

ORDINANCE NO. 23-25

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

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and the City Council of the City (“City Council”) desires to amend certain sections of the City Code, regarding and related to General Business License Regulations, which include City Code Sections 4-1A-1 through 4-1D-5 inclusive (“**proposed City Code amendments**”); and

WHEREAS, the proposed City Code amendments are not land use regulations; and

WHEREAS, the City Council held Committee of the Whole Meetings (“**Work Sessions**”) on November 16, 2022 and July 19, 2023, an ad hoc committee met three times between the two Work Sessions, and the City Council has held a regular public meeting on August 9, 2023, regarding the proposed City Code amendments; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Amendment of Code Provisions. City Code Sections 4-1A-1 through 4-1D-5 inclusive are amended to read as shown in Attachments 1 and 2.

Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.


PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 9th DAY OF AUGUST 2023.

CITY OF WEST JORDAN

By: 
Christopher McConnehey (Aug 11, 2023 10:32 MDT)

Christopher McConnehey
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

(Continued on the following pages)

Voting by the City Council

"YES" "NO"

Council Chair Christopher McConnehey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	~ absent ~	
Council Member David Pack	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON AUGUST 11, 2023.

Mayor's Action: X Approve Veto

By: 
Mayor Dirk Burton

 Aug 14, 2023
Date

ATTEST:

Tangee Sloan, CMC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

 X The Mayor approved and signed Ordinance No. 23-25.

 The Mayor vetoed Ordinance No. 23-25 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

 Ordinance No. 23-25 became effective by operation of law without the Mayor's approval or disapproval.

Tangee Sloan, CMC
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 15th day of August 2023. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.



Tangee Sloan, CMC
City Recorder

Attachments to

ORDINANCE NO. 23-25

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

(See the following pages)

1 CHAPTER 1
2 GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS

3
4 ARTICLE A. GENERAL PROVISIONS

5 SECTION:

6 4-1A-1: Purpose

7 4-1A-2: Definitions

8 4-1A-3: Applicability Of This Chapter

9 4-1A-4: General Business And Special Business Licenses Needed

10

11 4-1A-1: PURPOSE:

12 Pursuant to its inherent police powers within statutory authority granted by the state to
13 protect the health and welfare of its residents and businesses, the city intends by this title
14 to regulate and license businesses and occupations undertaken and operating within its
15 corporate limits; to maintain a current index of licensed businesses and occupations; and to
16 raise revenues sufficient, among other things, to offset the costs of administering this title
17 by imposing license fees upon such businesses and occupations. (Ord. 12-13, 6-13-2012;
18 amd. Ord. 23-12, 3-22-2023)

19

20 4-1A-2: DEFINITIONS:

21 The following words, terms, and phrases, when used in this title, shall have the meanings
22 ascribed to them in this section, except where the context clearly indicates a different
23 meaning. The definitions in this section are also applicable to all subsequent chapters in
24 this title. For words, terms, and phrases which are not defined in this title, the definitions in
25 sections 13-2-3 or 17-1-6 or elsewhere in this code or in the Utah Code Ann. shall have the
26 meanings ascribed to them in those sections in this code or in the Utah Code Ann., except
27 where the context clearly indicates a different meaning; these definitions may also be used
28 to supplement the definitions in this title.

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

34 **ACCESSORY DWELLING UNIT:**

35 A separately leasable dwelling unit on a subdivided lot that is incidental to the principal
36 dwelling unit, as further described in title 13.

37 **ADULT:**

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

43 **AGREEMENT:**

44 Unless otherwise indicated, the binding agreement entered with the city as part of the good
45 landlord program.

46 **ALCOHOLIC BEVERAGE (AND RELATED TERMS):**

47 See the definitions found within the Utah alcoholic beverage control act, Utah Code Ann.
48 title 32B, and in section 17-1-6 of this code.

49 **APPLICANT:**

50 A person possessing a business license from the city, and any person seeking a business
51 license from the city. If the application is made by a business entity (as defined in this
52 section) doing business under an assumed name, each partner, principal, officer, director,
53 manager, assistant manager, and any shareholder (corporate or personal) of fifty one
54 percent (51%) or more of the stock of the business entity shall also be considered an
55 applicant. Any holding company or any entity holding fifty one percent (51%) or more of an
56 applicant shall be considered an "applicant" for purposes of this title. Unless otherwise
57 specifically allowed by law, all applicants who are individuals shall be "adults", as defined
58 in this section.

59 **APPLICATION:**

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

62 **BCI BACKGROUND CHECK:**

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

65 **A.** A Utah department of public safety bureau of criminal identification, verified criminal
66 history report personal to the applicant;

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

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

72 BUSINESS:

73 Means and includes:

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

78 B. As used in this title, the owning and operating of one or more residential rental units,
79 whether a single-family home, a residential dwelling complex (such as a duplex, triplex or
80 larger apartment complex) or mobile home park, or otherwise, for economic gain,
81 economic benefit, or ~~personal benefit~~ for the benefit of the owner or operator's commercial
82 activities shall be deemed to be a business.

83 C. Activities, trades, professions or callings undertaken, operated, or engaged in for the
84 purpose of economic gain, economic benefit, or personal benefit within the confines of a
85 individual's residence building or within or from an ancillary structure on the same
86 property as the individual's building will constitute a "business" subject to the
87 requirements of this title.

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

90 BUSINESS ENTITY:

91 A specific partnership, limited partnership, corporation, association, limited liability
92 company, or other entity, but not a "dba", listed as "active" and "current" on the Utah
93 division of corporations' business entity website or the equivalent website of another state
94 or territory of the United States of America.

95 BUSINESS LICENSE AUTHORITY:

96 The city ~~administrator or an authorized designee~~ business licensing department division.

97 CHARITABLE ORGANIZATION (AND RELATED TERMS):

98 See the definitions in Utah Code Ann. section 13-22-2, or successor provisions.

99 CITY ADMINISTRATOR:

100 ~~The city administrator of the city.~~

101 COMMUNITY LOCATION (AND RELATED TERMS):

102 See the definitions in:

103 A. For alcoholic beverages, Utah Code Ann. section 32B-1-102, or successor provisions;

104 B. For cannabis production establishments, Utah Code Ann. section 4-41a-102, or successor
105 provisions;

106 C. For medical marijuana, Utah Code Ann. section 26-61a-102, or successor provisions;

107 D. For retail tobacco specialty business, Utah Code Ann. sections 10-8-41.6 and 17-50-333,
108 or successor provisions; and

109 E. For tobacco, electronic cigarette, and nicotine product retail permits, Utah Code Ann.
110 section 26-62-102, or successor provisions.

111 **COMPETENT INDIVIDUAL:**

112 An individual claiming or appearing to be at least eighteen (18) years of age and of
113 sufficiently sound mind and body, to be able to engage in rational thought, conversation,
114 and conduct.

115 **COMPLETED APPLICATION:**

116 A fully completed application form; for those business identified in chapter 2 of this title,
117 excluding persons exempted from municipal licensing under state or federal law, a BCI
118 background check for each applicant or, if the applicant is a business entity, for each officer
119 or member of the business entity; two (2) copies of the original identification, relied on by
120 the applicant to establish proof of identity; and the tendering of all required fees.

121 **CRIMINAL CONVICTION OR CRIMINALLY CONVICTED:**

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

128 **DISQUALIFYING FACTORS:**

129 Anything specifically defined in this title as requiring the denial or suspension of a license,
130 plus any of the following:

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

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

138 C. The applicant or a key employee has been criminally convicted of a misdemeanor within
139 the past five (5) years and the criminal conviction bears a substantial relationship to the

140 applicant's or licensee's ability to safely, competently, or legally practice the occupation,
141 profession, or type of business; or

142 D. A final civil judgment has been entered against the applicant or a key employee within
143 the last five (5) years indicating that: 1) the applicant or key employee had either engaged
144 in fraud or intentional misrepresentation; or 2) the applicant or key employee engaged in
145 willful and malicious activity causing injury to another entity or to the property of another
146 entity;

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

149 F. The applicant has an outstanding arrest warrant from any jurisdiction; or

150 GD. The applicant, or any principal of the applicant, has administrative, civil or criminal
151 citations or charges pending or on appeal, brought or assessed by the state or another
152 jurisdiction, and based on violations of applicable licensing or regulatory requirements in
153 connection with the business proposed to be conducted.

