

## Attachment 1

**[Attachment to ORDINANCE NO. 22-51**

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
(GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS;  
AMENDING CITY CODE SECTIONS 4-1A-1 THROUGH 4-1D-5 INCLUSIVE)]**

**Legislative Version:**

## TITLE 4

## BUSINESS AND LICENSE REGULATIONS

# CHAPTER 1

## GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS

## ARTICLE A. GENERAL PROVISIONS

## SECTION:

#### 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.

ACCESSORY DWELLING UNIT: A separately leasable dwelling unit on a subdivided lot that is incidental to the principal dwelling unit, as further described in title 13.

ADULT: A person who is either: (a) "emancipated" pursuant to the definition in Utah Code Ann. section 80-7-102 or successor provisions; or (b) age eighteen (18) years of age or older; and who is not the subject of a court order for guardianship which limits the person's rights. For purposes of alcohol, tobacco, and other substances, the applicable definitions in the Utah Code Ann. should be used.

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

71 C. Features persons who appear in live performances in a state of nudity, or which are  
72 characterized by the exposure of specified anatomical areas or by specified sexual  
73 activities.

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

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

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

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

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

85 APPLICANT: A person or business possessing a business license from the city, and any  
86 person or business seeking a business license from the city. If the application is made by a  
87 corporation, partnership, limited partnership, individual or business entity (as defined in  
88 this section) doing business under an assumed name, each partner, principal, officer,  
89 director, manager, assistant manager, and any shareholder (corporate or personal) of more  
90 than twenty percent (20%) fifty one percent (51%) or more of the stock of the business  
91 entity shall also be considered an applicant. Any holding company or any entity holding  
92 more than twenty percent (20%) fifty one percent (51%) or more of an applicant shall be  
93 considered an "applicant" for purposes of this title.

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

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

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

99 AUCTIONEER: A person who conducts an auction.

100 AUTOMATIC AMUSEMENT DEVICES: Each machine which, upon the insertion of a coin,  
101 trade token, slug, or similar object, operates, or may be operated, as a game or contest of  
102 skill or amusement of any kind or description, and which contains no automatic payoff for  
103 the return of money to the player. An "automatic amusement device" is hereby further  
104 defined as any machine, apparatus or contrivance which is used, or which may be used, as a  
105 game of skill and amusement wherein, or whereby, the player initiates, employs or directs  
106 any force generated by the machine, but specifically excludes a "musical mechanical  
107 device" as defined in this section. Such term shall include, but is not limited to, such devices  
108 as mechanical or electronic marble machines, pinball machines, skill balls, mechanical grab  
109 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 BACKGROUND CHECK: An original or copy, dated no older than one hundred eighty (180) days prior to the date of the application, of either:

A. A Utah department of public safety bureau of criminal identification, verified criminal history report personal to the applicant; ~~or~~

B. Verification by the Utah department of public safety bureau of criminal identification that no criminal history rising to the level of a "disqualifying factor" (pursuant to the definition in this section or any other applicable meaning) status exists for the applicant; ~~or~~

C. A government-issued and verified criminal history report form the applicant's current state of residence or recent state of residence.

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

145 C. Are of a purity at or exceeding eighty percent (80%), i.e., the item is composed of or  
146 contains eighty (80) parts of gold, silver, platinum and/or palladium to twenty (20) parts of  
147 other metal.

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

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

152 BUSINESS: Means and includes:

153 A. All activities, trades, professions or callings undertaken, operated or engaged in within  
154 the corporate limits of the city of West Jordan carried on for the purpose of economic gain  
155 or economic benefit, except that the acts of employees rendering service to employers shall  
156 not be included in the term "business" unless otherwise specifically prescribed.

157 B. As used in this title, the owning and operating of one or more residential rental units,  
158 whether a single-family home, a residential dwelling complex (such as a duplex, triplex or  
159 larger apartment complex) or mobile home park, or otherwise, for economic gain, ~~or~~  
160 economic benefit, or personal benefit shall be deemed to be a business.

161 C. Activities, trades, professions or callings undertaken, operated, or engaged in for the  
162 purpose of economic gain, ~~or~~ economic benefit, or personal benefit within the confines of a  
163 person's residence building or within or from an ancillary structure on the same property  
164 as the person's residence building will constitute a "business" subject to the requirements  
165 of this title.

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

168 BUSINESS ENTITY: A specific partnership, limited partnership, corporation, association,  
169 limited liability company, or other entity, but not a "dba", listed as "active" and "current" on  
170 the Utah division of corporations' business entity website or the equivalent website of  
171 another state or territory of the United States of America.

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

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

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

180 CHARITABLE ACTIVITIES: Advocating by persons or entities that either are, or support, a  
181 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.

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; or

K. A homeless shelter, for licenses issued after July 1, 2018.

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

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

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

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

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

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

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

240 A. Criminal charges are currently pending against the applicant or a key employee and  
241 the criminal charges bear a substantial relationship to the applicant's or licensee's ability to  
242 safely, competently, or legally practice the occupation, profession, or type of business;

243 B. The applicant or a key employee has been criminally convicted of a felony, within the  
244 last ten (10) years and the criminal conviction bears a substantial relationship to the applicant's  
245 or licensee's ability to safely, competently, or legally practice the occupation, profession, or type  
246 of business;

247 C. The applicant or a key employee has been criminally convicted of a misdemeanor  
248 within the past five (5) years and the criminal conviction bears a substantial relationship to the  
249 applicant's or licensee's ability to safely, competently, or legally practice the occupation,  
250 profession, or type of business;

251 D. A final civil judgment has been entered against the applicant or a key employee within  
252 the last five (5) years indicating that: 1) the applicant or key employee had either engaged  
253 in fraud or intentional misrepresentation; or 2) the applicant or key employee engaged in



254 ~~wilful~~ willful and malicious activity causing injury to another entity or to the property of  
255 another entity;

256 E. The applicant or key employee is currently subject to a protective order based on  
257 physical or sexual abuse issued by a court of competent jurisdiction;

258 ~~F. The applicant is currently on parole or probation to any court, penal institution or~~  
259 ~~governmental entity, including being under house arrest or subject to a tracking device (for~~  
260 ~~this purpose probation includes pleas in abeyance, diversions, etc.); or~~

261 FG. The applicant has an outstanding arrest warrant from any jurisdiction; or

262 GH. The applicant, or any principal of the applicant, has administrative, civil or criminal  
263 citations or charges pending or on appeal, brought or assessed by the state or another  
264 jurisdiction, and based on violations of applicable licensing or regulatory requirements in  
265 connection with the business proposed to be conducted.

