

1 **Attachment 1**

2
3 **[Attachment to ORDINANCE NO. 22-51**

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

7
8 **Legislative Version:**

9
10 **TITLE 4**

11 **BUSINESS AND LICENSE REGULATIONS**

12
13 **CHAPTER 1**

14 **GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS**

15
16 **ARTICLE A. GENERAL PROVISIONS**

17 **SECTION:**

18 4-1A-1: Purpose

19 4-1A-2: Definitions

20 4-1A-3: Applicability Of This Chapter

21 4-1A-4: General Business And Special Business Licenses Needed

22
23 **4-1A-1: PURPOSE:**

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

30
31 **4-1A-2: DEFINITIONS:**

32 The following words, terms and phrases, when used in this title, shall have the meanings
33 ascribed to them in this section, except where the context clearly indicates a different

34 meaning. The definitions in this section are also applicable to all subsequent chapters in
35 this title.

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

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

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

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

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

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

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

61 ADULT MOTION PICTURE THEATER: A commercial establishment which:

62 A. Excludes minors from the showing of two (2) consecutive exhibitions; repeated
63 showings of any single exhibition shall not be considered a consecutive exhibition; or

64 B. Shows for any form of consideration motion pictures, slides, or similar photographic
65 reproductions which are primarily characterized by the depiction or description of
66 specified sexual activities or specified anatomical areas.

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

69 A. Holds itself out as such a business;

70 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

110 similar transactions however called or by whatever name indicated. This definition is
111 intended to be broadly construed and to include, but not be limited to, devices and
112 activities otherwise defined in this section; provided, however, that this definition does not
113 include single coin operated devices held for private amusement in private residences.

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

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

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

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

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

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

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

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

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

141 B. Carry a hallmark which:

142 1. Identifies the manufacturer;

143 2. States the degree or percentage of purity; and

144 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 Unites 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.

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

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

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

197 CITY ADMINISTRATOR: The city administrator of the city.

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

203 COMMUNITY LOCATION:

204 A. A public or private kindergarten, elementary, middle, junior high, or high school;

205 B. A licensed childcare facility or preschool;

206 C. A trade or technical school;

207 D. A church;

208 E. A public library;

209 F. A public playground;

210 G. A public park;

211 H. A youth center or other space used primarily for youth oriented activities;

212 I. A public recreational facility; ~~or~~

213 J. A public arcade; or

214 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

293 or other persons to or about social affairs, entertainment or places of amusement, or within
294 any place of public or private resort, or any business or commercial establishment or any
295 private quarters. An "escort" shall not be construed to include persons who provide
296 business or personal services, such as private nurses, aides for the elderly or handicapped,
297 social secretaries or similar service personnel whose relationship with their patron is
298 characterized by a bona fide contractual relationship having a duration of more than
299 twelve (12) hours and who provide a service not principally characterized as dating or
300 socializing. An "escort" shall also not be construed to include persons providing services
301 such as singing telegrams, birthday greetings, or similar activities characterized by
302 appearances in a public place, contracted by a party other than the person for whom the
303 service is being performed and of a duration not longer than one hour.

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

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

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

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

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

321 A. Deals solely in the purchasing, bartering, exchanging or selling of used motor vehicles
322 or trailers;

323 B. Is a scrap metal processor;

324 C. Is a store, office or place of business operated by a charitable organization which
325 acquires secondhand goods or merchandise exclusively by charitable donation;

326 D. Engages in a business which requires a license pursuant to this title; or

327 E. Is a person who deals solely in the consignment sale of used clothing, provided such
328 clothing does not include jewelry or furs.

329

330

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.

556 "Legitimate artistic modeling", as defined in this article, is not a sexually oriented business.
557 This definition does not include a sex therapist or similar individual licensed by the state to
558 provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed
559 nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the state for
560 activities in the classroom.

561 SEXUALLY ORIENTED BUSINESS EMPLOYEES:

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

566 B. Sexually oriented business employees do not include individuals whose work is not
567 directly related to the sexually oriented portion of the business such as janitors,
568 bookkeepers and similar employees, cooks, serving persons, bartenders and similar
569 employees, except where they are managers or supervisors of the business or where the
570 employee will be required or chooses to appear in the sexually oriented business in a nude
571 or seminude condition.

572 C. All persons making outcall meetings, including escorts, models, entertainers, guards,
573 escort runners, drivers, chauffeurs and other similar employees, are sexually oriented
574 business employees, regardless of the location of the premises of the licensed business
575 employing the outcall employee.

