receiving any goods, including those on consignment, and including coins, currency or bullion:
1. An accurate account and description of each item received, including, but not limited to, all names, numbers and other identifying marks, and including all indications of ownership thereon; except that bullion coins may be described in bulk by identifying the number of coins, their metallic composition, their denomination, and their face value;
 2. The amount of money paid or value of property traded;
 3. The date, both day and hour, of receiving such items;
 4. The name, address and description of the person making the transaction; and
 5. A numerical identifier obtained from identification containing a photograph of the person making the transaction. The person presenting the identification must be the same person whose photograph appears upon the identification.
- B. Compliance With Supplemental Police Bulletins: The description required by subsections A1 and A4 of this section shall include such further information or description or identification marks as may be required by the police department in bulletins given to licensees from time to time.
- C. Duty To Forward Records To Police: Each licensee shall also keep a separate record which shall be sent to the police department and which shall be cross referenced to the book referred to in subsection A of this section, and which shall contain, in addition to the requirements of said subsection:
1. A certificate, accompanied by the signature of the person delivering such item, that s/he has the legal right to sell the item; and
 2. A legible signature of the person receiving the item at the time of transaction of each item.
- D. Prohibition Against Record Alterations; Inspection Of Records: No entries on any record shall be erased, obliterated or defaced. All entries shall be made with nonerasable ink in a legible manner; and the receiving licensee shall keep the record available during business hours for inspection by any police officer.
- E. Maintain Records For Two Years: The records required to be maintained by this article shall be maintained by the business for a period of two (2) years from the date of the transaction. (Ord. 12-13, 6-13-2012)

4-2P-3: COPIES TO POLICE DEPARTMENT:

It is unlawful for any person licensed pursuant to this article to fail to submit a copy of all entries required to be maintained by this article to the police department upon request by such agency. (Ord. 12-13, 6-13-2012)

4-2P-4: HOURS OF BUSINESS:

It is unlawful for any person licensed pursuant to this article to keep his or her place of business open for trade before the hour of seven o'clock (7:00) A.M. or after seven o'clock (7:00) P.M.; provided, however, that on Saturday of each week, and on days preceding legal holidays, and the last fifteen (15) days of December of each year, it shall be lawful for such licensees to keep his or her place of business open until eleven o'clock (11:00) P.M. (Ord. 12-13, 6-13-2012)

4-2P-5: RECEIVING ITEMS WITH ALTERED IDENTIFICATION NUMBERS:

No business licensed pursuant to this article shall receive any item which has obviously had the manufacturer's serial number or an owner's personal identification mark altered, defaced or obviously mutilated or removed. (Ord. 12-13, 6-13-2012)

ARTICLE Q. EMPLOYMENT AGENCIES

4-2Q-1: LICENSE REQUIRED; DISPLAY:

4-2Q-2: BOND REQUIREMENT:

4-2Q-3: REFERRING ANY PERSON TO ILLEGAL EMPLOYMENT PROHIBITED:

4-2Q-4: INFORMATION, ORDER FROM PROSPECTIVE EMPLOYER:

4-2Q-5: RECEIPT OF PAYMENT PRIOR TO FURNISHING ASSISTANCE PROHIBITED:

4-2Q-6: LIMIT OF COMPENSATION:

4-2Q-7: REGISTERS:

4-2Q-8: AGENT DIVIDING FEE WITH EMPLOYER PROHIBITED:

4-2Q-9: BRINGING SUIT AGAINST AGENCY:

4-2Q-10: CERTAIN ASSOCIATIONS EXEMPT FROM LICENSE PROVISIONS:

4-2Q-11: ARTICLE PROVISIONS TO BE POSTED:

4-2Q-1: LICENSE REQUIRED; DISPLAY:

It shall be unlawful for any person to conduct business as an employment agency with an office location in the city or by advertising its products or services to residents of the city without first securing a general business license and a special employment agency license for such business. The licensee shall conspicuously display such licenses in his place of business so that the licenses are plainly visible to customers and the public. (Ord. 12-13, 6-13-2012)

4-2Q-2: BOND REQUIREMENT:

- A. Before any license as an employment agency may be granted by the city, the applicant shall deposit with the city treasurer a bond in the penal sum of one thousand dollars (\$1,000.00), with two (2) or more sureties to be approved by the city treasurer. The bond shall be made payable to the city.
- B. The bond shall be conditioned that the applicant will comply with this article and will pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit of the applicant, or by any other violation of this article, in carrying on the business for which a license is granted.

- C. If at any time in the opinion of the city treasurer the sureties or any of them shall become irresponsible, the licensed employment agency shall, upon notice from the city, give a new bond with new sureties, to be approved as with the original bond. Failure to give a new bond within ten (10) days after such notice shall operate as a revocation of the license, and the license certificate shall be immediately returned to the city treasurer who shall destroy the same. (Ord. 12-13, 6-13-2012)

4-2Q-3: REFERRING ANY PERSON TO ILLEGAL EMPLOYMENT PROHIBITED:

It shall be unlawful for any employment agency, directly or indirectly, knowingly to send any applicant to any illegal employment, including, but not limited to, a place of bad repute, house of ill fame, assignment house or any other house or place kept for immoral purposes. (Ord. 12-13, 6-13-2012)

4-2Q-4: INFORMATION, ORDER FROM PROSPECTIVE EMPLOYER:

It shall be unlawful for any employment agency, directly or indirectly, to furnish any workman to any employer of labor without having a bona fide order for the same from said employer and without having first secured from the employer reasonably complete information concerning the prospective employment on a form prescribed by the state industrial commission, signed by the employment agent or the employment agent's employee or agent, and by the prospective employment receiving the same. A copy of the said ticket shall be retained by the employee, one by the employer, and a complete and correct copy of the same shall be retained by the employment agency and shall show the amount of commission or fees paid by the employee to the employment agent. (Ord. 12-13, 6-13-2012)

4-2Q-5: RECEIPT OF PAYMENT PRIOR TO FURNISHING ASSISTANCE PROHIBITED:

It shall be unlawful for any employment agency, to receive directly or indirectly any money or other valuable consideration from any person seeking employment, for any information or assistance furnished or to be furnished by said employment agency to such person, enabling or tending to enable such person to secure employment, prior to the time at which said information or assistance is actually thus furnished. (Ord. 12-13, 6-13-2012)

4-2Q-6: LIMIT OF COMPENSATION:

It shall be unlawful for any employment agency, for any information or assistance, directly or indirectly, to receive as a commission or fee any money or other consideration which is of value in excess of twenty five percent (25%) of the amount earned, or prospectively to be earned by the person to whom such information or assistance is given during the first month of such employment; provided that the amount of such commission shall not be in excess of twenty five percent (25%) of the amount actually prospectively to be earned in such employment, when it is mutually understood by the agent and the person when said information or assistance is furnished that said employment is for a period of less than one month. (Ord. 12-13, 6-13-2012)

4-2Q-7: REGISTERS:

- A. Each employment agency shall enter upon a register every order received from any corporation, company, or individual desiring the services of any person seeking work together with the nature of the work, the number of persons desired, the address where the work is to be furnished, and the wages paid.