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

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

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

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

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

291 ESCORT: Any person who, for pecuniary compensation, dates, socializes, visits, consorts  
292 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 consolidated 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.

331 GROSS SALES:

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

337 B. "Gross sales" shall not include:

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

342 2. The amount of net Utah state sales tax.

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

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

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

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

357 A. Appear nude or seminude in the presence of one or more minors, as defined in this  
358 section persons under the age of eighteen (18);

359 B. Allow, offer or agree to any touching of any other person;

360 C. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of  
361 a minor, or undertaking activities harmful to a minor;

362 D. Allow, offer, commit or agree to any specified sexual activities;

363 E. Allow, offer, agree or permit any person to masturbate in the presence of the  
364 individual contracted to appear nude; or

365 F. Allow, offer or agree for the individual appearing nude to be within five feet (5') of any  
366 other person while performing or while nude or seminude.

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

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

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

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

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

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

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

390 MINOR: Any person under the age of twenty one (21) years who does not meet the  
391 definition of "adult" as set forth in this section, or as otherwise set forth in the applicable  
392 provisions of the Utah Code Ann.

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

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

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

404 NUDE ENTERTAINMENT BUSINESS: Any business, including an adult theater, where  
405 employees perform or appear, in the presence of patrons of the business, in a state of

406 nudity or seminudity. A business shall also be presumed to be a nude entertainment  
407 business if the business holds itself out as such a business. Notwithstanding the foregoing,  
408 "nude entertainment business" does not include:

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

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

414 NUDITY AND STATE OF NUDITY:

415 A. The human body in a state of undress allowing the viewing of the anus, genitals, or  
416 female nipple or areola.

417 B. A state of dress which fails to opaquely cover the anus, genitals, or nipple or areola of  
418 the female breast.

419 NUMBER OF EMPLOYEES: The average number of employees engaged in business at the  
420 place of business each regular working day during the preceding calendar year. ~~In~~  
421 ~~computing such number, each regular full time employee shall be counted as one full time~~  
422 ~~employee and each employee which is not a regular full time employee shall be counted as~~  
423 ~~a part time employee.~~

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

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

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

432 OWNER: The person having ownership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

477 RELIGIOUS BELIEF: Any sincerely held belief, or information for, against, or in conjunction  
478 with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious

479 doctrine, dogma or practice, regardless of whether or not the belief or information is  
480 endorsed by any other person or public or private entity.

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

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

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

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

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

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

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

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

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



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

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

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

527     A. Secondhand metals other than precious metals; or

528     B. Glass, rags, rubber, paper or other articles commonly known as "junk" from a fixed  
529 place of business.

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

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

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

535     B. Secondhand precious gems or any secondhand articles containing any precious gems.

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

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

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

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

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

553 SEXUALLY ORIENTED BUSINESS: An adult bookstore, adult video store, adult motion  
554 picture theater, adult theater, escort service, nude and/or seminude dancing agency, nude  
555 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.

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

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

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

599 SPECIFIED CRIMINAL ACTS: Any act defined in title 76 of the Utah Code Ann. or in titles 6  
600 or 7 of this code as a crime.

601 ~~A. Providing material harmful to minors;~~

602 ~~B. Prostitution or prostitution offenses;~~

603 ~~C. Unlawful sexual intercourse with a minor;~~

604 ~~D. Lewdness or gross lewdness;~~

605 ~~E. Rape;~~

606 ~~F. Object rape;~~

607 ~~G. Forcible sexual abuse;~~

608 ~~H. Contributing to the delinquency of a minor;~~

609 ~~I. Pornographic, obscene harmful materials, or lewd performance offenses;~~

610 ~~J. Any sexual offense involving a child;~~

611 ~~K. Any offense involving theft or dishonest practices;~~

612 ~~L. Any offense against government order;~~

613 ~~M. Racketeering enterprise offenses;~~

614 ~~N. Money laundering and currency transportation reporting offenses;~~

615 ~~O. Furnishing alcohol, drugs or paraphernalia, or sale of firearms to a minor;~~

616 ~~P. Offenses committed in other jurisdictions which are substantially similar to those~~  
617 ~~listed in this definition, regardless of the exact title of the offense; or~~

618 ~~Q. Attempt, aiding, abetting, solicitation, or conspiracy to commit any of the offenses~~  
619 ~~described in this definition.~~

620 SPECIFIED SEXUAL ACTIVITIES: Any sexual act defined in title 76 of the Utah Code Ann. or  
621 in titles 6 or 7 of this code as a crime.

622 ~~A. Acts of:~~

623 ~~1. Masturbation;~~

- 624 — 2. Human sexual intercourse;
- 625 — 3. Sexual copulation between a person and a beast;
- 626 — 4. Fellatio;
- 627 — 5. Cunnilingus;
- 628 — 6. Bestiality; or
- 629 — 7. Anal copulation between two (2) persons or person and a beast.

630 — B. Manipulating, caressing or fondling by any person of:

- 631 — 1. The genitals of a human, including oneself;
- 632 — 2. The pubic area of a human, including oneself; or
- 633 — 3. The covered or uncovered female nipple or areola, including of oneself.

634 — C. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre  
635 costume, or the condition of being fettered, bound or otherwise physically restrained on  
636 the part of one so clothed.

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

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

649 TEMPORARY MERCHANT:

- 650 A. Any person, whether a resident of the city or not, who within the limits of the city:
- 651 1. Engages in a temporary business of selling and/or delivering goods, wares or  
652 services, or who conducts meetings open to the general public where franchises,  
653 distributorships, contracts or business opportunities are offered to the public; or
- 654 2. Sells, offers or exhibits for sale any goods, wares or services, franchises,  
655 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: As defined in Utah Code Ann. subsection 10-8-41.6(1)(h) or successor provisions. 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.