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

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

580 A. Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or
581 perishables of any kind, for any kind of remuneration or consideration, regardless of
582 whether advance payment is sought;

583 B. Seeking to obtain prospective customers to apply for or to purchase insurance,
584 subscriptions to publications, or publications;

585 C. Seeking to obtain contributions of money or any other thing of value for the benefit of
586 any person or entity;

587 D. Seeking to obtain orders or prospective customers for goods or services;

588 E. Seeking to engage an individual in conversation at a residence for the purpose of
589 promoting or facilitating the receipt of information regarding religious belief, political
590 position, charitable conduct, or a home solicitation sale.

591 F. Other activities falling within the commonly accepted definition of soliciting, such as
592 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

656 within six (6) months after a lecture or public meeting pertaining to such goods, wares,
657 services, franchises, business opportunities, contracts or distributorships.

658 B. The foregoing notwithstanding, a "temporary merchant", for the purposes of this title,
659 shall not include the following:

660 1. A person who shall occupy any business establishment for the purpose of
661 conducting a permanent business therein; provided, however, that no person shall be
662 relieved from the provisions of this title by reason of a temporary association with any
663 local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient
664 business in connection with, as a part of, or in the name of any local dealer, trader,
665 merchant or auctioneer; or

666 2. Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns,
667 where such stock has been acquired from a merchant or merchants of the city regularly
668 licensed and engaged in business; provided, however, no such stock of merchandise shall
669 be augmented by new goods; or

670 3. A person who sells his or her own property which was not acquired for resale,
671 barter or exchange, and who does not conduct such sales more than twice during any
672 calendar year; or

673 4. Art exhibits, where participating artists sell their original works, and which do not
674 contain any sales of artwork purchased or taken on consignment and held for resale,
675 providing such art exhibits are sponsored by a local, responsible organization; or

676 5. "Religious or charitable organizations", as defined in this section; or

677 6. Sales of goods, wares or services at a convention, meeting or exposition which is
678 not open to nor advertised to the general public, to the extent such sales are made to
679 registered members of the sponsoring organization, provided the sponsoring organization
680 or its designated agent delivers to the city license supervisor, at least fifteen (15) days in
681 advance of such convention, meeting or exposition, a statement of the organization's
682 qualification for this exemption and a statement of the common interest or category of
683 those who will be attending such convention, meeting or exposition; and providing all
684 persons selling or purchasing goods, wares or services at such convention, meeting or
685 exposition shall wear or display in a conspicuous manner a tag stating the name of the
686 sponsoring organization.

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

690 TOBACCO PRODUCT:

691 A. Any cigar, cigarette, or electronic cigarette as defined in Utah code section 76-10-101;

692 B. A tobacco product as defined in Utah code section 59-14-102, including:

693 1. Chewing tobacco; or

694 2. Any substitute for a tobacco product, including flavoring or additives to tobacco;
695 and

696 C. Tobacco paraphernalia as defined in Utah code section 76-10-104.1.

697 TOBACCO SPECIALTY BUSINESS: As defined in Utah Code Ann. subsection 10-8-41.6(1)(h)
698 or successor provisions. A commercial retail establishment that, through signage, floor
699 space allocation and sales revenue, demonstrates it is substantially engaged in the offer and
700 sale of tobacco products. Any one or more of the following factors indicate the operation of
701 a tobacco specialty business:

702 —A. The sale of tobacco products accounts for more than thirty five percent (35%) of the
703 total quarterly gross receipts for the establishment for two (2) successive calendar
704 quarters; to facilitate the city's perception of this factor, a licensee operating a retail sales
705 business that includes the offer of tobacco products shall send to the city's business license
706 administrator quarterly gross sales information within ten (10) business days of the end of
707 each calendar quarter. This quarterly data provision requirement does not apply to
708 businesses already licensed as a tobacco specialty business, or to business locations within
709 which an area is licensed by the state of Utah as a pharmacy;

710 —B. The name of the business evidences holding oneself out as a tobacco specialty
711 business; e.g., "Smoke Shop", "Vape Shop", etc., as opposed to "Tommy's Trinkets" or
712 "Nonie's Notions";

713 —C. The allocation of floor and shelf space inside the business shows a focus on tobacco
714 products. Forty percent (40%) or more is devoted to the offer, display and/or storage of
715 tobacco products.