- B. The employment agency is also to keep a separate record of labor applicants which shall show the name of each person applying for work, the amount of compensation received in each case, the name of the person or persons who secure work and those who fail to secure work, and the reason why employment was not secured. The registers required by this section shall be open at all reasonable hours to inspection of any police officer of the city or member or agent of the Utah state labor commission. (Ord. 12-13, 6-13-2012)

4-2Q-8: AGENT DIVIDING FEE WITH EMPLOYER PROHIBITED:

It shall be unlawful for an employment agency sending out help to contractors or other employers of labor to divide the fees collected from any workman or to pay any part of such fee to the employer or the employer's agent to whom such laborer is sent, or any foreman or other person employed by said employer. (Ord. 12-13, 6-13-2012)

4-2Q-9: BRINGING SUIT AGAINST AGENCY:

All claims or suit brought in any court against any employment agency may be brought in the name of the party injured upon and against the employment agency. Any judgment given may be satisfied out of the bond deposited with the city treasurer as provided in this article. (Ord. 12-13, 6-13-2012)

4-2Q-10: CERTAIN ASSOCIATIONS EXEMPT FROM LICENSE PROVISIONS:

Nothing herein contained shall be construed to require any religious or charitable association which may assist in procuring employment for persons seeking the same, or the Utah state labor commission, or any state employment service to obtain a license to do so under the provisions of this article. (Ord. 12-13, 6-13-2012)

4-2Q-11: ARTICLE PROVISIONS TO BE POSTED:

The manager of any employment agency shall cause a copy of this article, printed in type of sufficient size to be easily read, to be conspicuously posted next to the employment agency's business license. (Ord. 12-13, 6-13-2012)

ARTICLE R. RENTAL HOUSING/GOOD LANDLORD PROGRAM

4-2R-1: LICENSE AND FEE REQUIRED:

4-2R-2: GOOD LANDLORD PROGRAM:

4-2R-3: INSPECTIONS:

4-2R-4: ADDITIONAL GROUNDS FOR LICENSE DENIAL, REVOCATION OR SUSPENSION:

4-2R-5: ADMINISTRATION OF RENTAL DWELLING UNIT BUSINESS LICENSING AND GOOD LANDLORD PROGRAM:

4-2R-6: REAL PROPERTY MAINTENANCE:

4-2R-7: LANDSCAPING:

4-2R-1: LICENSE AND FEE REQUIRED:

- A. License: Notwithstanding anything in chapter 1 of this title or this article to the contrary:

1. An owner of a rental dwelling unit shall obtain and maintain a current general business license or a special landlord license. Owners of exempt rental dwelling units shall obtain a general business license and all other owners of rental dwelling units shall obtain a special landlord license.
 2. Owners of more than one rental dwelling unit shall be required to obtain only one type of business license unless one of the rental dwelling units is an exempt rental dwelling unit.
 3. All owners of rental dwelling units in the City shall provide to the City all owner contact information as well as a current, complete list of all of the rental dwelling units owned and operated within the City.
- B. Fee Schedule: There is hereby imposed upon the owner of any rental dwelling unit, other than an exempt rental dwelling unit, a disproportionate per rental unit fee based upon a study conducted by the City in accordance with State Statute.
1. Disproportionate Per Rental Unit Fee And Study: The disproportionate per rental unit fee shall be adopted by resolution as part of the City's comprehensive fee schedule only after completion of a study in accordance with State law and updated accordingly as required by State law. No disproportionate rental fee shall be collected by the City until such study is complete and adopted as provided in this subsection.
 2. Time Of Payment: An owner of any rental dwelling unit shall pay the business license fee and disproportionate per rental unit fees set forth in the fee schedule at the time of application for a new or renewal license.
 3. Failure To Make Payment: Failure to timely make a payment of required fees will result in the suspension or revocation of the business license and the imposition of penalty fees as set forth in this title.
 4. Fee Discount: A discount from the per rental unit fees is available to members of the Good Landlord Program as set forth in this article.
 5. Joint And Several Liability: If there is more than one owner of a rental dwelling unit, including purchases under contract, each owner shall be jointly and severally liable to pay the business license fees and per rental unit fees set forth in the fee schedule. (Ord. 12-13, 6-13-2012)

4-2R-2: GOOD LANDLORD PROGRAM:

The owner, or an authorized designee for and on behalf of an owner, of any rental dwelling unit may apply for admission into the West Jordan City Good Landlord Program.

- A. Program Admission Requirements:
1. Completion and approval of the good owner application.
 2. Completion of at least four (4) hours of property management education that is:
 - a. Sponsored by the City or its designated provider.
 - b. Sponsored by another jurisdiction with curriculum and a program similar to the program set forth in this article.
 - c. Another third party provided course that is preapproved by the licensing authority before making application.

3. The owner is current as to any and all fees, fines or penalties theretofore assessed by or due to the City.

4. Execution of a written, binding agreement with the City regarding landlord's obligations as set forth in this article.

B. Landlord's Obligations: Each owner participating in the program shall perform the following:

1. Tenant Screening: Owner shall perform all of the following screening requirements for all tenants prior to move in:

a. Application: Owner shall require each prospective tenant to complete a rental application which shall include the tenant's personal and pertinent financial information. Owner shall keep the application on file for the full term of the lease.

b. Driver's License Or State Identification: Owner shall require every prospective tenant as well as each occupant of the premises, who is eighteen (18) years or older, to provide a driver's license or state identification card which owner shall copy and keep on file for the full term of the lease.

c. Credit Check: Owner shall obtain a credit history from every prospective contract signing tenant over the age of eighteen (18). Owner shall keep the credit application on file for the full term of the lease.

d. Income/Employment Verification: Owner shall obtain income/employment verification from every prospective contract signing tenant.

e. Rental References: Owner shall obtain contact information for all of a prospective tenant's previous landlords within the last three (3) years, and the owner shall contact these previous landlords to determine the credit and tenant history of each prospective tenant.

2. Tenant Selection: Owner shall consider the following criteria, at a minimum, for tenant selection and will refuse to rent to any prospective tenant or other proposed occupant who:

a. Provided false information to the owner on the application or otherwise.

3. Eviction: Owner will promptly evict tenants that do not meet the requirements of this article or are or become involved in illegal activities.

4. Executed Lease: Owner shall execute a valid, written lease agreement or rental agreement with each tenant, which shall include the provisions listed in any owner training packet prepared by the licensing authority, and those set forth in this article.

5. Owner Training: As part of the continuing education requirement in subsection A2 of this section, owner agrees to attend and complete a City approved four (4) hour owner training program every four (4) years.

C. City's Obligations: The City shall perform the following for each owner participating in the Good Landlord Program:

1. Per Rental Unit Fee Discount: If admitted into the program, the owner shall receive the discounted per rental unit fees for members of the program as set forth in the fee schedule.

2. Discretionary Waiver: The City reserves the right to waive, amend or otherwise forgive a landlord's violation of their agreement, if, at the City's sole discretion, grounds exist for such a determination.