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.

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. 21-04, 2-10-2021)

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)

733 4-1A-4: GENERAL BUSINESS AND SPECIAL BUSINESS LICENSES NEEDED:

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

739

740 ARTICLE B. BUSINESS LICENSES

741 SECTION:

742 4-1B-1: Unlawful To Conduct Business Within The City Without A Business License

743 4-1B-2: Responsibility For Obtaining A Business License

744 4-1B-3: Business License Authority

745 4-1B-4: Powers Of Business License Authority, Including Applicant Investigation:

746 4-1B-5: City Inspection Authority

747 4-1B-6: License Nontransferable; Limited To Licensed Name And Premises

748 4-1B-7: License Application Requirements

749 4-1B-8: Furnishing False Information

750 4-1B-9: Application Numbering And Filing

751 4-1B-10: Engaging In Business Prohibited During Investigation

752 4-1B-11: Applicant Investigation [Reserved]

753 4-1B-12: Issuance Of License

754 4-1B-13: Index Of Licensed Persons And Businesses

755 4-1B-14: License Posting And Display Required

756 4-1B-15: Exemptions For Nonprofit Businesses, Organizations And Other Entities  
757 [Reserved]

758 4-1B-16: License Fees

759 4-1B-17: License Year; Fee Payments And Prorations

760 4-1B-18: Late Payment Penalty And Consequences

761 4-1B-19: Fee Exemptions For Businesses Operating For Profit

762 4-1B-20: Mistakes In Fee Calculations

763 4-1B-21: Deviations Prohibited

764 4-1B-22: License Fee Collection; Civil Actions Authorized

765 4-1B-23: Refunds

766 4-1B-24: No License Transfers; and Change of License Information

767 4-1B-25: Designation Of Agent For Service Of Process

768 4-1B-26: Recordkeeping Required

769 4-1B-27: Illegality Or Deceptive Artifices [Reserved]

770 4-1B-28: Hours Of Operation

771 4-1B-29: Dealing With Certain Minors and Intoxicated and Mentally Deficient Persons

772 Prohibited

773 4-1B-30: License Termination Following Cessation Of Operations

774 4-1B-31: Equivalent Alternative Methods Of Regulation [Reserved]

775

776 4-1B-1: UNLAWFUL TO CONDUCT BUSINESS WITHIN THE CITY WITHOUT A BUSINESS

777 LICENSE:

778 Unless specifically exempt from such requirement in this title or other applicable law, it

779 shall be unlawful for any person to engage in or carry on any business within the City city,

780 without first procuring a business license, or for any person to continue to engage in or

781 carry on a business when the required business license has been suspended or revoked.

782 (Ord. 12-13, 6-13-2012)

783

784 4-1B-2: RESPONSIBILITY FOR OBTAINING A BUSINESS LICENSE:

785 Every person engaging in business within the City city shall apply for and maintain in full

786 force and effect a valid City city business license. (Ord. 12-13, 6-13-2012)

787

788 4-1B-3: BUSINESS LICENSE AUTHORITY:

789 The business license authority shall have responsibility for issuing business licenses and

790 collecting ensuring all license fees are paid and taxes, based on the rates and charges

791 established by law and as set forth in the City's general city's consolidated fee schedule, and

792 assist in the enforcement of civil and criminal actions brought against persons violating this

793 title. (Ord. 12-13, 6-13-2012)

794



4-1B-4: POWERS OF BUSINESS LICENSE AUTHORITY, INCLUDING APPLICANT  
INVESTIGATION:

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 of this Code 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 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.~~

CD. 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.

DE. Time Period Within Which To Act On License; Denial: The business license authority may take up to ninety (90) thirty (30) days from the date when the license completed 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.

EF. Time Extensions: Upon a showing of good cause, the business license authority may grant extensions of time.

FG. 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.

GH. Business License Authority Investigation: The business license authority may, on his or her-its 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 or other investigative organization's assistance or investigations. In particular, 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;

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.

H. 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-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 a code enforcement officer the business license authority to a licensed person or business upon the finding of any code infractions, which shall provide for time sixty (60) days in which to correct such infractions, pursuant to title 16, 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, code enforcement 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.

C. 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)

#### 4-1B-7: LICENSE APPLICATION REQUIREMENTS:

A. ~~Written~~ Application: Applications for licenses and permits required by this title shall be made ~~in writing online~~ 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 business~~ 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%) fifty one percent (51%) or more~~ of the stock of any applicant. Any holding company or any entity holding ~~more than twenty percent (20%) fifty one percent (51%) or more~~ of an applicant shall be considered an applicant for purposes of disclosure under this article.

3. Signatories: Identification by all ~~corporations, partnerships or noncorporate business~~ entities included on the application of each individual authorized by the ~~corporation, partnership or noncorporate business~~ entity to sign the checks for such ~~corporation, partnership or noncorporate business~~ 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 each applicant is a person, as defined in section 4-1A-2, and is either (a) an individual who is a U.S. citizen and an adult, as defined in section 4-1A-2, or (b) a business entity, as defined in section 4-1A-2; provided that the business license authority is empowered to waive this the 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.~~

~~67.~~ License Type: The kind of license desired, stating in detail the business to be performed, practiced or carried on.

~~78.~~ License Class: The class of license desired, if the particular business activity has special licenses divided into classes.

~~89.~~ 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.

~~940.~~ 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.~~

~~1012.~~ Application Fee: A nonrefundable application fee in an amount adopted by the city council in its uniform consolidated 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 willfully 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 willfully 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. All license applications shall be numbered according to the licensing software used by the business license authority. (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:~~ [Reserved]

~~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 legal requirements met, or shall deny the license if the legal requirements are not met.