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

722 WAIVER: The written form provided to an applicant by the city wherein applicant agrees
723 that the city may obtain a name/date of birth BCI background check on the applicant for
724 licensing purposes under this title and which contains applicant's signature, which is either
725 executed in the presence of the business licensing authority, or notarized at the time the
726 waiver is signed. (Ord. 12-13, 6-13-2012; amd. Ord. 13-14, 3-27-2013; Ord. 16-01, 1-13-
727 2016; Ord. 16-06, 1-13-2016; Ord. 16-11, 3-23-2016; Ord. 21-04, 2-10-2021)

728

729 4-1A-3: APPLICABILITY OF THIS CHAPTER:

730 The provisions of this chapter apply to all businesses and employees in the city. (Ord. 12-
731 13, 6-13-2012)

732

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

795 4-1B-4: POWERS OF BUSINESS LICENSE AUTHORITY, **INCLUDING APPLICANT**
796 **INVESTIGATION:**

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

799 A. Notices Of Violation; Criminal Referrals: The business license authority may issue
800 notices of violation and seek suspension or revocation of a license and/or assess fines for
801 violations of the provisions of this title using the procedures set forth in title 16 of this **Code**
802 **code**, and may refer cases to the criminal authorities for prosecution as crimes.

803 B. Inspections: The business license authority and any authorized agent may enter free
804 of charge, during normal business hours, the physical space being used or occupied by any
805 business, in conformity with law, and demand the exhibition of the applicable **City city**
806 license for the current term from any person engaged or employed in the operation or
807 transaction of such business or the operation of such vehicle, and may generally inquire
808 into and inspect the conduct and operations of the business.

809 ~~C. Right To Consider Individual Officers Of An Artificial Entity: In determining whether~~
810 ~~the applicant is entitled to a business license, the business license authority may disregard~~
811 ~~the corporate or business entity status, if any, of the applicant and examine the~~
812 ~~qualifications, or lack of qualifications, of the individual owners, officers, agents and~~
813 ~~employees of the business entity.~~

814 **CD.** Conditions Precedent To License Issuance: The business license authority shall not
815 issue a license unless the application forms have been properly completed and the annual
816 business license fee for the first year has been paid in advance. The business license
817 authority may require the applicant to fully disclose the nature and scope of the proposed
818 business activity. In making the determination to issue the business license, the business
819 license authority may look to the previous activities of the business or its principals and
820 employees.

821 **DE.** Time Period Within Which To Act On License; Denial: The business license authority
822 may take up to **ninety (90) thirty (30)** days from the date when the **license completed**
823 application is received by the business license authority, to review an application and
824 investigate the relevant facts. If the business license authority concludes to deny an
825 application, a statement of the facts and reasons for the denial shall be given to the
826 applicant.

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

829 **EG.** License Authority Denial: The business license authority shall have the authority,
830 without a hearing, to deny a license for the reasons provided for in this article, subject to
831 appeal rights.

832 **GH.** Business License Authority Investigation: The business license authority may, on **his**
833 **or her-its** own initiative or in response to complaints from the general public or any city
834 department or division, investigate and gather evidence of violations of this title or other

835 circumstances which may give rise to a denial, suspension or revocation; or seek the police
836 department's or other investigative organization's assistance or investigations. In
837 particular, the business license authority may, prior to the issuance of any business license
838 required by this title, investigate any applicant for such license, if there is reasonable cause
839 to believe that the applicant:

840 1. Has filed an application which is incomplete, erroneous or false in any respect;

841 2. Fails in any respect to qualify to do business in the city under any federal, state or
842 city law, rule or regulation;

843 3. Has committed such act or acts as may be grounds for revocation or denial of a
844 license application under any federal, state or city law, rule or regulation; or

845 4. Investigation is required by city ordinance.

846 H. Documents And Witnesses: The business license authority may compel the production
847 of documents and witnesses in order to conduct such investigation as provided by this
848 section. (Ord. 12-13, 6-13-2012)

849

850 4-1B-5: CITY INSPECTION AUTHORITY:

851 A. New Business Premises Inspections: Prior to the issuance of a license to a person to
852 engage in a new business not previously licensed under this title, the person or applicant
853 shall permit inspections to be made of the prospective place of business by representatives
854 of the appropriate departments of the city to ensure compliance with zoning, building, fire
855 and health, and other codes, statutes, ordinances, and laws which may apply to the
856 business and premises for which a license application was submitted. No license shall be
857 granted without the approval of all such required inspections.