154 DOOR TO DOOR SOLICITATION, HOME SOLICITATION, OR RESIDENTIAL SOLICITATION:

155 The practice of engaging in or attempting to engage in conversation with any individual at a
156 residence, whether or not that individual is a competent individual, while making or
157 seeking to make or facilitate a door to door solicitation sale, or attempting to further the
158 sale of goods and/or services. See sections 4-2F-1 through 4-2F-16 inclusive.

159 DOOR TO DOOR SOLICITATION SALE, HOME SOLICITATION SALE, OR RESIDENTIAL
160 SOLICITATION SALE:

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

166 EMPLOY:

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

170 EMPLOYEE:

171 The operator, owner, or manager of a business and any individuals employed by such
172 operator, owner, or manager in the operation of the business in any capacity, and also any
173 salesperson, agent, leased employee or independent contractor engaged in the business in
174 any capacity.

175 ENGAGING IN BUSINESS:

176 Means and includes, but is not limited to, the sale or offer for sale of tangible personal
177 property at retail or wholesale, the manufacturing of goods, including foodstuffs, the
178 owning or operating of rental property, the building and development of real property, and
179 the rendering of personal services for others for compensation, but does not include the
180 rendering of personal services by an employee to the employee's employer under any
181 arrangement or contract of personal employment.

182 FEES OR FEE SCHEDULE:

183 The city's consolidated fee schedule as it relates to business license fees, disproportionate
184 rental dwelling unit fees, and the discount fees associated with the good landlord program.

185 HOME SOLICITATION:

186 See the "Door To Door Solicitation" definition in this section.

187 HOME SOLICITATION SALE:

188 See the "Door To Door Solicitation Sale" definition in this section.

189 INDIVIDUAL:

190 A natural or physical person; in other words, an individual human being, who is an "adult",
191 as defined in this section.

192 LICENSED PREMISES:

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

196 LIQUOR (AND RELATED TERMS):

197 See the definitions found within the Utah alcoholic beverage control act, Utah Code Ann.
198 title 32B, and in section 17-1-6 of this code.

199 MASSAGE THERAPY AND MASSAGE THERAPIST (AND RELATED TERMS):

200 See the definitions found in Utah Code Ann. section 58-47b-102.

201 MINOR:

202 Any individual who does not meet the definition of "adult" as set forth in this section, or as
203 otherwise set forth in the applicable provisions of the Utah Code Ann.

204 NO SOLICITATION SIGN:

205 A reasonably visible and legible sign that states "No Soliciting", "No Solicitors", "No
206 Salespersons", "No Trespassing", or words of similar import.

207 NUDITY (AND RELATED TERMS):

208 See the definitions found in Utah Code Ann. section 10-8-41.5 or successor provisions.

209 **NUMBER OF EMPLOYEES:**

210 The average number of employees engaged in business at the place of business each
211 regular working day during the preceding calendar year.

212 **OPERATOR:**

213 The manager or other individual principally in charge of a business.

214 **OWNER:**

215 The person having ownership.

216 **OWNER OCCUPIED:**

217 A residence occupied as a primary residence by the legal owner of the building within
218 which the residence exists. For example a single family home occupied as a primary
219 residence by the legal owner of the building is owner occupied. Similarly, a residence
220 within a fourplex building occupied as a primary residence by the legal owner of the
221 building, even though the other three (3) residences in the building are occupied by third
222 parties under rental agreements, is owner occupied.

223 **PARTICIPANT:**

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

225 **PATRON:**

226 Any individual who contracts with or employs any escort services or escort, or is a
227 customer of any business licensed pursuant to this title.

228 **PERSON:**

229 Includes any individual, group of individuals, business entity, group of business entities, or
230 other legal entity or legal entities.

231 **PLACE OF BUSINESS:**

232 Each separate location at or from which business is conducted or transacted. For this
233 purpose branch locations and mobile business locations are each considered a separate
234 place of business requiring a business license.

235 **PREMISES:**

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

237 **PROGRAM:**

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

239 **PROPRIETOR:**

240 Any person who, as the owner, lessee, or manager, has under that person's control a
241 business.

242 REGISTERED SOLICITOR:

243 Any individual who has been issued a current certificate residential solicitation license by
244 the city (see sections 4-2F-1 through 4-2F-16 inclusive).

245 RENTAL DWELLING UNIT:

246 Any individual dwelling unit, accessory dwelling units, apartment buildings, or other
247 buildings so arranged, designed, built, rented, let, or hired out to be used or occupied as the
248 home, residence, or dwelling unit of one or more families living independently of each
249 other, that is rented, leased, or hired out, or provided as a benefit to be used or occupied as
250 a home or residence. This definition is inclusive of a dwelling unit that is provided for free
251 or below market rate to an employee as compensation. This definition is also inclusive of
252 any accessory dwelling units, apartment buildings, or other buildings so arranged,
253 designed, built, rented, let, or hired out to be used or occupied as the home, residence, or
254 dwelling unit of one or more families living independently of each other. For the purpose of
255 this definition, a residence that is under a bona fide contract of sale to an occupying
256 purchaser is not a rental dwelling unit.

257 RESIDENCE:

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

262 RESIDENTIAL SOLICITATION:

263 See the "Door To Door Solicitation" definition in this section.

264 RESIDENTIAL SOLICITATION SALE:

265 See the "Door To Door Solicitation Sale" definition in this section.

266 RESPONSIBLE PERSON:

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

271 SALE OF GOODS OR SERVICES:

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

275 SALES EVENT:

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

280 SELL, SALE, AND TO SELL:

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

287 SERVICES:

288 Those intangible goods or personal benefits offered, provided, or sold to a competent
289 individual.

290 SEXUALLY ORIENTED BUSINESS (AND RELATED TERMS):

291 See the definitions found in Utah Code Ann. section 10-8-41.5 or successor provisions.

292 SOLICITING, SOLICIT, SOLICITATION:

293 Any of the following activities when conducted on a door to door home contact basis:

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

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

299 C. Seeking to obtain contributions of money or any other thing of value for the benefit of
300 any person;

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

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

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

307 SOLICITOR, SOLICITORS:

308 An individual or individuals engaged in door to door solicitation. A residential solicitation
309 license does not authorize or enable hawking goods or contacting people in public places,
310 in a park or on the street. See sections 4-2F-1 through 4-2F-16 inclusive.

311 SPECIFIED CRIMINAL ACTS:

312 Any act defined in title 76 of the Utah Code Ann. or in titles 6 or 7 of this code as a crime.

313 SPECIFIED SEXUAL ACTIVITIES:

314 Any sexual act defined in title 76 of the Utah Code Ann. or in titles 6 or 7 of this code as a
315 crime.

316 SUBSTANTIATED REPORT:

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

320 A. Documented verification of a previously undisclosed disqualifying factor;

321 B. Probable cause that the person has committed a disqualifying factor which has not yet
322 been determined to be a disqualifying factor;

323 C. Documented, eyewitness accounts that the person has engaged in repeated patterns of
324 behavior that demonstrates failure by the person to adhere to the requirements of this
325 title; or

326 D. Probable cause that continued licensing of the person demonstrates exigent
327 circumstances that threaten the health, safety or welfare of any person or persons within
328 the city.

329 TEMPORARY MERCHANT:

330 A. Any person, whether a resident of the city or not, who within the limits of the city:

331 1. Engages in a temporary business of selling and/or delivering goods, wares or services, or
332 who conducts meetings open to the general public where franchises, distributorships,
333 contracts or business opportunities are offered to the public; or

334 2. Sells, offers or exhibits for sale any goods, wares or services, franchises, distributorships,
335 contracts or business opportunities, during the course of or any time within six (6) months
336 after a lecture or public meeting pertaining to such goods, wares, services, franchises,
337 business opportunities, contracts or distributorships.

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

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

- 346 2. Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where
347 such stock has been acquired from a merchant or merchants of the city regularly licensed
348 and engaged in business; provided, however, no such stock of merchandise shall be
349 augmented by new goods; or
- 350 3. A person who sells the person's own property which was not acquired for resale, barter
351 or exchange, and who does not conduct such sales excluding persons selling such items as
352 part of a yard, garage, or similar public sale more than twice during any calendar year; or
- 353 4. Art exhibits, where participating artists sell their original works, and which do not
354 contain any sales of artwork purchased or taken on consignment and held for resale,
355 providing such art exhibits are sponsored by a local, responsible organization; or
- 356 5. "Religious or charitable organizations", as defined in this section; or
- 357 6. Sales of goods, wares or services at a convention, meeting or exposition which is not
358 open to nor advertised to the general public, to the extent such sales are made to registered
359 members of the sponsoring organization, provided the sponsoring organization or its
360 designated agent delivers to the city license supervisor, at least fifteen (15) days in advance
361 of such convention, meeting or exposition, a statement of the organization's qualification
362 for this exemption and a statement of the common interest or category of those who will be
363 attending such convention, meeting or exposition; and providing all persons selling or
364 purchasing goods, wares or services at such convention, meeting or exposition shall wear
365 or display in a conspicuous manner a tag stating the name of the sponsoring organization.