B. Formal Requirements: All certificates of licenses 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 license 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)

1016 4-1B-13: INDEX OF LICENSED PERSONS AND BUSINESSES:

1017 The business license authority shall keep a registry containing the names of the businesses  
1018 and persons holding business licenses. (Ord. 12-13, 6-13-2012)

1019

1020 4-1B-14: LICENSE POSTING AND DISPLAY REQUIRED:

1021 Every ~~certificate of~~ license issued shall be posted by the applicant in a conspicuous place  
1022 upon the wall of the building, room or office of the store or place in which such licensed  
1023 business is carried on, so that the same may be easily seen, and when such ~~certificate of~~  
1024 license shall have expired or be revoked or suspended, it shall be removed by the applicant  
1025 from such place in which it has been posted; and no ~~certificate of~~ license which is not in  
1026 force and effect shall be permitted to remain posted upon the wall or any part of any room,  
1027 store, office or place of business after the period of such ~~certificate of~~ license has expired. It  
1028 shall be the duty of each and every person and business holding a business license from the  
1029 city to show the license ~~certificate~~ at any proper time when requested so to do by any  
1030 police officer or license inspector. Any person holding a separate business license must  
1031 have such license on their person at all times during the business activity. (Ord. 12-13, 6-  
1032 13-2012)

1033

1034 4-1B-15: EXEMPTIONS FOR NONPROFIT BUSINESSES, ORGANIZATIONS AND OTHER  
1035 ENTITIES [Reserved]:

1036 The provisions of this title shall not be deemed or construed to require the payment of a  
1037 license fee for the issuance of a license to any institution or organization which is  
1038 conducted, managed or carried on wholly for the benefit of charitable purposes from which  
1039 profit is not derived, directly or indirectly, by any person; nor shall the payment of a license  
1040 fee be required to issue a license for the conducting of any entertainment, concert,  
1041 exhibition or lecture whenever the receipts from such are to be appropriated to any  
1042 church, school, governmental entity, or nonprofit organization. (Ord. 12-13, 6-13-2012)

1043

1044 4-1B-16: LICENSE FEES:

1045 Annual license and other fees shall be those periodically adopted by the city council in its  
1046 uniform consolidated fee schedule. (Ord. 12-13, 6-13-2012)

1047

1048 4-1B-17: LICENSE YEAR; FEE PAYMENTS AND PRORATIONS:

1049 A. Fees To Be Paid In Advance In U.S. Legal Tender: All license fees shall be paid in  
1050 advance in legal tender of the United States at the main office of the city online through the  
1051 city's payment portal.

1052 B. License Year; Renewal Date; Prorations:



1. License Year; Good Landlord Program: Except for any first year prorations, 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 provide the business license authority with a copy of the certificate of completion, 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)

1093

1094 4-1B-18: LATE PAYMENT PENALTY AND CONSEQUENCES:

1095 A. Late Renewal Fee Penalties: If a license renewal fee is not paid by the due date, a  
1096 penalty in the amount provided in the **uniform consolidated** schedule of fees and service  
1097 charges shall be added to the original amount.

1098 B. Duty To Cease Business Operations: Any person holding a business license from the  
1099 city whose license renewal fee and accrued penalties remain unpaid for thirty (30)  
1100 calendar days from the original due date shall terminate business operations. No business  
1101 shall be conducted thereafter by such person, **unless and** until:

1102 1. The business license authority approves a reinstatement application or petition for  
1103 renewal of a license following payment of all overdue fees and costs; or

1104 2. A new license application is filed and a new license issued by the business license  
1105 authority.

1106 C. Initial Fee Nonpayment Penalty: When any person engages in any business or  
1107 occupation requiring a license and fee by the provisions of this title, or engages in any  
1108 additional activities which require an additional license and fee, without first paying the  
1109 required license fee, a penalty in the amount provided in the **uniform consolidated**  
1110 schedule of fees and service charges shall be added to the original amount thereof.

1111 D. Collection: All penalties provided for in this section shall be collected by the business  
1112 license authority and the payment thereof shall be enforced by him or her in the same  
1113 manner as the license fees are collected and payment enforced.

1114 E. No License Issuance: No license shall be issued, until all penalties legally assessed  
1115 have been paid in full.

1116 F. Other Enforcement Not Precluded: Nothing in this section shall be construed to  
1117 prevent or in any manner interfere with the enforcement of any criminal or civil penalty  
1118 provision contained in any other title of this code, including, but not limited to, those  
1119 provisions pertaining to operation of businesses without a current and valid business  
1120 license. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015)

1121

1122 4-1B-19: FEE EXEMPTIONS FOR BUSINESSES **OPERATING FOR PROFIT**:

1123 Although they shall apply in all respects for the obtaining of a business license pursuant to  
1124 this title, the following persons are exempt from the payment of license fees:

1125 A. **Building Contractors**: Building contractors having no retail product sales and who pay  
1126 construction permit fees, pursuant to applicable city ordinances, but do not have an actual  
1127 business location within city limits. However, contractors who operate a construction  
1128 business from a home located within the city are not exempt.

1129 B. Insurance Companies: Insurance companies paying license fees to the state pursuant  
1130 to the provisions of Utah Code Annotated title 31A, chapter 1, or any successor provisions.

1131 C. Nonprofit/Charitable Organizations: The provisions of this title shall not be deemed or  
1132 construed to require the payment of a license fee for the issuance of a license to any  
1133 institution or organization which is conducted, managed or carried on wholly for the  
1134 benefit of charitable purposes from which profit is not derived, directly or indirectly, by  
1135 any person; nor shall the payment of a license fee be required to issue a license for the  
1136 conducting of any entertainment, concert, exhibition or lecture whenever the receipts from  
1137 such are to be appropriated to any church, school, governmental entity, or nonprofit  
1138 organization. (Ord. 12-13, 6-13-2012)

1140 4-1B-20: MISTAKES IN FEE CALCULATIONS:

1141 In no event shall any mistakes made by an applicant or the city in the calculation of a  
1142 license fee prevent or prejudice the collection by the city of the amount actually due from  
1143 any person subject to licensing under this title. Likewise, no such mistakes shall prevent or  
1144 prejudice the refund to licensees of amounts overpaid by reason of mistakes. (Ord. 12-13,  
1145 6-13-2012)