858 B. Periodic Inspection; Time To Correct: Places of business licensed within the city shall
859 be inspected periodically by departments of the city, county or the state for compliance
860 with zoning, building, fire and health codes. Written notice shall be given by a code
861 enforcement officer the business license authority to a licensed person or business upon
862 the finding of any code infractions, which shall provide for time sixty (60) days in which to
863 correct such infractions, pursuant to title 16, unless the noncompliant issue constitutes a
864 hazard or exigent circumstance requiring immediate remediation under law. Failure to
865 bring the licensed premises into legal compliance may result in the revocation of the
866 license by the city.

867 C. Identifying Violations: From time to time one or more agents of the city, including, but
868 not limited to, police officers, code enforcement officers, and community enforcement
869 officers, are authorized and required to enter and examine the physical locations and space
870 occupied and used by any business or vehicle, for which a city license is required. They
871 shall determine if such places of business, persons and vehicles are properly licensed and
872 that no business, other than the one described in and covered by the license, is operating or
873 transacting business. They may issue citations or otherwise enforce the law, and shall

874 advise the business license authority of each person doing business in violation of this title.
875 (Ord. 12-13, 6-13-2012)

876

877 4-1B-6: LICENSE NONTRANSFERABLE; LIMITED TO LICENSED NAME AND PREMISES:

878 A. No Transfer Of License: No license granted or issued under the provisions of this title
879 shall be in any manner assignable or transferable unless authorized by the business license
880 authority in writing; or authorize any person, other than is therein named, to do business;
881 or authorize any other business, calling, trade or profession than is therein described to be
882 done or transacted; or the business, calling, trade or profession therein described to be
883 done or transacted, at any place other than is therein provided.

884 B. No Transfer Of Entity Ownership: If an entity is the licensee, the licensee may not
885 transfer more than ten percent (10%) of the ownership interest in such entity within any
886 two (2) year period without notice to ~~and approval by~~ the business license authority.

887 C. Duty To Use Name Identified In License Application: It is unlawful for a business to do
888 business under any name other than the business name specified in the application. (Ord.
889 12-13, 6-13-2012)

890

891 4-1B-7: LICENSE APPLICATION REQUIREMENTS:

892 A. ~~Written~~ Application: Applications for licenses and permits required by this title shall
893 be made ~~in writing online~~ to the business license authority in the absence of provision to
894 the contrary; ~~which applications shall be made upon forms provided by the city~~. The
895 application shall show:

896 1. Legal Name: The correct legal name of each applicant, corporation, partnership,
897 limited partnership or entity doing business under an assumed name.

898 2. Doing Business Under Assumed Name: If the applicant is a ~~corporation, partnership,~~
899 ~~limited partnership, individual or business~~ entity doing business under an assumed name,
900 submittal of the information required for individual applicants for each partner, principal,
901 officer, director and any shareholder (corporate or personal) of ~~more than twenty percent~~
902 ~~(20%) fifty one percent (51%) or more~~ of the stock of any applicant. Any holding company
903 or any entity holding ~~more than twenty percent (20%) fifty one percent (51%) or more~~ of
904 an applicant shall be considered an applicant for purposes of disclosure under this article.

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

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

910 a. Any other names or aliases used by the individual;

- 911 b. The age, date and place of birth;
912 c. Present business address and telephone number (if applicable);
913 d. Present residence and telephone number; and
914 e. Utah driver's license, social security or identification number.

915 5. Age; Citizenship: Acceptable written proof that ~~an individual is at least twenty one~~
916 ~~(21) years of age and a U. S. citizen~~ each applicant is a person, as defined in section 4-1A-2,
917 and is either (a) an individual who is a U.S. citizen and an adult, as defined in section 4-1A-
918 2, or (b) a business entity, as defined in section 4-1A-2; provided that the business license
919 authority is empowered to waive ~~this the~~ age requirement in appropriate cases.

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

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

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

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

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

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

938 ~~1012.~~ Application Fee: A nonrefundable application fee in an amount adopted by the
939 city council in its ~~uniform consolidated~~ fee schedule.