3. Notification Of Problems: The City will promptly notify the owner concerning any criminal activity or City Code violations by a tenant.
- D. Program Eligibility Deadline: Within two (2) months of the initial approval or an annual renewal of a business license, an owner is eligible to seek admission into the Good Landlord Program. Landlords who miss the admission deadline may request a late admission waiver from the ~~City Manager~~ city administrator who shall promptly review all such requests and make a determination of late admission waiver based upon the undue circumstances resulting in the missed deadline and for good cause shown.
- E. Termination And Effect:
1. An owner may be terminated from the Good Landlord Program if:
 - a. Owner fails to fulfill its obligations under the written, binding agreement with the City.
 - b. Owner has any unresolved violations of this article, the other provisions of this Code, and any other law of a governing authority for more than ninety (90) days.
 - c. Owner has two (2) or more total violations of this article, the other provisions of this Code, and any other law of a governing authority within the most recent twelve (12) consecutive months.
 2. In the event of termination of participation in the program, an owner shall not be relieved of liability to the City for damages sustained by virtue of any breach of the program agreement by landlord.
 3. A terminated owner shall immediately pay the City its accrued annual per rental unit fee, less the discount already paid, plus any other penalties provided by this chapter for breach or violation. (Ord. 12-13, 6-13-2012; Ord. 17-46, 8-9-2017; Ord. 19-27, 10-09-2019; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2R-3: INSPECTIONS:

- A. Generally: City officials shall be permitted to make an inspection to enforce any of the provisions of this article or any other applicable statute or ordinance, and may enter any building or may enter upon any premises during regular business hours; or, if there are no regular business hours, the officers or their authorized representatives shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If the property owner or other responsible person refuses to allow the enforcement officers to enter and inspect the property, the officer may obtain and execute a search warrant.
- B. Entry Upon Proper Request: No owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request or warrant is made, to properly permit entry therein by the City officer for the purpose of inspection and enforcement of this title. (Ord. 12-13, 6-13-2012)

4-2R-4: ADDITIONAL GROUNDS FOR LICENSE DENIAL, REVOCATION OR SUSPENSION:

In addition to the grounds provided in chapter 1 of this title, a business license for the owner of one or more rental dwelling units in the City city may be denied, revoked, or suspended for any one of the following reasons:

- A. The applicant does not meet the qualifications for a licensee as provided under this title.

- B. Applicant's failure to pay:
 - 1. Applicable license and per rental unit fees; and
 - 2. Late fees or other penalties that may apply.
- C. A returned check is given by an owner for required fees.
- D. Noncompliance with any requirement or condition set by the ~~City's Planning Commission, the City Manager, or City Council~~ city's planning commission, the city administrator, mayor, or city council.
- E. Violation of the terms of site plan approval, conditional use permit, variance, development agreement, or similar approval.
- F. Noncompliance with any City city, Salt Lake Valley Health Department (SLVHD), State state, or ~~Federal federal~~ regulations governing the applicant's business.
- G. The applicant or licensee has obtained or aided another person to obtain a license by fraud or deceit.
- H. The applicant or licensee has refused authorized representatives of the City city to make an inspection or has interfered with such representatives in making such inspection.
- I. As a result of vicarious liability resulting in a violation of this title or other governing law by an agent or employee of the applicant or licensee. (Ord. 12-13, 6-13-2012; amd. Ord. 19-__, __-
-2019, Effective at 12 noon on January 6, 2020)

4-2R-5: ADMINISTRATION OF RENTAL DWELLING UNIT BUSINESS LICENSING AND GOOD LANDLORD PROGRAM:

- A. Generally: The city's business license authority shall administer the licensing of rental real estate owners and the good landlord program.
- B. Action On A License: The city may, without a hearing, deny, revoke, or suspend a license for the reasons provided in chapter 1 of this title or in this article. Any suspension or revocation shall take effect only after any appeal period has elapsed.
- C. Investigation: The city may, on its own initiative or in response to complaints from the general public, investigate and gather evidence of violations of this article or other circumstances which may give rise under chapter 1 of this title or this article to a denial, suspension or revocation of a business license.
- D. Adverse Action: For any violation of this article, the city may take adverse action and issue a notice of violation (NOV) under title 1, chapter 14, article C of this code, and/or criminal citation in accordance with the penalties prescribed in this code. When taking adverse action the city may consider:
 - 1. Whether owner or licensee participates in the good landlord program.
 - 2. The severity of the violation(s).
 - 3. The history of prior violation(s) or adverse action(s) connected with the owner or licensee.
 - 4. The conduct and demeanor of the individual or entity involved.

5. The likelihood of obtaining compliance by the specific contemplated action.
6. Any other information obtained as part of enforcement or investigation relating to the violation(s). (Ord. 12-13, 6-13-2012)

4-2R-6: REAL PROPERTY MAINTENANCE:

All real property used for a rental dwelling unit must have proper landscaping, regular cleaning, securing, ongoing repair, and maintenance of the premises in a manner that will:

- A. Prevent fire hazards.
- B. Prevent insect, rodent and other vermin harborage.
- C. Prevent introduction of hazardous pollutants into the air.
- D. Prevent spreading of vegetation that threatens the public health, safety, or welfare.
- E. Enhance the appearance of property, increase property values and encourage neighborhood creation and maintenance within the city.
- F. Foster or improve the city's image, property values, and neighborhood success.
- G. Lawfully dispose of cuttings from grass, weeds or solid waste.
- H. Effectively secure any vacant structure.
- I. Lawfully dispose of any unsightly or deleterious objects or structures.
- J. Promptly remove or erase graffiti on any structure located on the premises. (Ord. 12-13, 6-13-2012)

4-2R-7: LANDSCAPING:

All rental dwelling units in the city shall have and maintain landscaping in front yards between the front line of the house and the sidewalk on the entire width of the lot excluding the driveway. On corner lots, landscaping shall be installed in all areas between the sidewalk and the side line of the house between the front property line and the rear property line which are visible from the public right of way. All landscaping shall conform to applicable requirements located elsewhere in this code. Waivers of this landscaping requirement may be sought through the city zoning administrator. (Ord. 12-13, 6-13-2012)

ARTICLE S. WRECKER/TOWING/IMPOUND SERVICES

- 4-2S-1: LICENSE REQUIRED:**
- 4-2S-2: RATES FOR SERVICE POSTING AND CLAIM CHECKS:**
- 4-2S-3: COMPLIANCE REQUIRED; REVOCATION OF LICENSE:**
- 4-2S-4: EXEMPT TOWING OPERATIONS:**
- 4-2S-5: INSURANCE REQUIREMENTS:**
- 4-2S-6: TOWING AUTHORITY LIMITATIONS:**
- 4-2S-7: SERVICES AND EQUIPMENT STATEMENT REQUIRED:**
- 4-2S-8: SIGN REQUIREMENTS:**
- 4-2S-9: ILLEGAL TOWING ACTIVITIES DESIGNATED:**
- 4-2S-10: EXCEPTION TO APPLICABILITY:**
- 4-2S-11: IMMOBILIZATION; NOTICE TO CITY OF INTENT TO COMMENCE:**
- 4-2S-12: INVESTIGATION BY POLICE DEPARTMENT:**
- 4-2S-13: INSURANCE REQUIRED:**
- 4-2S-14: OPERATION AND VEHICLE STORAGE SPECIFICATIONS:**
- 4-2S-15: OPERATIONAL REQUIREMENTS:**
- 4-2S-16: DUTY TO TOW TO CLOSE LOCATION:**