366 TEMPORARY MERCHANT SPONSOR:

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

369 TOBACCO PRODUCT:

370 As defined in Utah Code Ann. subsection 10-8-41.6(1)(j) or successor provisions.

371 TOBACCO SPECIALTY BUSINESS:

372 As defined in Utah Code Ann. subsection 10-8-41.6(1)(h) or successor provisions.

373 WAIVER:

374 ~~The written form provided to an applicant by the city wherein applicant agrees that the city~~
375 ~~may obtain a name/date of birth BCI background check on the applicant for licensing~~
376 ~~purposes under this title and which contains applicant's signature, which is either executed~~
377 ~~in the presence of the business licensing authority, or notarized at the time the waiver is~~
378 ~~signed.~~ (Ord. 12-13, 6-13-2012; amd. Ord. 13-14, 3-27-2013; Ord. 16-01, 1-13-2016; Ord.
379 16-06, 1-13-2016; Ord. 16-11, 3-23-2016; Ord. 19-47, 12-04-2019, Effective at 12 noon on
380 January 6, 2020; Ord. 21-04, 2-10-2021; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

381

382 4-1A-3: APPLICABILITY OF THIS CHAPTER:

383 The provisions of this chapter apply to all businesses and employees in the city. (Ord. 12-
384 13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

385

386 4-1A-4: GENERAL BUSINESS AND SPECIAL BUSINESS LICENSES NEEDED:

387 Certain types of businesses have additional and special licensing and business conduct
388 requirements, and these are as set forth in chapter 2 of this title. For these specially
389 addressed types of business, a general business license and a special business license will
390 be required, including the payment of such license fees as are provided from time to time
391 by the city council in the consolidated fee schedule. (Ord. 12-13, 6-13-2012; amd. Ord. 23-
392 12, 3-22-2023; Ord. 23-25, 8-9-2023)

393

394 ARTICLE B. BUSINESS LICENSES

395 SECTION:

396 4-1B-1: Unlawful To Conduct Business Within The City Without A Business License

397 4-1B-2: [Reserved]

398 4-1B-3: Business License Authority

399 4-1B-4: Powers Of Business License Authority, Including Applicant Investigation

400 4-1B-5: City Inspection Authority

401 4-1B-6: License Limited To Licensed Name

402 4-1B-7: License Application Requirements

403 4-1B-8: Furnishing False Information [Reserved]

404 4-1B-9: Application Numbering And Filing [Reserved]

405 4-1B-10: Engaging In Business Prohibited During Investigation

406 4-1B-11: [Reserved]

407 4-1B-12: Issuance Of License; Closing Incomplete Applications:

408 4-1B-13: Index Of Licensed Persons And Businesses

409 4-1B-14: License Available For Inspection

410 4-1B-15: [Reserved]

411 4-1B-16: License Fees

412 4-1B-17: License Year; Fee Payments

- 413 4-1B-18: Late Payment Penalty And Consequences
- 414 4-1B-19: Fee Exemptions For Businesses
- 415 4-1B-20: Mistakes In Fee Calculations
- 416 4-1B-21: Deviations Prohibited
- 417 4-1B-22: ~~License Fee Collection; Civil Actions Authorized [Reserved]~~
- 418 4-1B-23: ~~Refunds [Reserved]~~
- 419 4-1B-24: No License Transfers; And Change Of License Information
- 420 4-1B-25: Designation Of Agent For Service Of Process
- 421 4-1B-26: Recordkeeping Required
- 422 4-1B-27: [Reserved]
- 423 4-1B-28: ~~Hours Of Operation Curfew Law Applicable [Reserved]~~
- 424 4-1B-29: [Reserved]
- 425 4-1B-30: License Termination Following Cessation Of Operations
- 426 4-1B-31: [Reserved]

427
428 4-1B-1: UNLAWFUL TO CONDUCT BUSINESS WITHIN THE CITY WITHOUT A BUSINESS
429 LICENSE:

430 ~~A. Unless specifically exempt from such requirement in this title or other applicable law,~~
431 ~~it shall be unlawful for any person to engage in or carry on any business within the city,~~
432 ~~without first procuring a business license, or for any person to continue to engage in or~~
433 ~~carry on a business when the required business license has been suspended or revoked~~
434 ~~every person engaging in business within the city must maintain a valid city business~~
435 ~~license.~~

436 B. Every person engaging in business within the city shall apply for and maintain in full
437 force and effect a valid city business license. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-
438 2023; Ord. 23-25, 8-9-2023)

439
440 4-1B-2: [RESERVED]:
441 (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

442
443 4-1B-3: BUSINESS LICENSE AUTHORITY:

444 The business license authority shall have responsibility for issuing business licenses and
445 ensuring all business license fees are paid, based on the rates and charges established by
446 ordinance or resolution and as set forth in the city's consolidated fee schedule. (Ord. 12-13,
447 6-13-2012; amd. Ord. 23-12, 3-22-2023)

448

449 4-1B-4: POWERS OF BUSINESS LICENSE AUTHORITY, INCLUDING APPLICANT
450 INVESTIGATION:

451 The business license authority and all license inspectors in the performance of their official
452 duties shall have and exercise all the powers allowed by law:

453 A. Time Period Within Which To Act On License; Denial: The business license authority
454 may take up to thirty (30) days from the date when the completed application is received
455 by the business license authority, to review an application and investigate the relevant
456 facts. If the business license authority ~~concludes to deny~~ denies an application, a statement
457 of the facts and reasons for the denial shall be given to the applicant.

458 B. License Authority Denial: The business license authority shall have the authority,
459 without a hearing, to deny a license for the reasons provided for in this article, subject to
460 appeal rights.

461 C. Business License Authority Investigation: The business license authority may, on the
462 business license authority's own initiative or in response to complaints from the general
463 public or any city department or division, investigate and gather evidence of violations of
464 this title or other circumstances which may give rise to a denial, suspension or revocation;
465 or seek the police department's or other investigative organization's assistance or
466 investigations. In particular, ¶The business license authority may, prior to the issuance of
467 any business license required by this title, investigate any applicant for such license, if
468 there is reasonable cause to believe that the applicant:

469 1. Has filed an application which is incomplete, erroneous, or false in any respect,
470 except that any individual name or business entity name that is substantially similar to the
471 correct name shall not be deemed to be incomplete, erroneous, or false;

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

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

476 4. Investigation is required by city ordinance. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47,
477 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023, Ord. 23-25, 8-
478 9-2023)

479

480 4-1B-5: CITY INSPECTION AUTHORITY:

481 A. New Business Premises Inspections: Prior to the issuance of a license to a person to
482 engage in a new business not previously licensed under this title, and periodically during
483 the term of a business license, ~~the person or applicant shall, subject to constitutional~~
484 ~~limitations, permit inspections to be made of the prospective place of business by~~
485 ~~representatives of the appropriate departments of the city to ensure compliance with~~
486 ~~zoning, building, fire and health, and other codes, statutes, ordinances, and laws which may~~
487 ~~apply to the business and premises for which a license application was submitted. No~~
488 ~~license shall be granted without the approval of all such required inspections. one or more~~
489 ~~agents of the city, including, but not limited to, police officers, code enforcement officers,~~
490 ~~and community enforcement officers, subject to constitutional limitations, may enter and~~
491 ~~examine the physical locations and space occupied and used by any business or vehicle, for~~
492 ~~which a city license is required to determine if such places of business, persons and~~
493 ~~vehicles are properly licensed and that no business, other than the one described in and~~
494 ~~covered by the license, is operating or transacting business.~~

495 B. Periodic Inspection; Time To Correct Enforcement and Reporting: Places of business
496 licensed within the city shall be inspected periodically by departments of the city, county or
497 the state for compliance with zoning, building, fire and health codes. Written notice shall be
498 given by a code enforcement officer to a licensed person or business upon the finding of
499 any code infractions, which shall provide for time in which to correct such infractions,
500 pursuant to title 16, unless the noncompliant issue constitutes a hazard or exigent
501 circumstance requiring immediate remediation under law. Failure to bring the licensed
502 premises into legal compliance may result in the revocation of the license by the city. City
503 agents may issue citations or otherwise enforce the law, and shall advise the business
504 license authority of each person doing business in violation of this title.