1147 4-1B-21: DEVIATIONS PROHIBITED:

1148 No greater or lesser amounts shall be charged or received for licenses, and no license shall  
1149 be issued for any period of time other than as specifically provided in this title. (Ord. 12-13,  
1150 6-13-2012)

1152 4-1B-22: LICENSE FEE COLLECTION; CIVIL ACTIONS AUTHORIZED:

1153 A. Civil Actions: In all cases where a city ordinance requires that a license be obtained to  
1154 carry on or to engage in any business, occupation or calling within the city, and a fee for  
1155 such license is authorized by ordinance, and the fee is not paid at the time or in the manner  
1156 provided in said ordinance, a civil action may be brought in the name of the city against the  
1157 person failing to pay such license fee, in any court of this state having jurisdiction of such  
1158 action, to recover the fee and any penalty due, together with reasonable attorney fees and  
1159 reasonable costs of collection. In any case where several or diverse amounts of license fees  
1160 remain due and unpaid by any such person, such several amounts of unpaid license fees  
1161 may be joined as separate causes of action in the same complaint in such civil actions. The  
1162 provisions of title 16 may be utilized, as applicable.

1163 B. Other Enforcement: Nothing in this section shall be construed to prevent or in any  
1164 manner interfere with the enforcement of any penalty provision contained in any  
1165 ordinance of the city, or to prevent or in any manner interfere with the use of any remedy  
1166 available to the city. (Ord. 12-13, 6-13-2012)

1167

1168 4-1B-23: REFUNDS:

1169 No refund shall be made for any fee paid for a license issued pursuant to this title, unless  
1170 the fee paid was incorrect due to a calculation error or not legally owed under the  
1171 provision of this title. (Ord. 12-13, 6-13-2012)

1172

1173 4-1B-24: NO LICENSE TRANSFERS; AND CHANGE OF LICENSE INFORMATION:

1174 Upon the written consent of the business license authority endorsed on the license, licenses  
1175 issued pursuant to the provisions of this title may be transferred from one place of  
1176 business to another, provided the business or person holding the business license remains  
1177 the same and the nature of the business is unchanged. A transfer fee shall be paid in a sum  
1178 established periodically by the city council in its uniform fee schedule. No transfers of  
1179 licenses are allowed. Any change of ownership, business name, address, or other main  
1180 license information shall require a new application for a new license. (Ord. 12-13, 6-13-  
1181 2012)

1182

1183 4-1B-25: DESIGNATION OF AGENT FOR SERVICE OF PROCESS:

1184 A. Duty To Designate Service Of Process Agent: Before any business license shall be  
1185 issued to a person, the applicant shall file with the business license authority an instrument  
1186 naming a true and lawful agent of such applicant with full power and authority to accept  
1187 service or notice of process for or on behalf of such applicant with respect to any matters  
1188 connected with or arising in connection with such license, which agent, for an individual,  
1189 can be him or herself. The instrument shall also state that applicant for the license consents  
1190 and agrees that any service or notice of process shall be made upon the agent and when so  
1191 made shall be taken and held to be valid, as if personally served upon the applicant  
1192 according to the laws of this or any other state, waiving all claim or right of error by reason  
1193 of such acknowledgment of service or manner of service. (Ord. 12-13, 6-13-2012)

1194

1195 4-1B-26: RECORDKEEPING REQUIRED:

1196 Every person liable for the payment of any license fee imposed by this title shall keep all  
1197 records required by law for three (3) years records which accurately state the amount of  
1198 such person's gross annual sales of goods and services. Such records shall also state the  
1199 number of employees of the business in a manner and format which reasonably permits  
1200 the amount of any license fee for which such person to be liable under the provisions of this  
1201 title may be determined. (Ord. 12-13, 6-13-2012)

1202

1203

1204 4-1B-27: ILLEGALITY OR DECEPTIVE ARTIFICES: [Reserved]

1205 Notwithstanding anything else in this title, the business license authority shall not issue a  
1206 business license for any business or business activity which would, in the reasonable  
1207 opinion of the business license authority:

1208 —A. Involve the violation of any city ordinance, county ordinance, state statute or federal  
1209 statute, or lawful regulations issued under such ordinances or statutes;

1210 —B. Involve activities, under the guise of conducting a legitimate business, which are  
1211 fraudulent or deceptive. (Ord. 12-13, 6-13-2012)

1212

1213 4-1B-28: HOURS OF OPERATION:

1214 A. Duty To Post Operating Hours: Every licensed business in the city is required to post  
1215 in plain sight, clearly visible by all participants, the relevant operating hours of said place of  
1216 business.

1217 B. Curfew Law Applicable: Any business accepting or catering to minors shall not be  
1218 operated in a manner contrary to the curfew provisions of any applicable state, county or  
1219 municipal curfew statutes. (Ord. 12-13, 6-13-2012)

1220

1221 4-1B-29: DEALING WITH CERTAIN MINORS AND INTOXICATED AND MENTALLY  
1222 DEFICIENT PERSONS PROHIBITED:

1223 It is unlawful for any person licensed pursuant to this article, or any employee of any  
1224 person licensed pursuant to this article, to receive any items from: (a) a minor, as defined  
1225 in section 4-1A-2, a person who is under eighteen (18) years of age, without the written  
1226 consent of the parent or guardian of such person, or ; or (b) a person who is either  
1227 intoxicated or obviously mentally deficient. (Ord. 12-13, 6-13-2012)

1228

1229 4-1B-30: LICENSE TERMINATION FOLLOWING CESSATION OF OPERATIONS:

1230 Any business license issued pursuant to this article will expire no later than ten (10)  
1231 calendar days following the continuous closure or cessation of business operations for  
1232 which the license was issued, except when cessation or closure is required to repair  
1233 damage caused by flood, fire, earthquake or other natural disaster. (Ord. 12-13, 6-13-2012)

1234

1235 4-1B-31: EQUIVALENT ALTERNATIVE METHODS OF REGULATION: [Reserved]