4-2S-1: LICENSE REQUIRED:

Any person seeking to operate a wrecker/towing business from within the city shall first apply for and obtain a general business license and a special wrecker/towing license. (Ord. 12-13, 6-13-2012)

4-2S-2: RATES FOR SERVICE POSTING AND CLAIM CHECKS:

All towing and impound rates and schedules shall be posted in a conspicuous location at the place of business and shall be noted in full and readily visible upon the receipt or claim check issued to the customer by the wrecker company. (Ord. 12-13, 6-13-2012)

4-2S-3: COMPLIANCE REQUIRED; REVOCATION OF LICENSE:

No wrecker/towing service operated pursuant to this article shall be conducted, unless all of the requirements of this title have been met, and failure to so comply shall be grounds for revocation of the license issued by authority of this article. (Ord. 12-13, 6-13-2012)

4-2S-4: EXEMPT TOWING OPERATIONS:

- A. Exclusions From City Regulatory Provisions: The provisions of this article shall not apply to any towing operation:
 - 1. That provides tow service exclusively to members of an association, automobile club or similar organization, and receives remuneration only from the sponsoring association, automobile club or similar organization;
 - 2. That provides tow service without charge or fee for other vehicles owned or operated by the individual or organization furnishing the tow service;
 - 3. That provides tow service for other vehicles owned or operated by the individual or organization furnishing the tow service, but which are being operated under terms of a rent or lease agreement or contract, and such towing is performed on a nonprofit basis, or such fee is a part of the rent or lease agreement or contract;

4. That, being located in another city, enters the city on a nonemergency towing assignment for the purpose of towing a disabled vehicle for repairs.
- B. Definition Of Nonemergency Tow: A "nonemergency towing assignment" means and includes towing of vehicles that have been involved in a collision, but have been removed from the scene; that have experienced mechanical failure, but have been removed from the roadway and no longer constitute a hazard; or that, being mechanically operative, are towed for convenience. (Ord. 12-13, 6-13-2012)

4-2S-5: INSURANCE REQUIREMENTS:

Every person conducting towing operations from within the city shall produce evidence of insurance with minimum coverage as required by the public service commission of the state for a standard cargo policy. A copy of the insurance policy or a certification from the insurer as to duration, kind and extent, shall be filed with the city clerk-recorder's office. (Ord. 12-13, 6-13-2012)

4-2S-6: TOWING AUTHORITY LIMITATIONS:

Nothing in this article shall be construed to authorize the towing and/or make any towing of a vehicle legal where such would otherwise be illegal, whether criminally or civilly. (Ord. 12-13, 6-13-2012)

4-2S-7: SERVICES AND EQUIPMENT STATEMENT REQUIRED:

- A. Licensee Duty To Provide Itemized Statement Of Service: A person conducting towing operations shall furnish an itemized statement of services performed, labor and special equipment used in completing a tow of a vehicle, and the charges made therefor to and upon the request of:
1. The person requesting the towing service; or
 2. The legal owner of the vehicle towed; or
 3. The registered owner of the vehicle towed; or
 4. The insurance carrier of either subsection A1, A2 or A3 of this section; or
 5. The duly authorized agent of any of the foregoing.
- B. Prohibition Of Conditioning Itemized Statement On Prior Payment: Such records shall be furnished by the licensee to any person authorized by this section to receive such statement, without demanding payment as a condition precedent. (Ord. 12-13, 6-13-2012)

4-2S-8: SIGN REQUIREMENTS:

Signage required under the provisions of this article shall comply with the following:

- A. Signage Visibility Required: There is: 1) signage visible to the driver of a vehicle entering the property; and 2) signage visible to the driver from the location where the vehicle is parked. Such signage shall use words and/or symbols that reasonably provide notice that parking without permission or contrary to permission of the property owner or operator will subject the vehicle to being towed at the vehicle owner's expense.
- B. Double Sided Signage Required: The signs contain such notice on both sides, unless one side is blocked by a structure.
- C. Sign Size: The signs are at least eighteen inches by twenty four inches (18" x 24") in size.

- D. Lettering Size: The lettering for at least the first half of the text on the sign is no smaller than one and one-half inches ($1\frac{1}{2}$ ") in height, and the lettering for the remainder of the text on the sign is no smaller than one-half inch ($\frac{1}{2}$ ") in height. The lettering shall be reflective and against a contrasting background.
- E. Fee Disclosed: The sign states the dollar amount of the towing fee.
- F. Obstruction To Visibility Barred: No vegetation or other object obstructs the view of the signage by the driver of a vehicle as the driver enters or leaves the property.
- G. Phone Number Contact Required: The sign provides a telephone number that can be called to make arrangements for release of the vehicle. (Ord. 12-13, 6-13-2012)

4-2S-9: ILLEGAL TOWING ACTIVITIES DESIGNATED:

Except when a wrecker or operator is acting as an agent for a legal repossession of a motor vehicle, it shall be unlawful:

- A. Towing Vehicle From Public Street: For any wrecker or operator to tow or otherwise move a vehicle from any area or portion of a public street without the consent of the owner or custodian thereof, except at the direction of a law enforcement agency.
- B. Towing Vehicle From Private Property: For any wrecker or operator, or any other person, to tow or otherwise move a vehicle or authorize the removal thereof from any private road or driveway, or from any other privately owned land or property within the city limits, except:
 - 1. When such wrecker or operator is requested to perform towing services by the owner or custodian of the vehicle;
 - 2. When the wrecker or operator is requested to perform such towing services by an owner or custodian of private property on which the vehicle is parked; provided, however, that the foregoing notwithstanding, no person shall tow, remove or authorize the removal of a vehicle from private property without the consent of the owner or custodian of such vehicle, unless:
 - a. The property is posted with signs that comply with the provisions of this article; or
 - b. A vehicle is parked in the driveway or in the easement of ingress and egress to a dwelling used for residential purposes or is parked on the private property owner's or custodian's grass or other landscaped space, and it is determined that the vehicle operator is not within the vehicle and is not an invitee of the owner or legal occupant of the real property having a right to use said driveway or easement; or
 - c. The vehicle has been abandoned. A vehicle shall be deemed abandoned for purposes of this section if it has been left unattended for seven (7) calendar days.
- C. Duty To Inform Police Of Tow Ordered By Non-Vehicle Owner: For any wrecker or operator or any other person to fail to notify the police department immediately upon arriving at the place of storage or impound of the vehicle when removal of the vehicle is requested by a person other than the owner or custodian of the vehicle. All such notices to the police department shall include:
 - 1. A description of the vehicle, including its identification number and license number;
 - 2. The location of the vehicle;
 - 3. Date, time and location from which the vehicle was removed;