505 C. Identifying Violations Notice and Remediation: From time to time one or more agents
506 of the city, including, but not limited to, police officers, code enforcement officers, and
507 community enforcement officers, are authorized and required to enter and examine the
508 physical locations and space occupied and used by any business or vehicle, for which a city
509 license is required. They shall determine if such places of business, persons and vehicles
510 are properly licensed and that no business, other than the one described in and covered by
511 the license, is operating or transacting business. They may issue citations or otherwise
512 enforce the law, and shall advise the business license authority of each person doing
513 business in violation of this title. Written notice shall be given by a code enforcement
514 officer to a licensed person or business upon the finding of any code infractions, which shall
515 provide for time in which to correct such infractions, pursuant to title 16, unless the
516 noncompliant issue constitutes a hazard or exigent circumstance requiring immediate
517 remediation under law. Failure to bring the licensed premises into legal compliance may
518 result in the revocation of the license by the city.

519 (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

520

521 4-1B-6: LICENSE LIMITED TO LICENSED NAME:

522 It is unlawful for a business to do business under any name other than the business name
523 or names specified in the application. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-
524 2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-
525 2023)

526

527 4-1B-7: LICENSE APPLICATION REQUIREMENTS:

528 A. Application: Applications for licenses and permits required by this title shall be made
529 online to the business license authority in the absence of provision to the contrary. When
530 necessary, the business license authority shall provide equipment and services to assist
531 applicants at the City offices in submitting online applications. For safety and compliance
532 and purposes, theThe application shall show:

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

535 2. ~~Doing Business Under Assumed Name-State Licensure:~~ If the applicant is a business
536 entity doing business under an assumed name, submittal of the information required for
537 individual applicants for each partner, principal, officer, director, and any shareholder
538 (corporate or personal) of fifty-one percent (51%) or more of the ownership interest of any
539 applicant. Any business entity holding fifty-one percent (51%) or more of the ownership
540 interest of an applicant shall be considered an applicant for purposes of disclosure under
541 this article. If applicable, verification of the existence of an active and valid license, from the
542 applicable divisions of the state, to provide the goods or services necessary for the
543 operation of the desired business.

544 3. Applicant Information: For all applicants, a statement of the business address,
545 contact information, and other information requested of on the forms provided by the
546 business license authority which are not disallowed by law.

547 4. ~~Age or Business Entity:~~ Acceptable written proof a person, as defined in section 4-
548 1A-2, and is either (a) an individual and an adult, as defined in section 4-1A-2 of this code,
549 or; or (b) a business entity, as defined in section 4-1A-2; provided that the business license
550 authority is empowered to waive the age requirement in appropriate cases. For businesses
551 identified in chapter 2 of this title, excluding home occupations, temporary merchants,
552 agricultural vendors, and mobile food businesses, verification that each applicant, or if the
553 applicant is a business entity, each owner, officer, or member of the business entity, is at
554 least eighteen (18) years of age, provided that the business license authority is empowered
555 to waive the age requirement in appropriate cases.

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

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

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

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

564 9. Application Fee: A nonrefundable application fee in an amount adopted by the city
565 council in its consolidated fee schedule.

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

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

573 D. Notice Of Change To Application Information: Any change in the information required
574 to be submitted under this article for a business license shall be given in writing to the
575 business license authority within fourteen (14) days after such change. (Ord. 12-13, 6-13-
576 2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

577

578 4-1B-8: FURNISHING FALSE INFORMATION [RESERVED]:

579 ~~It is unlawful for any person to willfully give the licensee or the licensee's agents or~~
580 ~~employees false or misleading information which the licensee is required by this chapter to~~
581 ~~obtain from such person.~~ (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25,
582 8-9-2023)

583

584 4-1B-9: APPLICATION NUMBERING AND FILING [RESERVED]:

585 ~~The license application, with any other accompanying documents, shall be numbered by~~
586 ~~the business license authority in the manner deemed to be appropriate by the business~~
587 ~~license authority.~~ (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-
588 2023)

589

590 4-1B-10: ENGAGING IN BUSINESS PROHIBITED DURING INVESTIGATION:

591 It is unlawful for any person applying for a business license which requires investigation by
592 the business license authority to engage in the business for which license application is
593 made, until such investigation is completed and the license approved and issued. (Ord. 12-
594 13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

595

596 4-1B-11: [RESERVED]:
597 (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

598

599 4-1B-12: ISSUANCE OF LICENSE: CLOSING INCOMPLETE APPLICATIONS:

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

605 ~~—B. Formal Requirements: All licenses shall be signed by the business license authority,~~
606 ~~which may be by electronic signature, and shall contain the following information:~~

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

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

609 ~~— 3. The term of the license, stating the commencing date and the expiration date.~~

610 ~~—C. Issuance Approval: No new business license which requires inspection or approval of~~
611 ~~any department of city government, whether new or renewal, shall be delivered or mailed~~
612 ~~to the applicant, until all legal requirements for the issuance or renewal have been met.~~

613 B. Closing Incomplete Applications: If an application is still incomplete sixty (60) days
614 after the filing of the application, the application may be closed by the business license
615 authority. Any filing fee shall be forfeited. Any subsequent application would require a new
616 fee and a new application. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015; amd. Ord.
617 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023; Ord.
618 23-25, 8-9-2023)

619

620 4-1B-13: INDEX OF LICENSED PERSONS AND BUSINESSES:

621 The business license authority shall keep a registry containing the names of the businesses
622 and persons holding business licenses. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-
623 2023)

624

625 4-1B-14: LICENSE AVAILABLE FOR INSPECTION:

626 Each license shall be available for inspection during business hours. (Ord. 12-13, 6-13-
627 2012; amd. Ord. 23-12, 3-22-2023)

628

629 4-1B-15: [RESERVED]:

630 (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

631

632 4-1B-16: LICENSE FEES:

633 Annual license and other fees shall be those periodically adopted by the city council in its
634 consolidated fee schedule. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

635

636 4-1B-17: LICENSE YEAR; FEE PAYMENTS:

637 A. Fees To Be Paid In Advance ~~In U.S. Legal Tender~~: All license fees shall be paid in
638 advance in ~~legal tender of the United States in~~ any manner ~~allowed~~ accepted by the city.

639 B. License Year; Renewal Date:

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

648 2. Administratively Assigning License Year Dates: Annual licenses issued pursuant to
649 this title need not be issued on a calendar year basis.

650 C. Payments: Each license fee shall be paid at the time of an application's filing, whether
651 as a new or a late renewal application. The application shall not be processed until the fee
652 is paid. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015; Ord. 19-47, 12-04-2019,
653 Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

654

655 4-1B-18: LATE PAYMENT PENALTY AND CONSEQUENCES:

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

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

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

665 2. A new license application is filed and a new license issued by the business license
666 authority.

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

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

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

677 F. Other Enforcement Not Precluded: Nothing in this section shall be construed to
678 prevent or in any manner interfere with the enforcement of any criminal or civil penalty
679 provision contained in any other title of this code, including, but not limited to, those
680 provisions pertaining to operation of businesses without a current and valid business
681 license. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015; Ord. 23-12, 3-22-2023; Ord.
682 23-25, 8-9-2023)

683

684 4-1B-19: FEE EXEMPTIONS FOR BUSINESSES:

685 In addition to all persons exempt from municipal licensing pursuant to state or federal law,
686 Although they shall apply in all respects for the obtaining of a business license pursuant to
687 this title, the following persons are exempt from the payment of license fees:

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

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

694 C. Nonprofit/Charitable Organizations: The provisions of this title shall not be deemed or
695 construed to require the payment of a license fee for the issuance of a license to any
696 institution or organization which is conducted, managed or carried on wholly for the
697 benefit of charitable purposes from which profit is not derived, directly or indirectly, by
698 any person; nor shall the payment of a license fee be required to issue a license for the
699 conducting of any entertainment, concert, exhibition or lecture whenever the receipts from
700 such are to be appropriated to any church, school, governmental entity, or nonprofit
701 organization. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

702

703 4-1B-20: MISTAKES IN FEE CALCULATIONS:

704 A. In no event shall any mistakes made by an applicant or the city in the calculation of a
705 license fee prevent or prejudice the collection by the city of the amount actually due from
706 any person subject to licensing under this title. ~~Likewise, no such mistakes shall prevent or~~
707 ~~prejudice the refund to licensees of amounts overpaid by reason of mistakes.~~ (Ord. 12-13,
708 6-13-2012; amd. Ord. 23-12, 3-22-2023)

709 B. ~~No refund shall be made for any fee paid for a license issued pursuant to this title,~~
710 ~~unless the fee paid was incorrect due to a calculation error or not legally owed under the~~
711 ~~provision of this title. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-~~
712 ~~2023)~~

713

714 4-1B-21: DEVIATIONS PROHIBITED:

715 No greater or lesser amounts shall be charged or received for licenses, and no license shall
716 be issued for any period of time other than as specifically provided in this title. (Ord. 12-13,
717 6-13-2012; amd. Ord. 23-12, 3-22-2023)

718

719 4-1B-22: LICENSE FEE COLLECTION; CIVIL ACTIONS AUTHORIZED [RESERVED]:

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

730 ~~—B. Other Enforcement: Nothing in this section shall be construed to prevent or in any~~
731 ~~manner interfere with the enforcement of any penalty provision contained in any~~
732 ~~ordinance of the city, or to prevent or in any manner interfere with the use of any remedy~~
733 ~~available to the city. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-~~
734 ~~2023)~~

735

736

737 4-1B-23: REFUNDS [RESERVED]:

738 ~~No refund shall be made for any fee paid for a license issued pursuant to this title, unless~~
739 ~~the fee paid was incorrect due to a calculation error or not legally owed under the~~

740 ~~provision of this title.~~ (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-
741 2023)

742

743 4-1B-24: NO LICENSE TRANSFERS; AND CHANGE OF LICENSE INFORMATION:

744 No transfers of licenses are allowed. Any material change of ownership structure, business
745 name, address, or other main license information that must be provided to the business
746 license authority under this title shall require a new application for a new license. (Ord. 12-
747 13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

748

749 4-1B-25: DESIGNATION OF AGENT FOR SERVICE OF PROCESS:

750 ~~—A. Duty To Designate Service Of Process Agent:~~ Before any business license shall be
751 issued to a person, the applicant shall file with the business license authority an instrument
752 naming a true and lawful agent of such applicant with full power and authority to accept
753 service or notice of process for or on behalf of such applicant with respect to any matters
754 connected with or arising in connection with such license. ~~, which agent, for an individual,~~
755 ~~can be him or herself. The instrument shall also state that applicant for the license~~ In
756 submitting or causing submission of such instrument, the applicant consents and agrees
757 that any service or notice of process shall be made upon the agent and when so made shall
758 be taken and held to be valid, as if personally served upon the applicant according to the
759 laws of this or any other state, and waiving waives all claims and arguments or right of
760 error by reason of such acknowledgment of service or manner of service that such service
761 was invalid, void, or insufficient. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord.
762 23-25, 8-9-2023)

763

764 4-1B-26: RECORDKEEPING REQUIRED [RESERVED]:

765 Every person liable for the payment of any license fee imposed by this title shall keep all
766 records required by law. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25,
767 8-9-2023)

768

769 4-1B-27: [RESERVED]:

770 (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

771

772 4-1B-28: HOURS OF OPERATION CURFEW LAW APPLICABLE [RESERVED]:

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

776 ~~—B. Curfew Law Applicable: Any business accepting or catering to minors shall not be~~
777 ~~operated in a manner contrary to the curfew provisions of any applicable state, county or~~
778 ~~municipal curfew statutes. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-~~
779 ~~25, 8-9-2023)~~

780

781 4-1B-29: [RESERVED]:

782 (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

783

784 4-1B-30: LICENSE TERMINATION FOLLOWING CESSATION OF OPERATIONS:

785 Any business license issued pursuant to this article will expire no later than ~~ten (10) one~~
786 ~~hundred and twenty (120)~~ calendar days following the continuous closure or cessation of
787 business operations for which the license was issued, except when cessation or closure is
788 required to repair damage caused by flood, fire, earthquake or other natural disaster. (Ord.
789 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

790

791 4-1B-31: [RESERVED]:

792 (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6,
793 2020; Ord. 21-04, 2-10-2021; Ord. 23-12, 3-22-2023)

794

795 ARTICLE C. DENIAL, SUSPENSION, REVOCATION; LICENSE APPEAL AUTHORITY

796 SECTION:

797 4-1C-1: Denial, Revocation, And Suspension Of A Business License

798 4-1C-2: ~~Revocation Or Suspension Of License~~ [Reserved]

799 4-1C-3: Procedure For Suspension Or Revocation

800 4-1C-4: Effect Of Revocation And Suspension

801 4-1C-5: License Appeal Authority Established

802 4-1C-6: ~~Administration~~ Administrative Law Judge As The License Appeal Authority

803 4-1C-7: Filing An Appeal Of A Denial, Suspension, Or Revocation

804 4-1C-8: Appeal Hearing

805 4-1C-9: Decision Of The License Appeal Authority

806 4-1C-10: Appeal Of A License Appeal Authority Decision

807 4-1C-11: ~~Licensing After Revocation [Reserved]~~

808 4-1C-12: Validity Of Business License During Appeal

809

810 4-1C-1: DENIAL, REVOCAION, AND SUSPENSION OF A BUSINESS LICENSE:

811 A. Reasons For Denial, Revocation, or Suspension: ~~After a person has made application to~~
812 ~~the city for a business license, including a renewal of an existing business license, the~~
813 ~~application~~ A business license may be denied, or a business license may be revoked or
814 suspended, for any lawful reason, including, but not limited to, the following reasons:

815 1. The business is or will be involved in activities that ~~will~~ violate a city, county, state or
816 federal laws or regulations;

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

820 3. The business involves or would involve activities by patrons of the business ~~or~~
821 ~~business activity where it could be shown the patrons~~ which are reasonably likely to
822 constitute a public nuisance, ~~or to commit violations of law;~~

823 4. The business is not or would not be in compliance with the city zoning standards or
824 requirements applicable to the licensed premises;

825 5. ~~Issuance of t~~The license is or would be the result ~~from~~ of fraud or misrepresentation
826 of a material fact ~~in the procurement of or by the application for the license~~ applicant or
827 licensee;

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

830 ~~7.~~ Issuance or continuance of the license will jeopardize or unreasonably endanger the
831 ~~public~~ health, safety or welfare, ~~or the safety or welfare~~ of any individual, because the
832 applicant or a key employee:

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

835 b. ~~Does not possess the required training, experience, professional degrees or~~
836 ~~licensing normally required for or associated with such business activity~~ Criminal or
837 administrative charges are currently pending against the applicant or a key employee and
838 the charges have a direct impact on the applicant's or licensee's ability to safely,
839 competently, or legally practice the occupation, profession, or type of business;

840 c. Has been guilty of unprofessional conduct, as proscribed by applicable statute or
841 regulation or by applicable regulations or standards of conduct promulgated by the
842 professional association or regulatory agency normally associated with that business
843 activity ~~The applicant or a key employee has been criminally convicted of a felony, within~~

844 five (5) years and the criminal conviction relates directly to the applicant's or licensee's
845 ability to safely, competently, or legally practice the occupation, profession, or type of
846 business; or

847 d. Has been criminally convicted of a class B misdemeanor or greater offense and the
848 criminal conviction bears a substantial relationship to the applicant's or licensee's ability to
849 safely, competently, or legally practice the occupation, profession, or type of business or is
850 subject to one or more "disqualifying factors" (as defined in section 4-1A-2)The applicant
851 or a key employee has been criminally convicted of a misdemeanor within the past two (2)
852 years and the criminal conviction relates directly to the applicant's or licensee's ability to
853 safely, competently, or legally practice the occupation, profession, or type of business; or

854 87. For a new application, nNonpayment of the any required license fees, taxes,
855 charges, or penaltiesat the time the application is made. For a renewal application,
856 nonpayment of the required license renewal fees, plus any penalty due under this title;

857 98. One of the reviewing departments or divisions of the city, whose approvals are
858 required under law, has lawfully disapproved the application pursuant to any applicable
859 provision of the city code or other applicable law;

860 109. False, or misleading, or incomplete information given on the application (any
861 individual name or business entity name that is substantially similar to the correct name
862 shall not be deemed to be incomplete, erroneous, or false); or

863 1110. Noncompliance with any requirement or condition imposed in a conditional use
864 permit, a variance or a special exception in connection with any location of the proposed
865 business activities;

866 —12. Noncompliance with any city, state or federal statutes or any Health Department
867 regulations governing the applicant's proposed business.