1236 —A. City Administrator Alternate Regulatory Rules: Whenever a person regulated under  
1237 this chapter and/or chapter 2 of this title alleges that specified requirements are  
1238 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. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-04, 2-10-2021)~~

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

### SECTION:

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 License Appeal Authority Established

4-1C-6: Authority And Duties Of Board Administrative Law Judge as the License Appeal Authority

4-1C-7: Filing An Appeal Of A Denial, Suspension, or Revocation

4-1C-8: Appeal Hearing

4-1C-9: Decision Of License Denial Appeal Board the License Appeal Authority

4-1C-10: Appeal Of License Denial Appeal Board a License Appeal Authority Decision

4-1C-11: Licensing After Revocation

4-1C-12: Validity Of Business License During Appeal

1273 4-1C-1: DENIAL OF A BUSINESS LICENSE:

1274 A. Reasons For Denial: After a person has made application to the city for a business  
1275 license, including a renewal of an existing business license, the application may be denied  
1276 for any lawful reason, including, but not limited to, the following reasons:

1277 1. The business will be involved in activities that will violate a city, county, state or  
1278 federal law or regulation;

1279 2. The business will be involved in activities on the licensed premises which would  
1280 constitute a public nuisance, or otherwise a menace to the health, welfare and peace of the  
1281 city;

1282 3. The business would involve activities by patrons of the business or business activity  
1283 where it could be shown the patrons are reasonably likely to constitute a public nuisance,  
1284 or to commit violations of law;

1285 4. The business is not in compliance with the city zoning standards or requirements  
1286 applicable to the licensed premises;

1287 5. Issuance of the license would result from fraud or misrepresentation of a material  
1288 fact in the procurement of or application for the license;

1289 6. The business or its employees will be undertaking activities which would constitute  
1290 grounds for revocation or suspension of a business license; or

1291 7. Issuance of the license will jeopardize or unreasonably endanger the public health,  
1292 safety or welfare, or the safety or welfare of any individual, because the applicant or a key  
1293 employee:

1294 a. Does not possess the requisite state or federal licensing to conduct the business  
1295 activity for which the city license is applied;

1296 b. Does not possess the required training, experience, professional degrees or  
1297 licensing normally required for or associated with such business activity;

1298 c. Has been guilty of unprofessional conduct, as proscribed by applicable statute or  
1299 regulation or by applicable regulations or standards of conduct promulgated by the  
1300 professional association or regulatory agency normally associated with that business  
1301 activity;

1302 d. Has been criminally convicted of a class B misdemeanor or greater offense and the  
1303 criminal conviction bears a substantial relationship to the applicant's or licensee's ability to  
1304 safely, competently, or legally practice the occupation, profession, or type of business or is  
1305 subject to one or more "disqualifying factors" (as defined in article A of this chapter section  
1306 4-1A-2); or

1307 8. For a new application, nonpayment of a returned check for the required license fees  
1308 at the time the application is made. For a renewal application, nonpayment of the required  
1309 license renewal fees, plus any penalty due under this title;



1310 9. One of the reviewing departments or divisions of the city, whose approvals are  
1311 required under law has lawfully disapproved the application pursuant to any applicable  
1312 provision of the city code or other applicable law;

1313 10. False, or misleading, or incomplete information given on the application;

1314 11. Noncompliance with any requirement or condition imposed in a conditional use  
1315 permit, a variance or a special exception in connection with any location of the proposed  
1316 business activities;

1317 12. Noncompliance with any ~~City, State or Federal Statutes~~ city, state or federal statutes  
1318 or any Health Department regulations governing the applicant's proposed business.

1319 B. Refusal To Renew: The City city may refuse to renew the business license based on  
1320 any of the grounds provided for revocation or suspension of a license in this title arising at  
1321 or before the time of the submittal and consideration of a license application. (Ord. 12-13,  
1322 6-13-2012)

1323  
1324 4-1C-2: REVOCATION OR SUSPENSION OF LICENSE:

1325 A. License Revocable: Under the provisions of this title, the issuance of a license grants  
1326 only a revocable privilege to engage in business and confers no vested rights of any kind or  
1327 nature upon the business or person holding the business license.

1328 B. Revocation Or Suspension: Every business license issued by the City city may be  
1329 revoked or suspended for:

1330 1. Substantiated report of any violation by the licensed person or business or by an  
1331 agent, officer, employee, or invitee of any provisions of this title or any other applicable  
1332 ordinance or law governing the business or activity. The person or business holding a  
1333 business license shall be strictly responsible for the operation of the business or activity in  
1334 conformance with all applicable laws;

1335 2. Substantiated report of fraud or misrepresentation of a material fact in the  
1336 procurement of the license;

1337 3. Failure to pay when due any license fee, tax, charge and/or penalty provided in State  
1338 Statute state statute or City city ordinance;

1339 4. Substantiated report of the violation of City city ordinance or Federal federal or State  
1340 Statute state statute relating to the licensed business and resulting from the conduct of  
1341 such business or activity;

1342 5. Substantiated report of any condition or conduct at or in connection with the  
1343 business;

1344 6. Substantiated report of using or possessing for use a false weight or measure or any  
1345 other device for falsely determining or recording any quantity or quality;

1346 7. Substantiated report of selling, offering or exposing for sale products or commodities  
1347 which vary from the standard of composition or quality described in connection with the  
1348 offer or sale;

1349 8. Substantiated report of activities at or in connection with the business, which are  
1350 fraudulent or deceptive;

1351 9. Substantiated report of failure of the applicant to retain the legal qualifications  
1352 necessary for the business license, including the continuing absence of "disqualifying  
1353 factors" (as defined in article A of this chapter section 4-1A-2); or

1354 10. Substantiated report of failure to properly maintain operational business records  
1355 and other records required in this title for inspection and audit by the City city.