4. Reasons for the removal of the vehicle; and
5. Identity of the person who requested the removal of the vehicle. (Ord. 12-13, 6-13-2012)

4-2S-10: EXCEPTION TO APPLICABILITY:

The provisions of this article, or successor provisions, shall not apply to any towing of a vehicle or storage thereof where such vehicle is being or has been impounded pursuant to valid court order or at the direction of a sworn peace officer of this state. (Ord. 12-13, 6-13-2012)

4-2S-11: IMMOBILIZATION; NOTICE TO CITY OF INTENT TO COMMENCE:

A person who already has a valid city business license for an existing business shall notify the city licensing authority in writing of the intent to engage in vehicle immobilization. Performing vehicle immobilization without receiving city authorization following submission of such notice shall be grounds for the revocation or suspension of the existing business license. The procedure for a police department investigation provided in this article shall be followed, except that a police department investigation will not be conducted if the person's existing business license was issued following a police department investigation. (Ord. 12-13, 6-13-2012)

4-2S-12: INVESTIGATION BY POLICE DEPARTMENT:

Each application shall be referred to the chief of police for investigation as to the compliance with the requirements set forth in the provisions of this article, or successor provisions. (Ord. 12-13, 6-13-2012)

4-2S-13: INSURANCE REQUIRED:

- A. No vehicle immobilization shall be conducted, unless there is on file with the city license coordinator a certificate of liability insurance executed by an insurance company authorized to do business in this state. The insurance shall be in the minimum amount of twenty five thousand dollars (\$25,000.00) and shall cover any damages caused to any vehicle or vehicle owner by the licensee.
- B. No wrecking services licensed pursuant to the authority of this article shall be conducted, unless there is on file with the city clerk-recorder's office a certificate of insurance executed by an insurance company authorized to do business in this state in the minimum amounts required by state law and which names the city as a named insured. (Ord. 12-13, 6-13-2012)

4-2S-14: OPERATION AND VEHICLE STORAGE SPECIFICATIONS:

A license shall be granted to an applicant under this article by the business license authority, upon a sufficient showing that:

- A. **Vehicle Storage Facility:** The prospective licensee has a vehicle storage facility which is within the city corporate limits. No vehicle may be moved to a location which is not within the city limits, without the prior consent of the owner or operator of the vehicle. Such storage facility must be completely enclosed by a fence of at least six feet (6') in height and properly secured so as to minimize the hazard of theft and vandalism. A violation of this subsection shall be grounds for immediate termination of the license granted by this article;
- B. **Towing Devices:** Each wrecker is properly equipped with all towing devices necessary to adequately and safely transport a vehicle from the point of pick up to the point of delivery;

- C. Visible Identification: Each wrecker is properly identified by the name and address of the licensee affixed to the vehicle in a readily visible location;
- D. Answering Service: An efficient answering service is available to ensure prompt response;
- E. State Law Compliance: Any wrecker/towing/impound service desiring to be licensed by the city is in full compliance with Utah Code Annotated title 72, chapter 9, or any successor provision;
- F. Required Inspection: Each tow truck has passed current inspection by the state department of transportation for the relevant year. The licensee shall present to the city, for inspection, proof of required state inspection, prior to the license being issued and prior to the vehicle being used for any towing purposes. Any licensee using a tow truck that does not have required state department of transportation inspection, as verified by the police department or for which all fees have not been paid to the city, shall be subject to suspension of the license required by this article;
- G. License Reciprocity: It is unlawful for any person to engage in towing operations within the corporate limits of the city, without first obtaining a regulatory license provided in this article. This regulatory license is in addition to acquiring a valid business license from the city or from another city or county, if the business headquarters is situated outside the city. (Ord. 12-13, 6-13-2012)

4-2S-15: OPERATIONAL REQUIREMENTS:

- A. Identification Tag: Every licensee and employee of the licensee shall wear either: 1) a readily identifiable shirt, blouse, or other top article of clothing with the name of the licensee and the first name of the employee contained thereon and readable from a distance of six feet (6'); or 2) a prominently visible identification badge on the front of his or her clothing with the name of the licensee and the first name of the employee contained thereon and readable from a distance of six feet (6').
- B. Right To Pay By Debit Or Credit Card: Every licensee shall accept a charge placed upon a valid credit or debit card as payment for the impound fee if the person who is redeeming the impounded vehicle prefers to pay with a card instead of cash. The immobilized vehicle shall be promptly released upon request and payment.
- C. Limit On Charge For Vehicles Towed Or Immobilized On Site: No fee greater than eighty dollars (\$80.00) may be charged for release of a vehicle that has been towed or immobilized on site. No fee at all may be charged by the licensee for release of a vehicle or otherwise if the driver returns to the vehicle before immobilization of the vehicle is completed and the driver promptly removes the vehicle from the premises.
- D. Written Contract For Licensee Use Required: No licensee may immobilize a vehicle unless the licensee has a current valid written contract with the property owner authorizing the licensee to immobilize or impound vehicles parked upon their property without permission. All licensees or their employees shall have in their possession on the site where the vehicle is immobilized either: 1) a copy of the agreement; or 2) a statement of authorization for the licensee signed by the property owner and shall show either said agreement or said authorization upon demand by a city official or upon demand of the person redeeming the vehicle.
- E. Location Of Immobilization Apparatus: Any equipment used to immobilize a vehicle shall be placed on the driver's side of the vehicle, whenever practicable.
- F. Notice Of Immobilization Required: No licensee may immobilize a vehicle without placing a notice on the driver's door window using words and/or symbols that reasonably inform the driver that the vehicle has been immobilized.

- G. Minimum Immobilization Period, Before Removal: If a vehicle has been immobilized, it may not be removed from the site sooner than two (2) hours from the time it was immobilized.
- H. Licensed Towing Company Required For Tow: No vehicle may be removed from the site unless it is removed by a towing service licensed by the city.
- I. Required Response Times: Any licensee who has no employee on site authorized to release the vehicle must promptly respond to the site, but in no event longer than one-half ($\frac{1}{2}$) hour of a request for release of a vehicle. The person responding must have full authority to act for the licensee and shall have a copy of the agreement or statement of authorization with them as required by subsection D of this section. (Ord. 12-13, 6-13-2012)

4-2S-16: DUTY TO TOW TO CLOSE LOCATION:

The city determines that all persons have a right and an expectation that when a vehicle is subject to impound and towing that the vehicle will not be moved to a place greatly in excess of the city limits without the consent of the owner or operator of the vehicle to be towed. (Ord. 12-13, 6-13-2012)

ARTICLE T. TOBACCO SPECIALTY BUSINESSES

4-2T-1: LICENSE REQUIRED:

4-2T-2: SPACING REQUIREMENTS:

4-2T-3: SPECIAL LICENSE REVOCATION:

4-2T-4: PREEXISTING TOBACCO SPECIALTY BUSINESSES:

4-2T-1: LICENSE REQUIRED:

It shall be unlawful to operate as a tobacco specialty business within the city without first obtaining a valid city business license and a city tobacco specialty business license. (Ord. 13-14, 3-27-2013)

4-2T-2: SPACING REQUIREMENTS:

- A. Spacing Requirements Enumerated: A city tobacco specialty business license shall not be granted to any tobacco specialty business if such business is located within:
 - 1. One thousand feet (1,000') of a community location;
 - 2. Six hundred feet (600') of another tobacco specialty business; or
 - 3. Six hundred feet (600') from property used or zoned for:
 - a. Agriculture use; or
 - b. Residential use.
- B. Measurement Protocol: For purposes of the spacing provided in subsection A of this section, the proximity shall be measured in a straight line from the nearest entrance of the tobacco specialty business to the nearest property boundary of any other tobacco specialty business, community location, or agricultural or residential use, without regard to intervening structures or zoning districts. (Ord. 13-14, 3-27-2013)

4-2T-3: SPECIAL LICENSE REVOCATION:

In addition to the other grounds for license revocation provided in chapter 1 of this title, the city may revoke a tobacco specialty business license:

- A. If a licensee engages in a pattern of unlawful activity under Utah code title 76, chapter 10, part 16, pattern of unlawful activity act; or
- B. If a licensee violates the regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents issued by the United States food and drug administration, 21 CFR part 1140. (Ord. 13-14, 3-27-2013)

4-2T-4: PREEXISTING TOBACCO SPECIALTY BUSINESSES:

- A. Preexisting Tobacco Specialty Businesses Exempted: In accordance with subsection B of this section, a tobacco specialty business that has a city business license and is operating lawfully within the city on or before May 8, 2012, is exempt from section 4-2T-2 of this article.
- B. Limitations On Exemption: A preexisting tobacco specialty business may maintain an exemption under subsection A of this section, if:
 - 1. All required licenses are renewed continuously without lapse or revocation;
 - 2. The tobacco specialty business is not closed or otherwise suspends the sale of tobacco products for more than sixty (60) consecutive days;
 - 3. The tobacco specialty business does not substantially change the business premises or its business operation; and
 - 4. The tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and any business or county license issued prior to May 8, 2012. (Ord. 13-14, 3-27-2013)

ARTICLE U. RESIDENTIAL TREATMENT FACILITIES

4-2U-1: PURPOSE:

4-2U-2: PROVISIONS APPLICABLE TO ALL RESIDENTIAL TREATMENT FACILITIES:

4-2U-3: INDIVIDUALIZED RESIDENT ASSESSMENTS:

4-2U-4: LICENSING:

4-2U-5: REASONABLE ACCOMMODATION:

4-2U-6: APPEAL:

4-2U-1: PURPOSE:

- A. The purpose of this chapter is to establish licensing requirements that are not contrary to law for residential treatment facilities in order to promote the health, safety, morals and general welfare of the public.

- B. It is the intent of the city to comply with the Utah fair housing act, the fair housing amendments act of 1988 (42 USC section 3601 et seq.), and section 504 of the federal rehabilitation act of 1973 et seq.
- C. It is the intent of the city, to the extent allowed by law, to maintain the residential character of a residential neighborhood consistent with the general plan. (Ord. 16-06, 1-13-2016)

4-2U-2: PROVISIONS APPLICABLE TO ALL RESIDENTIAL TREATMENT FACILITIES:

Each residential treatment facility shall:

- A. Conform To Applicable State And Local Requirements: Conform to all state and local building, safety, health, and zoning requirements applicable to residential treatment facilities in the zone in which it is located.
- B. Maintain Residential Character Of Facility: A residential treatment facility located in an existing residential dwelling shall be capable of use as a residential treatment facility without structural or landscaping alterations that would change the structure's residential character. Any new structure constructed for use as a residential treatment facility shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity and will not create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.
- C. Conform To Relevant State Standards And Have Appropriate Licensure: Conform to all applicable standards and requirements of the Utah department of human services and/or the Utah department of health. The owner/operator shall obtain all licenses required by the state to operate such a facility.
- D. Provide Adequate Parking: Provide at minimum one off street parking stall for each resident or caregiver who drives an automobile to the facility, to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the reasonably anticipated number of visitors.
- E. Possess A Valid City Business License: The owner/operator of a residential treatment facility shall possess at all times the appropriate city business licenses (a general license and a special license) covering the facility.
- F. Occupying Resident Restrictions: The residential treatment facility is occupied only by resident individuals subject to care and supervision and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving persons with a disability 24/7 and not primarily as a benefit of employment to the staff member. The residential treatment facility shall not house more than two (2) persons within a single bedroom, and shall have no fewer than one toilet and wash basin for every three (3) resident individuals subject to care and supervision.
- G. Voluntary Residency: Residency in a residential treatment facility shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in neither a correctional facility nor a condition of probation or parole. A residential treatment facility shall not include any persons referred by the Utah state department of corrections or any adult or juvenile court.
- H. No Tenants Who Constitute Direct Threat To Health Or Safety: The residential treatment facility shall not be made available to or occupied by any person whose tenancy may constitute a direct threat to the health or safety of other individuals or whose tenancy may result in substantial physical damage to the property of others.

- I. No Outpatient Treatment: The residential treatment facility shall not provide professional counseling, treatment, therapy, or other treatment for any nonresidents. (Ord. 16-06, 1-13-2016)

4-2U-3: INDIVIDUALIZED RESIDENT ASSESSMENTS:

- A. The owner or operator of a residential treatment facility shall conduct an individualized assessment of each person who proposes to become a resident of the facility to determine if such person: 1) may constitute a direct threat to the health or safety of other individuals or whose tenancy may result in substantial physical damage to the property of others prior to allowing occupancy of the facility by such person or 2) has been convicted by any court of competent jurisdiction of the illegal use, manufacture or distribution of a controlled substance as defined by 21 USC 802.
- B. The assessment shall consider any relevant information, including, but not limited to, prior criminal or violent acts of each individual, the amount of time that has elapsed since the commission of any such acts, and the treatment or medication received by the individual that may have eliminated the direct threat. In the case of any resident or potential resident who has committed an offense requiring registration with any sex offender registry, the individualized assessment shall include a psychosexual evaluation of such person performed by a duly licensed psychiatrist or an individual holding a Ph.D. in psychology. The residential treatment facility is responsible to accomplish any required sex offender registrations by any of its residents.
- C. Within seven (7) days of opening any residential treatment facility, and at least quarterly thereafter, the person or entity licensed or certified by the applicable regulatory state agency shall certify in a sworn affidavit to the city business license authority that based on the individualized assessment performed for each resident, no person will or does reside in the facility whose tenancy may constitute a direct threat to the health or safety of other individuals or whose tenancy may result in substantial physical damage to the property of others or has been convicted by any court of competent jurisdiction of the use, illegal manufacture or distribution of a controlled substance as defined by 21 USC 802. (Ord. 16-06, 1-13-2016)