868 B. Refusal To Renew: The city may refuse to renew the business license based on any of
869 the grounds provided for revocation or suspension of a license in this title arising at or
870 before the time of the submittal and consideration of a license application A license under
871 this title grants only a revocable privilege to engage in business and confers no vested
872 rights of any kind or nature upon the business or person holding the business license. (Ord.
873 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

874

875 4-1C-2: REVOCATION OR SUSPENSION OF LICENSE[RESERVED]:

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

879 —B. Revocation Or Suspension: Every business license issued by the city may be revoked
880 or suspended for:

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

886 — 2. Substantiated report of fraud or misrepresentation of a material fact in the
887 procurement of the license;

888 — 3. Failure to pay when due any license fee, tax, charge and/or penalty provided in state
889 statute or city ordinance;

890 — 4. Substantiated report of the violation of city ordinance or federal or state statute
891 relating to the licensed business and resulting from the conduct of such business or
892 activity;

893 — 5. Substantiated report of any illegal condition or conduct at or in connection with the
894 business;

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

897 — 7. Substantiated report of selling, offering or exposing for sale products or commodities
898 which vary from the standard of composition or quality described in connection with the
899 offer or sale;

900 — 8. Substantiated report of activities at or in connection with the business, which are
901 fraudulent or deceptive;

902 — 9. Substantiated report of failure of the applicant to retain the legal qualifications
903 necessary for the business license, including the continuing absence of "disqualifying
904 factors" (as defined in section 4-1A-2); or

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

907 — C. Pendency Of License: The city may revoke or suspend a license for any of the grounds
908 listed for denying a license application or a renewal application in this chapter arising
909 during the pendency of a business license. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-
910 2023; Ord. 23-25, 8-9-2023)

911

912 4-1C-3: PROCEDURE FOR SUSPENSION OR REVOCATION:

913 The business license authority may prosecute a suspension or revocation administratively
914 as provided in title 16 of this code, and/or as a Class B misdemeanor. (Ord. 12-13, 6-13-
915 2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-
916 22-2023; Ord. 23-25, 8-9-2023)

917

918 4-1C-4: EFFECT OF REVOCATION AND SUSPENSION:

919 A. If the license is revoked, no new application shall be considered by the business
920 license authority until expiration of the time period, in any event not less than one year,
921 specified in the order of revocation, which in no event shall be less than one (1) year.

922 B. A suspension shall be for a period not exceeding six (6) months, following which the
923 license shall be reinstated. Should the license be under suspension at the time the license
924 would have otherwise been renewed or renewable, the license shall not be renewed until
925 expiration of the period of time imposed on the original suspension. (Ord. 12-13, 6-13-
926 2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

927

928

929 4-1C-5: LICENSE APPEAL AUTHORITY ESTABLISHED:

930 The license appeal authority shall hear and decide all appeals of license denials,
931 suspensions, revocations, and similar actions (collectively referred to as "appeals"). The
932 license appeal authority shall have authority to hear evidence in all appeals referred to the
933 license appeal authority and, after an appeal hearing, shall prepare a written decision and
934 order, as provided in this title and in title 16. The individual designated to hear an appeal
935 shall hereafter be designated as the license appeal authority. (Ord. 12-13, 6-13-2012; amd.
936 Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-04, 2-10-2021;
937 Ord. 23-12, 3-22-2023)

938

939 4-1C-6: ADMINISTRATIVE LAW JUDGE AS THE LICENSE APPEAL AUTHORITY:

940 Unless the mayor retains by contract another individual to fulfill the responsibilities of the
941 license appeal authority set forth in this title, tThe administrative law judge, identified in
942 title 16, shall be and shall fulfill all the responsibilities of the license appeal authority. (Ord.
943 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

944

945 4-1C-7: FILING AN APPEAL OF A DENIAL, SUSPENSION, OR REVOCATION:

946 Appeals of a business license authority's decision to deny, suspend, or revoke a business
947 license may be made by filing a written notice of appeal with the city recorder, within
948 fifteen (15) days of receipt of the notice of denial, suspension, or revocation. The appeal
949 notice shall contain a specific and detailed explanation of the alleged mistake made by the
950 business license authority and a specific statement of the relief desired. (Ord. 12-13, 6-13-
951 2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-11, 3-
952 24-2021; Ord. 23-12, 3-22-2023)

953

954 4-1C-8: APPEAL HEARING:

955 Appeal hearings shall be conducted in accordance with title 16.

956 ~~—A. Hearing Date And Time: All hearings shall be conducted at a time, place and day set by~~
957 ~~the license appeal authority through a written notice of hearing provided to all parties. The~~
958 ~~hearing shall be scheduled and held pursuant to title 16.~~

959 ~~—B. City To Present Case: At the hearing, a representative from the city or designee of the~~
960 ~~business license authority shall present the reasons for the decision to deny, suspend, or~~
961 ~~revoke the license.~~

962 ~~—C. Licensee Presentation: The applicant, in person or through the applicant's attorney,~~
963 ~~may then present any evidence and/or argument showing reason why the business license~~
964 ~~authority's decision was in error.~~

965 ~~—D. Sworn Witnesses: All witnesses, if any, shall be sworn to testify truthfully. Either party~~
966 ~~is entitled to confront and cross-examine any witnesses.~~

967 ~~—E. Evidentiary Rules: The license appeal authority shall apply the evidentiary rules~~
968 ~~identified in title 16.~~

969 ~~—F. Grounds For Decision Under Review: If the denial appealed is based on a~~
970 ~~determination of the business license authority that sufficient grounds existed under city,~~
971 ~~state or federal law, the license appeal authority may reexamine the factual nature of the~~
972 ~~grounds and determine whether they are sufficient to sustain the decision of the business~~
973 ~~license authority.~~

974 ~~—G. License Appeal Authority Lacks Authority To Waive Compliance With Requirements:~~
975 ~~The license appeal authority does not have the authority to waive compliance with or to~~
976 ~~extend deadlines set forth in this title or in title 16, except as specifically identified therein.~~

977 ~~—H. Preponderance Of Evidence Standard Of Review: All factual determinations made by~~
978 ~~the license appeal authority shall be supported by a preponderance of the evidence,~~
979 ~~presented to the license appeal authority during hearing proceedings. (Ord. 12-13, 6-13-~~
980 ~~2012; amd. Ord. 21-11, 3-24-2021; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)~~

981

982 4-1C-9: DECISION OF THE LICENSE APPEAL AUTHORITY:

983 A. Date Decision Due; Findings: The license appeal authority, after hearing all the
984 evidence, shall announce its decision within fourteen (14) calendar days from the date of
985 hearing, unless for good cause, it extends the time for rendering a decision. The license
986 appeal authority may affirm or reverse the decision of the business license authority, and
987 may remand the matter for further action by the business license authority. The decision
988 shall be in writing and shall be based upon findings of fact and conclusions of law. The
989 license appeal authority may designate that the prevailing party draft the findings of fact
990 and order. If the prevailing party drafts the decision, the opposing party shall have five (5)
991 working days from the date the draft is submitted within which to file objections to the
992 draft. Upon resolution of all objections to the draft, the license appeal authority shall issue
993 its decision.

994 B. Service Of Appeal Decision: The decision of the license appeal authority shall be
995 delivered to the applicant by mail, postage prepaid, by electronic means, or by personal
996 service, at the discretion of the license appeal authority.

997 C. Reversal Of Decision: The denial of the license shall be reversed by the license appeal
998 authority if, upon review of the written appeal and information submitted, the license
999 appeal authority finds that the licensing officer made a material mistake of law or fact in
1000 denying or suspending the applicant's or registered solicitor's license.

1001 D. Affirmation Of Decision: If the written appeal and information submitted indicates
1002 that the licensing officer properly denied a license the denial shall be affirmed.