940 ~~13. Additional Information:~~

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

943 ~~— (1) Meets all requirements of applicable city ordinances, including requirements~~
944 ~~regarding unexpunged criminal convictions;~~

945 ~~— (2) Is not in default under the provisions of any city ordinance; and~~

946 ~~—— (3) Is not overdue on any indebtedness or obligation owed to the city.~~

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

952 B. Accuracy And Veracity Required: The truthfulness, completeness and accuracy of all of
953 information provided by an applicant shall be attested to by the applicant or an authorized
954 representative thereof.

955 C. Misleading Prohibited: Failure to provide all required information or providing false
956 or misleading information in the application shall constitute grounds for denial of the
957 application or revocation of an existing permit or license, and shall constitute a
958 misdemeanor, if done ~~wilfully willfully~~ with the intent to mislead the city.

959 D. Notice Of Change To Application Information: Any change in the information required
960 to be submitted under this article for a business license shall be given in writing to the
961 business license authority within fourteen (14) days after such change. (Ord. 12-13, 6-13-
962 2012)

963

964 4-1B-8: FURNISHING FALSE INFORMATION:

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

968

969 4-1B-9: APPLICATION NUMBERING AND FILING:

970 ~~The license application, with accompanying statements and bonds, shall be numbered by~~
971 ~~the business license authority in the order in which they appear in the license supervisor's~~
972 ~~office and, after numbering, the bonds shall be filed in the office of the business license~~
973 ~~authority, and the applications shall be filed in the office of the business license authority in~~
974 ~~the order in which they are recorded in the business license master list. Each application~~
975 ~~shall bear its proper number and shall be filed in said office. All license applications shall be~~
976 ~~numbered according to the licensing software used by the business license authority.~~ (Ord.
977 12-13, 6-13-2012)

978

979 4-1B-10: ENGAGING IN BUSINESS PROHIBITED DURING INVESTIGATION:

980 It is unlawful for any person applying for a business license which requires investigation by
981 the business license authority to engage in the business for which license application is

982 made, until such investigation is completed and the license approved and issued. (Ord. 12-
983 13, 6-13-2012)

984

985 4-1B-11: ~~APPLICANT INVESTIGATION: [Reserved]~~

986 ~~—A. Investigation: The business license authority may, prior to the issuance of any~~
987 ~~business license required by this title, investigate any applicant for such license, if there is~~
988 ~~reasonable cause to believe that the applicant:~~

989 ~~— 1. Has filed an application which is incomplete, erroneous or false in any respect;~~

990 ~~— 2. Fails in any respect to qualify to do business in the city under any federal, state or~~
991 ~~city law, rule or regulation; or~~

992 ~~— 3. Has committed such act or acts as may be grounds for revocation or denial of a~~
993 ~~license application under any federal, state or city law, rule or regulation; or~~

994 ~~— 4. Investigation is required by city ordinance.~~

995 ~~—B. Documents And Witnesses: The business license authority may compel the production~~
996 ~~of documents and witnesses in order to conduct such investigation as provided by this~~
997 ~~section.~~ (Ord. 12-13, 6-13-2012)

998

999 4-1B-12: ISSUANCE OF LICENSE:

1000 A. License Issuance: Within thirty (30) days after receiving a completed application and
1001 completion of any needed investigation, or as in law specifically required, the business
1002 license authority shall issue the license, provided all fees are paid and legal requirements
1003 met, or shall deny the license if the legal requirements are not met.

1004 B. Formal Requirements: All ~~certificates of~~ licenses shall be signed by the business
1005 license authority, which may be by facsimile signature, and shall contain the following
1006 information:

1007 1. The name of the person to whom such ~~certificate~~ license has been issued;

1008 2. The kind of license, and the class of license, if such licenses are divided into classes;

1009 3. The term of the license, stating the commencing date and the expiration date.

1010 C. Issuance Approval: No new business license ~~certificate~~ which requires inspection or
1011 approval of any department of city government, whether new or renewal, shall be
1012 delivered or mailed to the applicant, until all legal requirements for the issuance or renewal
1013 have been met. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015)

1014

1015

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:

1053 1. License Year; Good Landlord Program: Except for any first year prorations, a "license
1054 year" will run for twelve (12) consecutive calendar months following the date of
1055 commencement and end on the last day of the twelfth month. Notwithstanding the
1056 foregoing, participants in the city's "good landlord" program, governed by chapter 2, article
1057 R of this title, must renew their good landlord certification every four (4) years and provide
1058 the business license authority with a copy of the certificate of completion, and thus good
1059 landlord certification will run for forty eight (48) consecutive calendar months.