4-2U-4: LICENSING:

- A. Any license issued pursuant to this chapter shall be nontransferable and shall terminate if the structure is devoted to a use other than a residential treatment facility, the facility fails to comply with all applicable building, safety, health, and zoning requirements of this code, or the licensing state agency suspends, revokes, or materially changes the classification of the permitted activities at the facility.
- B. The general licensing procedures of this title shall apply to the granting, renewal, suspension, or revocation of any license application or license as a residential facility for persons with a disability. (Ord. 16-06, 1-13-2016)

4-2U-5: REASONABLE ACCOMMODATION:

An applicant or license holder who desires to request a reasonable accommodation from any of the requirements of this article based on the Utah fair housing act, the fair housing amendments act of 1988 (42 USC section 3601 et seq.), and section 504 of the federal rehabilitation act of 1973 et seq., shall have the right to make such request in writing to the city ~~manager~~ administrator. (Ord. 16-06, 1-13-2016; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

4-2U-6: APPEAL:

- A. An applicant or license holder who is denied a license to operate a residential treatment facility, or whose license is revoked, or who is denied a reasonable accommodation, shall have the right to appeal such action to the city ~~manager~~ administrator at an informal nonpublic hearing.
- B. The notice of appeal shall be in writing and shall be delivered to the city recorder either in person or by certified U.S. mail. A notice of appeal must be filed within ten (10) business days of the person's receipt of notice of a denial of a license, revocation of a license or denial of an accommodation. The notice of appeal shall identify the appellant and state with specificity the grounds for appeal.
- C. The hearing shall be held no later than twenty (20) business days following the city's receipt of the applicant's notice of appeal. The hearing will be held by the city ~~manager~~ administrator or a designee.
- D. Within ten (10) business days of the hearing, the city ~~manager~~ administrator or the designee shall make written findings and issue a decision.
- E. Any applicant or license holder who is aggrieved by the city ~~manager's~~ administrator's decision may file for relief in any court of competent jurisdiction within thirty (30) days following the date of the city ~~manager's~~ administrator's decision. (Ord. 16-06, 1-13-2016; amd. Ord. 19-__, -__-2019, Effective at 12 noon on January 6, 2020)

ARTICLE V. MOBILE FOOD BUSINESS

4-2V-1: PURPOSE AND INTENT:

4-2V-2: DEFINITIONS:

4-2V-3: MOBILE FOOD BUSINESS ALLOWED:

4-2V-4: APPLICATION FOR A BUSINESS LICENSE:

4-2V-5: SEPARATE APPLICATIONS:

4-2V-6: FEES; ANNUAL OPERATION:

4-2V-7: BUSINESS ACTIVITY TO BE TEMPORARY:

4-2V-8: USE OF PUBLIC RIGHT-OF-WAY:

4-2V-9: DESIGN AND OPERATION GUIDELINES:

4-2V-10: SIGNS:

4-2V-11: PROFESSIONAL AND PERSONAL SERVICES PROHIBITED:

4-2V-12: COMPLIANCE RESPONSIBILITY:

4-2V-13: SPECIAL EVENTS:

4-2V-14: FOOD TRUCK EVENTS:

4-2V-1: PURPOSE AND INTENT:

The City Council expressly finds that mobile food businesses within public streets pose special dangers to the public health, safety and welfare of residents in the City of West Jordan. It is the purpose and intent of the City Council, in enacting this chapter, to provide responsible companies and individuals who engage in the operation of mobile food businesses with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community. (Ord. 17-29, 5-24-2017)

4-2V-2: DEFINITIONS:

EVENT PERMIT: A permit that a political subdivision issues to the organizer of a public food truck event located on public property.

FOOD CART: A cart:

- A. That is not motorized; and
- B. That a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.

FOOD TRUCK: A fully encased food service establishment:

- A. On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
- B. 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.
- C. "Food truck" does not include a food cart or an ice cream truck.

FOOD TRUCK EVENT: An event where an individual has ordered or commissioned the operation of a food truck at a private or public gathering.

FOOD TRUCK OPERATOR: A person who owns, manages, or controls, or who has the duty to manage or control, the operation of a food truck.

FOOD TRUCK VENDOR: A person who sells, cooks, or serves food or beverages from a food truck.

HEALTH DEPARTMENT FOOD TRUCK PERMIT: A document that a local Health Department issues to authorize a person to operate a food truck within the jurisdiction of the local Health Department.

ICE CREAM TRUCK: A fully encased food service establishment:

- A. On a motor vehicle or on a trailer that a motor vehicle pulls to transport;
- B. From which a vendor, from within the frame of the vehicle, serves ice cream;
- C. That attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and
- D. That may stop to serve ice cream at the signal of a patron.

LOCAL HEALTH DEPARTMENT: The same as that term is defined in Utah Code Annotated section 26A-1-102.

POLITICAL SUBDIVISION:

- A. A city, town, or metro township; or
- B. A county, as it relates to the licensing and regulation of businesses in the unincorporated area of the County.

TEMPORARY MASS GATHERING:

- A. An actual or reasonably anticipated assembly of five hundred (500) or more people that continues, or reasonably can be expected to continue, for two (2) or more hours per day; or
- B. An event that requires a more extensive review to protect public health and safety because the event's nature or conditions have the potential of generating environmental or health risks.
- C. "Temporary mass gathering" does not include an assembly of people at a location with permanent facilities designed for that specific assembly. (Ord. 17-29, 5-24-2017)

4-2V-3: MOBILE FOOD BUSINESS ALLOWED:

- A. No person shall operate a mobile food business, without first having obtained a business license from the City in accordance with this title, or its successor and in accordance with Utah Code Annotated 11-55-101, et seq., or its successor.
- B. Mobile food truck vehicles are allowed to operate in the public right-of-way only within the following zones: PC, BR-P, C-G, C-M, SC-1, SC-2, SC-3, M-P, M-1, M-2, P-F, CC-C, CC-F, VLSFR, LSFR, MFR, HFR, MU and in accordance with the provisions of this article.
- C. Provisions found in this section shall not apply to vending carts, mobile ice cream vendors, seasonal farm stands and other temporary merchants or uses that are specifically authorized by this title or other City ordinances. (Ord. 17-29, 5-24-2017)

4-2V-4: APPLICATION FOR A BUSINESS LICENSE:

Application for all mobile food businesses shall be made with the City Business Licensing Division, prior to the commencement of operation.

- A. If the food truck operator does not have a current and valid license with another governmental agency in the State of Utah, the applicant shall submit the following information:
 - 1. Name and address of applicant.
 - 2. Name and address of the approved commercial supply source and primary business licensed food establishment, if applicable.
 - 3. License plate number of application food truck.
 - 4. A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.
 - 5. A description of the vehicle to be used in conducting business including, but not limited to, a description of any method to display food or products to be offered for sale.
 - 6. The anticipated volume of food to be stored, prepared and sold.
 - 7. A valid copy of all necessary licenses or permits required by State or local Health and Transportation Authorities, including a valid Health Department food truck permit and a current approval of a political subdivision that the food truck being licensed has passed a fire safety inspection.