1003 E. Administrative Exhaustion Of Remedies: After the ruling of the license appeal
1004 authority, the applicant or solicitor is deemed to have exhausted all administrative
1005 remedies with the city. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

1006

1007 4-1C-10: APPEAL OF A LICENSE APPEAL AUTHORITY DECISION:

1008 The license appeal authority's decision may be appealed ~~by the applicant or the city~~ to the
1009 district court within thirty (30) days from the date on which the license appeal authority's
1010 written decision is issued. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

1011

1012 **4-1C-11: LICENSING AFTER REVOCATION [RESERVED]:**

1013 ~~A person, whose business license has been revoked, may not be issued a new license for a~~
1014 ~~period of at least twelve (12) months following the revocation.~~ (Ord. 12-13, 6-13-2012;
1015 ~~amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023~~)

1016

1017 4-1C-12: VALIDITY OF BUSINESS LICENSE DURING APPEAL:

1018 **A. Right To Operate During Appeal:** A person or business holding a business license
1019 subject to an order of the business license authority suspending or revoking the license
1020 may continue to legally operate the licensed business in compliance with federal, state and
1021 all other local laws pending a final decision on appeal, or until the time for appeal has
1022 passed, whichever event occurs first.

1023 ~~**B. No Right To Operation Without Valid License Having Been Issued:** An applicant for a
1024 ~~currently unlicensed business shall not operate, and it shall be unlawful for any person to~~
1025 ~~conduct business for which a license is required at the premises until a valid business~~
1026 ~~license is issued, notwithstanding the city's denial of that license has been appealed.~~ (Ord.
1027 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)~~

1028 ARTICLE D. ENFORCEMENT

1029 SECTION:

1030 4-1D-1: Powers And Duties Of Police And Inspectors

1031 4-1D-2: Penalties For Violation

1032 4-1D-3: Effect Of Conviction; Prosecution Not Barred

1033 4-1D-4: Injunction

1034 4-1D-5: Liability For Acts Of Employees [Reserved]

1035

1036

1037

1038 4-1D-1: POWERS AND DUTIES OF POLICE AND INSPECTORS:

1039 A. Authorized Enforcement Personnel:

1040 1. All police officers, community enforcement officers, code enforcement officers, and
1041 city building inspectors are appointed to act as business license inspectors, and are
1042 empowered and required to examine all places of business and persons who are required
1043 to have a business license and to determine if licenses are valid and available for
1044 inspection.

1045 2. Police officers and inspectors shall have and exercise the power to enter free of
1046 charge, during normal business hours, any place open to the general public and for which a
1047 license is required. They may require the exhibition of a current license by any person
1048 engaged or employed in the conduct of such business.

1049 B. Duty To Enforce: It shall be the duty of the city police officers, community
1050 enforcement officers, code enforcement officers, and the city building inspectors, as well as
1051 the city business license authority, to cause complaints to be filed against all persons
1052 violating any of the provisions of this title. Enforcement against pawnshops is limited as
1053 provided in Utah Code section 13-32a-112.5. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-
1054 04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023)

1055

1056 4-1D-2: PENALTIES FOR VIOLATION:

1057 A. Administrative Fines And Penalties: If the city council so authorizes, the license appeal
1058 authority may assess administrative penalties for violations of this title.

1059 B. Violation: Any violation of this title may be prosecuted administratively as provided in
1060 title 16 of this code, and/or as a Class B misdemeanor.

1061 C. Each Sale Without A License Is A Separate Offense: The sale of each article by a
1062 temporary merchant, a temporary merchant sponsor or a participant, without a license
1063 therefor, shall be a separate offense under and a separate violation of this title. (Ord. 12-13,

1064 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-
1065 12, 3-22-2023; Ord. 23-25, 8-9-2023)

1066

1067 4-1D-3: EFFECT OF CONVICTION; PROSECUTION NOT BARRED:

1068 The conviction and punishment of any person for transacting business without a license
1069 shall not excuse or exempt such person from the payment of any license fees, penalties or
1070 fines due or unpaid at the time of such conviction, and nothing in this title shall prevent a
1071 criminal prosecution for any violation of the provisions of this title. (Ord. 12-13, 6-13-2012;
1072 amd. Ord. 23-12, 3-22-2023)

1073

1074

1075 4-1D-4: INJUNCTION:

1076 An entity or individual who operates or causes to be operated a business without a valid
1077 license in violation of the provisions of this chapter is subject to a suit for an injunction in
1078 addition to the civil and criminal violations provided in this chapter and any other remedy
1079 available at law or in equity. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

1080

1081 4-1D-5: LIABILITY FOR ACTS OF EMPLOYEES: [RESERVED]

1082 The holder of a city business license is strictly liable for any and all acts of the holder's own
1083 employees and for any violation by them of any provisions of this title. (Ord. 12-13, 6-13-
1084 2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

CHAPTER 1
GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS

ARTICLE A. GENERAL PROVISIONS

SECTION:

4-1A-1: Purpose

4-1A-2: Definitions

4-1A-3: Applicability Of This Chapter

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

4-1A-1: PURPOSE:

Pursuant to its inherent police powers within statutory authority granted by the state to protect the health and welfare of its residents and businesses, the city intends by this title to regulate and license businesses and occupations undertaken and operating within its corporate limits; to maintain a current index of licensed businesses and occupations; and to raise revenues sufficient, among other things, to offset the costs of administering this title by imposing license fees upon such businesses and occupations. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1A-2: DEFINITIONS:

The following words, terms, and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions in this section are also applicable to all subsequent chapters in this title. For words, terms, and phrases which are not defined in this title, the definitions in sections 13-2-3 or 17-1-6 or elsewhere in this code or in the Utah Code Ann. shall have the meanings ascribed to them in those sections in this code or in the Utah Code Ann., except where the context clearly indicates a different meaning; these definitions may also be used to supplement the definitions in this title.

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

AGREEMENT:

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

ALCOHOLIC BEVERAGE (AND RELATED TERMS):

See the definitions found within the Utah alcoholic beverage control act, Utah Code Ann. title 32B, and in section 17-1-6 of this code.

APPLICANT:

A person possessing a business license from the city, and any person seeking a business license from the city.

APPLICATION:

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

BCI BACKGROUND CHECK:

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

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

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

BUSINESS:

Means and includes:

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

B. As used in this title, the owning and operating of one or more residential rental units, whether a single-family home, a residential dwelling complex (such as a duplex, triplex or larger apartment complex) or mobile home park, or otherwise, for economic gain, economic benefit, or for the benefit of the owner or operator's commercial activities shall be deemed to be a business.

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

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

BUSINESS ENTITY:

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

BUSINESS LICENSE AUTHORITY:

The city business licensing division.

CHARITABLE ORGANIZATION (AND RELATED TERMS):

See the definitions in Utah Code Ann. section 13-22-2, or successor provisions.

COMMUNITY LOCATION (AND RELATED TERMS):

See the definitions in:

- A. For alcoholic beverages, Utah Code Ann. section 32B-1-102, or successor provisions;
- B. For cannabis production establishments, Utah Code Ann. section 4-41a-102, or successor provisions;
- C. For medical marijuana, Utah Code Ann. section 26-61a-102, or successor provisions;
- D. For retail tobacco specialty business, Utah Code Ann. sections 10-8-41.6 and 17-50-333, or successor provisions; and
- E. For tobacco, electronic cigarette, and nicotine product retail permits, Utah Code Ann. section 26-62-102, or successor provisions.

COMPETENT INDIVIDUAL:

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

COMPLETED APPLICATION:

A fully completed application form; for those business identified in chapter 2 of this title, excluding persons exempted from municipal licensing under state or federal law, a BCI background check for each applicant or, if the applicant is a business entity, for each officer or member of the business entity and the tendering of all required fees.

DOOR TO DOOR SOLICITATION:

The practice of engaging in or attempting to engage in conversation with any individual at a residence, whether or not that individual is a competent individual, while making or

seeking to make or facilitate a door to door solicitation sale, or attempting to further the sale of goods and/or services. See sections 4-2F-1 through 4-2F-16 inclusive.

DOOR TO DOOR SOLICITATION SALE:

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

EMPLOYEE:

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

ENGAGING IN BUSINESS:

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

FEES OR FEE SCHEDULE:

The city's consolidated fee schedule as it relates to business license fees, disproportionate rental dwelling unit fees, and the discount fees associated with the good landlord program.

INDIVIDUAL:

A natural or physical person; in other words, an individual human being.

LICENSED PREMISES:

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

LIQUOR (AND RELATED TERMS):

See the definitions found within the Utah alcoholic beverage control act, Utah Code Ann. title 32B, and in section 17-1-6 of this code.

MASSAGE THERAPY AND MASSAGE THERAPIST (AND RELATED TERMS):

See the definitions found in Utah Code Ann. section 58-47b-102.

NO SOLICITATION SIGN:

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

NUDITY (AND RELATED TERMS):

See the definitions found in Utah Code Ann. section 10-8-41.5 or successor provisions.