1060 2. Administratively Assigning License Year Dates: Annual licenses issued pursuant to
1061 this title need not be issued on a calendar year basis. In order to have city licenses come
1062 due for renewal and spread city administrative handling of license issuance and renewals
1063 in a roughly uniform basis throughout the calendar year, the business license authority
1064 shall cause the city to be divided into four (4) geographic quadrants that are periodically
1065 established to equalize estimated licensing activity in the city into fourths. Each geographic
1066 quadrant will be assigned a month of commencement. Licenses issued within each
1067 quadrant shall commence on the first day of that quadrant's designated commencement
1068 month, also known as the "renewal date", as follows: quadrant A, July; quadrant B, October;
1069 quadrant C, January; and quadrant D, April. Licenses for preschools and daycares will not
1070 use the geographic quadrant system.

1071 — 3. Pro Rata Charges For Initial License Period: The initial license period shall run from
1072 the first day of the month the license was issued through the last day of the month
1073 immediately preceding the applicable quadrant's renewal date. The first year's annual
1074 license fee shall be reduced on a pro rata basis, for each quarter of a year for which the
1075 license was not in effect. Any partial quarter or three (3) month period of the license year
1076 in which the initial license was granted shall be counted as a period for which full pro rata
1077 payment is required. This pro rata payment shall be administered so that a license
1078 applicant shall pay a percentage of the annual license fee periodically established in the city
1079 council uniform fee schedule, computed on a license year quarter, as follows:

1080 — a. One hundred percent (100%) for a license issued in the first three (3) calendar
1081 months of the initial license year;

1082 — b. Seventy five percent (75%) for a license issued in the second three (3) calendar
1083 months of the initial license year;

1084 — c. Fifty percent (50%) for a license issued in the third three (3) calendar months of
1085 the initial license year; and

1086 — d. Twenty five percent (25%) for a license issued in the fourth three (3) calendar
1087 months of the initial license year.

1088 — 4. Renewal License Fee: Following the pro rata payment, renewal license fees shall be
1089 for a full twelve (12) month license year period.

1090 C. Payments: Each license fee shall be paid at the time of an application's filing, whether
1091 as a new or a late renewal application. The application shall not be processed until the fee
1092 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)

1139

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)

1146

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)

1151

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

1239 city administrator a written petition setting forth such allegations and presenting
1240 suggested methods of regulation of such person by the city in lieu of enforcement of the
1241 specified requirements of this chapter so objected to. The city administrator may either
1242 approve or deny the proposed alternative methods of regulation proposed by the
1243 petitioner or may approve other alternative methods of regulation. Upon approval by the
1244 city administrator, such alternative regulation shall be as obligatory upon the petitioner as
1245 if such had been specific requirements set forth in this chapter, the violation of any of
1246 which alternate regulations shall be a misdemeanor.

1247 ~~—B.— Standards For Approval: The standard for approval of any such alternative regulation~~
1248 ~~shall be that they are equivalent to the existing requirements which they would supplant,~~
1249 ~~in meeting the objectives of enhancing and protecting the public health, safety and welfare,~~
1250 ~~including, but not limited to, inhibiting theft and trafficking of stolen merchandise and~~
1251 ~~providing adequate opportunity for examination by the police of suspect transactions.~~
1252 (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6,
1253 2020; Ord. 21-04, 2-10-2021)

1254

1255 ARTICLE C. DENIAL, SUSPENSION, REVOCATION; LICENSE DENIAL APPEAL BOARD
1256 LICENSE APPEAL AUTHORITY

1257 SECTION:

1258 4-1C-1: Denial Of A Business License

1259 4-1C-2: Revocation Or Suspension Of License

1260 4-1C-3: Procedure For Suspension Or Revocation

1261 4-1C-4: Effect Of Revocation And Suspension

1262 4-1C-5: License Denial Appeal Board License Appeal Authority Established

1263 4-1C-6: Authority And Duties Of Board Administrative Law Judge as the License Appeal
1264 Authority

1265 4-1C-7: Filing An Appeal Of A Denial, Suspension, or Revocation

1266 4-1C-8: Appeal Hearing

1267 4-1C-9: Decision Of License Denial Appeal Board the License Appeal Authority

1268 4-1C-10: Appeal Of License Denial Appeal Board a License Appeal Authority Decision

1269 4-1C-11: Licensing After Revocation

1270 4-1C-12: Validity Of Business License During Appeal

1271

1272

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)

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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)