1356 C. Pendency Of License: The City city may revoke or suspend a license for any of the  
1357 grounds listed for denying a license application or a renewal application in this chapter  
1358 arising during the pendency of a business license. (Ord. 12-13, 6-13-2012)

1359  
1360 4-1C-3: PROCEDURE FOR SUSPENSION OR REVOCATION:

1361 The business license authority may prosecute a suspension or revocation administratively  
1362 as provided in title 16 of this Code code, and/or as a Class B misdemeanor. (Ord. 12-13, 6-  
1363 13-2012)

1364  
1365 4-1C-4: EFFECT OF REVOCATION AND SUSPENSION:

1366 A. If the license is revoked, no new application shall be considered by the business  
1367 license authority until expiration of the time period, in any event not less than one year,  
1368 specified in the order of revocation.

1369 B. A suspension shall be for a period not exceeding six (6) months, following which the  
1370 license shall be reinstated. Should the license be under suspension at the time the license  
1371 would have otherwise been renewed or renewable, the license shall not be renewed until  
1372 expiration of the period of time imposed on the original suspension. (Ord. 12-13, 6-13-  
1373 2012)

1374  
1375 4-1C-5: LICENSE DENIAL APPEAL BOARD LICENSE APPEAL AUTHORITY ESTABLISHED:

1376 The administrative law judge license appeal authority shall hear and decide all appeals of  
1377 license denials, suspensions, revocations, and similar actions (collectively referred to as  
1378 "appeals"). The license appeal authority shall have authority to hear evidence in all appeals  
1379 referred to the license appeal authority and, after an appeal hearing, shall prepare a written  
1380 decision and order, as provided in this title and in title 16. Whether as an individual or  
1381 when constituted of more than one person, the person or persons designated to hear an  
1382 appeal shall hereafter be designated as the license denial appeal board license appeal

1383 authority. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on  
1384 January 6, 2020; Ord. 21-04, 2-10-2021)

1385

1386 4-1C-6: AUTHORITY AND DUTIES OF BOARD ADMINISTRATIVE LAW JUDGE AS THE  
1387 LICENSE APPEAL AUTHORITY:

1388 The license denial appeal board shall have authority to hear evidence in all business license  
1389 denial matters referred to the board and, after such hearing, shall prepare a written  
1390 decision and order, as provided herein. Unless the mayor retains by contract another  
1391 individual or individuals to fulfill the responsibilities of the license appeal authority set  
1392 forth in this title, the administrative law judge, identified in title 16, shall be and shall fulfill  
1393 all the responsibilities of the license appeal authority. (Ord. 12-13, 6-13-2012)

1394

1395 4-1C-7: FILING AN APPEAL OF A DENIAL, SUSPENSION, OR REVOCATION:

1396 Appeals of a business license authority's decision to deny, suspend, or revoke a business  
1397 license may be made by filing a written notice of appeal with the city recorder, within  
1398 fifteen (15) days of receipt of the notice of denial, suspension, or revocation. The appeal  
1399 notice shall contain a specific and detailed explanation of the alleged mistake made by the  
1400 business license authority and a specific statement of the relief desired. (Ord. 12-13, 6-13-  
1401 2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-11, 3-  
1402 24-2021)

1403

1404 4-1C-8: APPEAL HEARING:

1405 A. Hearing Date And Time: All hearings shall be conducted at a time, place and day set by  
1406 the license denial appeal board license appeal authority through a written notice of hearing  
1407 provided to all parties. The hearing shall be scheduled to occur no sooner than four (4)  
1408 working days and no later than twenty (20) working days following the city recorder's  
1409 receipt of the notice of appeal and held pursuant to title 16.

1410 B. City Attorney To Present Case: At the hearing, a representative from the city  
1411 attorney's office or another or designee of the business license authority shall present the  
1412 reasons for the decision to deny, suspend, or revoke the license.

1413 C. Licensee Presentation: The applicant, in person or through his or her attorney, may  
1414 then present any evidence and/or argument showing reason why the business license  
1415 authority's decision was in error.

1416 D. Sworn Witnesses: All witnesses, if any, shall be sworn to testify truthfully. Either party  
1417 is entitled to confront and cross examine any witnesses.

1418 E. Evidentiary Rules: Any oral or documented evidence may be received, but the license  
1419 denial appeal board shall exclude all privileged, irrelevant, immaterial, or unduly

1420 ~~repetitious evidence.~~ The license appeal authority shall apply the evidentiary rules  
1421 identified in title 16.

1422 F. Grounds For Decision Under Review: If the denial appealed is based on a  
1423 determination of the business license authority that sufficient grounds existed under city,  
1424 state or federal law, the ~~license denial appeal board~~ license appeal authority may  
1425 reexamine the factual nature of the grounds and determine whether they are sufficient to  
1426 sustain the decision of the business license authority.

1427 G. ~~Board License Appeal Authority~~ Lacks Authority To Waive Compliance With  
1428 Requirements: The ~~license denial appeal board~~ license appeal authority does not have the  
1429 authority to waive compliance with applicable provisions of this title, nor can the license  
1430 denial appeal board or to extend deadlines set forth in this title or in title 16, except as  
1431 specifically identified therein.

1432 H. Preponderance Of Evidence Standard Of Review: All factual determinations made by  
1433 the ~~license denial appeal board~~ license appeal authority shall be supported by a  
1434 preponderance of the evidence, presented to the ~~license denial appeal board~~ license appeal  
1435 authority during hearing proceedings. (Ord. 12-13, 6-13-2012; amd. Ord. 21-11, 3-24-  
1436 2021)

1437  
1438 4-1C-9: DECISION OF ~~LICENSE DENIAL APPEAL BOARD~~ THE LICENSE APPEAL  
1439 AUTHORITY:

1440 A. Date Decision Due; Findings: The ~~license denial appeal board~~ license appeal authority,  
1441 after hearing all the evidence, shall announce its decision within ~~seven (7)~~ fourteen (14)  
1442 calendar days from the date of hearing, unless for good cause, it extends the time for  
1443 rendering a decision. The ~~board~~ license appeal authority may affirm or reverse the decision  
1444 of the business license authority, and may remand the matter for further action by the  
1445 business license authority. The decision shall be in writing and shall be based upon findings  
1446 of fact and conclusions of law. The ~~board~~ license appeal authority may designate that the  
1447 prevailing party draft the findings of fact and order. If the prevailing party drafts the  
1448 decision, the opposing party shall have five (5) working days from the date the draft is  
1449 submitted within which to file objections to the draft. Upon resolution of all objections to  
1450 the draft, the ~~board~~ license appeal authority shall issue its decision.