8. Each applicant for a license or renewal under this article shall submit, with its application, a certificate of insurance executed by an insurance company or association authorized to transact business in this State, approved as to form by the City Attorney, that there is in full force and effect general liability insurance in an amount not less than amounts as set forth in Utah Code Annotated section 63G-7-603, as amended, or its successor. Such policy or policies shall include coverage of all motor vehicles used in connection with applicant's business. A current certificate of insurance shall be kept on file with the City Recorder at all times that applicant is licensed by the City verifying such continuing coverage and naming the City as an additional insured. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage without reservation of nonliability for failure to so notify the City. Cancellation shall constitute grounds for revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.

9. A signed statement that the permittee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees for any claims for damage to property or injury to persons arising from any activity carried on under the terms of the permit.

10. Where applicable, the written consent of the property or business owner.

B. If the food truck operator does have a current and valid business license with another governmental agency in the State of Utah, the applicant shall submit the following information:

1. Name and address of applicant.

2. Name and address of the approved commercial supply source and primary licensed food establishment, if applicable.

3. License plate number of application food truck.

4. A valid copy of all necessary licenses or permits required by State or local Health and Transportation Authorities, including a valid business license issued by another governmental political subdivision of the State of Utah, a valid Health Department food truck permit and a current approval of a political subdivision that the food truck being licensed has passed a fire safety inspection.

5. Each applicant for a license or renewal under this article shall submit, with its application, a certificate of insurance executed by an insurance company or association authorized to transact business in this State, approved as to form by the City Attorney, that there is in full force and effect general liability insurance in an amount not less than amounts as set forth in Utah Code Annotated section 63G-7-603, as amended, or its successor. Such policy or policies shall include coverage of all motor vehicles used in connection with applicant's business. A current certificate of insurance shall be kept on file with the City Recorder at all times that applicant is licensed by the City verifying such continuing coverage and naming the City as an additional insured. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage without reservation of nonliability for failure to so notify the City. Cancellation shall constitute grounds for revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.

6. A business license issued by the City of West Jordan in this subsection shall expire on the same day as the business license presented in the proceeding provision. (Ord. 17-29, 5-24-2017)

4-2V-5: SEPARATE APPLICATIONS:

Separate business license applications shall be required for each mobile food business. Separate business license fees shall be required for each mobile food business vehicle operating under one (1) business license to insure it has met the health and fire requirements. (Ord. 17-29, 5-24-2017)

4-2V-6: FEES; ANNUAL OPERATION:

No license shall be issued or continued in operation unless the holder thereof has paid the pertinent business regulatory fees set forth in the City of West Jordan's Uniform Fee Schedule.

A business license issued by subsection 4-2V-4B of this article shall be at a reduced amount and may only charge in an amount that reimburses the City for the cost of regulating the food truck. (Ord. 17-29, 5-24-2017)

4-2V-7: BUSINESS ACTIVITY TO BE TEMPORARY:

All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within a twenty four (24) hour period at any one (1) premises or location. (Ord. 17-29, 5-24-2017)

4-2V-8: USE OF PUBLIC RIGHT-OF-WAY:

Each mobile food business, offering food from or on motorized vehicles within the public right-of-way, shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license, and is a Class B misdemeanor:

- A. Mobile food businesses shall obey all parking and traffic regulations.
- B. Parking on a park strip, or otherwise landscaped area, is not allowed.
- C. Mobile food truck vehicles utilizing the parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food truck vehicles must be parked so that neither the vehicle nor the customers block driveways of existing buildings or uses.
- D. The operator shall locate the vending window facing away from the street. Mobile food truck vehicles manufactured to vend out the rear of the vehicle must obtain special permission from the Transportation Division to operate in the public right-of-way.
- E. The mobile food truck vehicle shall use positive action to assure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage.
- F. The operator of the mobile food truck vehicle shall not sell to any person standing in the roadway unless approved by the Transportation Division.
- G. Mobile food truck vehicles shall not operate on public streets where the speed limit exceeds forty five (45) miles per hour.
- H. Any auxiliary power required for the operation of the mobile food truck shall be self-contained. No use of public or private power sources are allowed without providing written consent from the owner.
- I. All motorized vehicles of the applicant and operators shall comply with all other requirements of this article and any other requirements of ordinance or statute that may be applicable.

- J. All materials generated from a mobile food business that are to be disposed of should be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system. (Ord. 17-29, 5-24-2017)

4-2V-9: DESIGN AND OPERATION GUIDELINES:

Mobile food trucks operating in the public right-of-way shall comply with the following design requirements:

- A. The mobile food truck shall not have a drive-through.
- B. Mobile food truck vehicles shall be kept in good operating condition.
- C. No mobile food truck vehicle operating in the public right-of-way shall operate within the same block face of another mobile food vendor at any one time.
- D. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition.
- E. Trash and recycling containers shall be provided for use of the business patrons.
- F. Any enclosures or canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto the public sidewalk or any other part of the public right-of-way not authorized by the Transportation Division. (Ord. 17-29, 5-24-2017)

4-2V-10: SIGNS:

No signs shall be used to advertise the conduct of the mobile business at the premises other than that which is physically attached to the vehicle, except temporary signs authorized by title 12 of this Code. (Ord. 17-29, 5-24-2017)

4-2V-11: PROFESSIONAL AND PERSONAL SERVICES PROHIBITED:

The performance of professional or personal services for sale shall not be provided from a mobile food truck. (Ord. 17-29, 5-24-2017)

4-2V-12: COMPLIANCE RESPONSIBILITY:

The food truck operator and/or food truck vendor shall not be relieved of any responsibility for compliance with the provisions of this article, whether the holder pays salary, wages or any other form of compensation to drivers. (Ord. 17-29, 5-24-2017)

4-2V-13: SPECIAL EVENTS:

The restrictions of this article notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses, other than those licensed under this article, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events (special event vendors). However, as long as the public right-of-way remains open to the general public, such authorization of special event vendors shall not require removal of a permittee under this article from operating within his/her designated permit operating location or a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under the City's ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, the mobile food business may not access that right-of-way unless specifically authorized by the City. (Ord. 17-29, 5-24-2017)

4-2V-14: FOOD TRUCK EVENTS:

- A. A food truck operator attending a food truck event shall acquire a business license under the terms of this article unless:
 - 1. If food truck operator has a business license from any political subdivision within the State, the City may not require a food truck operator to obtain an additional business license to operate a food truck at a food truck event that:
 - a. Takes place on private property within the political subdivision; and
 - b. Is not open to the public.
- B. The City may not require a food truck operator to obtain an event permit to operate a food truck at a food truck event that takes place on private property within the political subdivision, regardless of whether the event is open or closed to the public.
- C. The organizer of the food truck event may obtain the event permit on behalf of the food trucks that service the event.
- D. Nothing in this section prohibits a County Health Department from requiring a permit for a temporary mass gathering. (Ord. 17-29, 5-24-2017)