1451 B. Service Of Appeal Decision: The decision of the ~~license denial appeal board~~ license  
1452 appeal authority shall be delivered to the applicant by mail, postage prepaid, by electronic  
1453 means, or by personal service, at the discretion of the ~~board~~ license appeal authority.

1454 C. Reversal Of Decision: The denial of the license shall be reversed by the ~~appeals officer~~  
1455 license appeal authority if, upon review of the written appeal and information submitted,  
1456 the ~~appeal board~~ license appeal authority finds that the licensing officer made a material  
1457 mistake of law or fact in denying or suspending the applicant's or registered solicitor's  
1458 certificate license.

1459 D. Affirmation Of Decision: If the written appeal and information submitted indicates  
1460 that the licensing officer properly denied a license the denial shall be affirmed.

1461 E. Administrative Exhaustion Of Remedies: After the ruling of the appeal board license  
1462 appeal authority, the applicant or solicitor is deemed to have exhausted all administrative  
1463 remedies with the city. (Ord. 12-13, 6-13-2012)

1464  
1465 4-1C-10: APPEAL OF LICENSE DENIAL APPEAL BOARD A LICENSE APPEAL AUTHORITY  
1466 DECISION:

1467 The license denial appeal board's license appeal authority's decision may be appealed by  
1468 the applicant or the city to the district court within thirty (30) days from the date on which  
1469 the board's license appeal authority's written decision is issued. (Ord. 12-13, 6-13-2012)

1470  
1471 4-1C-11: LICENSING AFTER REVOCATION:

1472 A person, whose business license has been revoked, may not be issued a new license for a  
1473 period of twelve (12) months following the revocation. (Ord. 12-13, 6-13-2012)

1474  
1475 4-1C-12: VALIDITY OF BUSINESS LICENSE DURING APPEAL:

1476 A. Right To Operate During Appeal: A person or business holding a business license  
1477 subject to an order of the business license authority suspending or revoking the license  
1478 may continue to legally operate the licensed business in compliance with federal, state and  
1479 all other local laws pending a final decision on appeal, or until the time for appeal has  
1480 passed, whichever event occurs first.

1481 B. No Right To Operation Without Valid License Having Been Issued: An applicant for a  
1482 currently unlicensed business shall not operate, and it shall be unlawful for any person to  
1483 conduct business for which a license is required at the premises until a valid business  
1484 license is issued, notwithstanding the city's denial of that license has been appealed. (Ord.  
1485 12-13, 6-13-2012)

1493 ARTICLE D. ENFORCEMENT

1494 SECTION:

1495 4-1D-1: Powers And Duties Of Police And Inspectors

1496 4-1D-2: Penalties For Violation

1497 4-1D-3: Effect Of Conviction; Prosecution Not Barred

1498 4-1D-4: Injunction

1499 4-1D-5: Liability For Acts Of Employees

1500

1501 4-1D-1: POWERS AND DUTIES OF POLICE AND INSPECTORS:

1502 A. Authorized Enforcement Personnel:

1503 1. All police officers, community enforcement officers, code enforcement officers, and  
1504 City city building inspectors are appointed to act as business license inspectors, and are  
1505 empowered and required to examine all places of business and persons who are required  
1506 to have a business license and to determine if posted licenses are valid and displayed in a  
1507 conspicuous place within the place of business, as required by law.

1508 2. Police officers and inspectors shall have and exercise the power to enter free of  
1509 charge, during normal business hours, any place open to the general public and for which a  
1510 license is required. They may require the exhibition of a current license by any person  
1511 engaged or employed in the conduct of such business.

1512 B. Duty To Enforce: It shall be the duty of the City city police officers, community  
1513 enforcement officers, code enforcement officers, and the City city building inspectors, as  
1514 well as the City city business license authority, to cause complaints to be filed against all  
1515 persons violating any of the provisions of this title. Enforcement against pawnshops is  
1516 limited as provided in Utah Code section 13-32a-112.5. (Ord. 12-13, 6-13-2012)

1517

1518 4-1D-2: PENALTIES FOR VIOLATION:

1519 A. Administrative Fines And Penalties: If the City Council city council so authorizes, the  
1520 business license authority license appeal authority may assess administrative penalties for  
1521 violations of this title. Such penalties shall not exceed five hundred dollars (\$500.00) for  
1522 each violation.

1523 B. Violation: Any violation of this title may be prosecuted administratively as provided in  
1524 title 16 of this Code code, and/or as a Class B misdemeanor.

1525 C. Each Sale Without A License Is A Separate Offense: The sale of each article by a  
1526 temporary merchant, a temporary merchant sponsor or a participant, without a license

1527 therefor, shall be a separate offense under and a separate violation of this title. (Ord. 12-13,  
1528 6-13-2012)

1529

1530 4-1D-3: EFFECT OF CONVICTION; PROSECUTION NOT BARRED:

1531 The conviction and punishment of any person for transacting business without a license  
1532 shall not excuse or exempt such person from the payment of any license fees, penalties or  
1533 fines due or unpaid at the time of such conviction, and nothing in this title shall prevent a  
1534 criminal prosecution for any violation of the provisions of this title. (Ord. 12-13, 6-13-  
1535 2012)

1536

1537 4-1D-4: INJUNCTION:

1538 An entity or individual who operates or causes to be operated a business without a valid  
1539 license in violation of the provisions of this chapter is subject to a suit for an injunction in  
1540 addition to the civil and criminal violations provided in this chapter and any other remedy  
1541 available at law or in equity. (Ord. 12-13, 6-13-2012)

1542

1543 4-1D-5: LIABILITY FOR ACTS OF EMPLOYEES:

1544 The holder of a City city business license is strictly liable for any and all acts of his or her  
1545 own employees and for any violation by them of any provisions of this title. (Ord. 12-13, 6-  
1546 13-2012)