OPERATOR:

The manager or other individual principally in charge of a business.

OWNER:

The person having ownership.

PARTICIPANT:

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

PATRON:

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

PERSON:

Includes any individual, group of individuals, business entity, group of business entities, or other legal entity or legal entities.

PLACE OF BUSINESS:

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

PREMISES:

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

PROGRAM:

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

PROPRIETOR:

Any person who, as the owner, lessee, or manager, has under that person's control a business.

REGISTERED SOLICITOR:

Any individual who has been issued a current certificate residential solicitation license by the city (see sections 4-2F-1 through 4-2F-16 inclusive).

RENTAL DWELLING UNIT:

Any individual dwelling unit, accessory dwelling units, apartment buildings, or other buildings so arranged, designed, built, rented, let, or hired out to be used or occupied as the home, residence, or dwelling unit of one or more families living independently of each other, that is rented, leased, or hired out to be used or occupied as a home or residence. This definition is inclusive of a dwelling unit that is provided for free or below market rate to an employee as compensation. For the purpose of this definition, a residence that is under a bona fide contract of sale to an occupying purchaser is not a rental dwelling unit.

RESIDENCE:

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

RESPONSIBLE PERSON:

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

SALES EVENT:

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

SELL, SALE, AND TO SELL:

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

SERVICES:

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

SEXUALLY ORIENTED BUSINESS (AND RELATED TERMS):

See the definitions found in Utah Code Ann. section 10-8-41.5 or successor provisions.

SOLICITING, SOLICIT, SOLICITATION:

Any of the following activities when conducted on a door to door home contact basis:

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

SOLICITOR, SOLICITORS:

An individual or individuals engaged in door to door solicitation. A residential solicitation license does not authorize or enable hawking goods or contacting people in public places, in a park or on the street. See sections 4-2F-1 through 4-2F-16 inclusive.

SPECIFIED CRIMINAL ACTS:

Any act defined in title 76 of the Utah Code Ann. or in titles 6 or 7 of this code as a crime.

SPECIFIED SEXUAL ACTIVITIES:

Any sexual act defined in title 76 of the Utah Code Ann. or in titles 6 or 7 of this code as a crime.

SUBSTANTIATED REPORT:

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

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

TEMPORARY MERCHANT:

A. Any person, whether a resident of the city or not, who within the limits of the city:

1. Engages in a temporary business of selling and/or delivering goods, wares or services, or who conducts meetings open to the general public where franchises, distributorships, contracts or business opportunities are offered to the public; or
2. Sells, offers or exhibits for sale any goods, wares or services, franchises, distributorships, contracts or business opportunities, during the course of or any time within six (6) months after a lecture or public meeting pertaining to such goods, wares, services, franchises, business opportunities, contracts or distributorships.

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

1. A person who shall occupy any business establishment for the purpose of conducting a permanent business therein; provided, however, that no person shall be relieved from the provisions of this title by reason of a temporary association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer; or
2. Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stock has been acquired from a merchant or merchants of the city regularly licensed and engaged in business; provided, however, no such stock of merchandise shall be augmented by new goods; or
3. A person who sells the person's own property which was not acquired for resale, barter or exchange, excluding persons selling such items as part of a yard, garage, or similar public sale more than twice during any calendar year; or
4. Art exhibits, where participating artists sell their original works, and which do not contain any sales of artwork purchased or taken on consignment and held for resale, providing such art exhibits are sponsored by a local, responsible organization; or
5. "Religious or charitable organizations", as defined in this section; or
6. Sales of goods, wares or services at a convention, meeting or exposition which is not open to nor advertised to the general public, to the extent such sales are made to registered members of the sponsoring organization, provided the sponsoring organization or its designated agent delivers to the city license supervisor, at least fifteen (15) days in advance of such convention, meeting or exposition, a statement of the organization's qualification for this exemption and a statement of the common interest or category of those who will be attending such convention, meeting or exposition; and providing all persons selling or purchasing goods, wares or services at such convention, meeting or exposition shall wear or display in a conspicuous manner a tag stating the name of the sponsoring organization.

TEMPORARY MERCHANT SPONSOR:

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

TOBACCO PRODUCT:

As defined in Utah Code Ann. subsection 10-8-41.6(1)(j) or successor provisions.

TOBACCO SPECIALTY BUSINESS:

As defined in Utah Code Ann. subsection 10-8-41.6(1)(h) or successor provisions.

(Ord. 12-13, 6-13-2012; amd. Ord. 13-14, 3-27-2013; Ord. 16-01, 1-13-2016; Ord. 16-06, 1-13-2016; Ord. 16-11, 3-23-2016; Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-04, 2-10-2021; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

The provisions of this chapter apply to all businesses and employees in the city. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

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

Certain types of businesses have additional and special licensing and business conduct requirements, as set forth in chapter 2 of this title. For these specially addressed types of business, a general business license and a special business license will be required, including the payment of such license fees as provided in the consolidated fee schedule. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

ARTICLE B. BUSINESS LICENSES

SECTION:

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

4-1B-2: [Reserved]

4-1B-3: Business License Authority

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

4-1B-5: City Inspection Authority

4-1B-6: License Limited To Licensed Name

4-1B-7: License Application Requirements

4-1B-8: [Reserved]

4-1B-9: [Reserved]

- 4-1B-10: Engaging In Business Prohibited During Investigation
- 4-1B-11: [Reserved]
- 4-1B-12: Issuance Of License; Closing Incomplete Applications:
- 4-1B-13: Index Of Licensed Persons And Businesses
- 4-1B-14: License Available For Inspection
- 4-1B-15: [Reserved]
- 4-1B-16: License Fees
- 4-1B-17: License Year; Fee Payments
- 4-1B-18: Late Payment Penalty And Consequences
- 4-1B-19: Fee Exemptions For Businesses
- 4-1B-20: Mistakes In Fee Calculations
- 4-1B-21: Deviations Prohibited
- 4-1B-22: [Reserved]
- 4-1B-23: [Reserved]
- 4-1B-24: No License Transfers; And Change Of License Information
- 4-1B-25: Designation Of Agent For Service Of Process
- 4-1B-26: Recordkeeping Required
- 4-1B-27: [Reserved]
- 4-1B-28: [Reserved]
- 4-1B-29: [Reserved]
- 4-1B-30: License Termination Following Cessation Of Operations
- 4-1B-31: [Reserved]

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

Unless specifically exempt from such requirement in this title or other applicable law, every person engaging in business within the city must maintain a valid city business license. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-2: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1B-3: BUSINESS LICENSE AUTHORITY:

The business license authority shall have responsibility for issuing business licenses and ensuring all business license fees are paid, based on the rates and charges established by ordinance or resolution and as set forth in the city's consolidated fee schedule. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

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

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

A. Time Period Within Which To Act On License; Denial: The business license authority may take up to thirty (30) days from the date when the completed application is received by the business license authority, to review an application and investigate the relevant facts. If the business license authority denies an application, a statement of the facts and reasons for the denial shall be given to the applicant.

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

C. Business License Authority Investigation: The business license authority may, on the business license authority's own initiative or in response to complaints from the general public or any city department or division, investigate and gather evidence of violations of this title or other circumstances which may give rise to a denial, suspension or revocation; or seek the police department's or other investigative organization's assistance or investigations. The business license authority may, prior to the issuance of any business license required by this title, investigate any applicant for such license, if there is reasonable cause to believe that the applicant:

1. Has filed an application which is incomplete, erroneous, or false in any respect, except that any individual name or business entity name that is substantially similar to the correct name shall not be deemed to be incomplete, erroneous, or false;

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

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

4. Investigation is required by city ordinance. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-5: CITY INSPECTION AUTHORITY:

A. Business Inspections: Prior to the issuance of a license to a person to engage in a new business not previously licensed under this title, and periodically during the term of a business license, one or more agents of the city, including, but not limited to, police officers, code enforcement officers, and community enforcement officers, subject to constitutional limitations, may enter and examine the physical locations and space occupied and used by any business or vehicle, for which a city license is required to determine if such places of business, persons and vehicles are properly licensed and that no business, other than the one described in and covered by the license, is operating or transacting business.

B. Enforcement and Reporting: City agents may issue citations or otherwise enforce the law, and shall advise the business license authority of each person doing business in violation of this title.

C. Notice and Remediation: Written notice shall be given by a code enforcement officer to a licensed person or business upon the finding of any code infractions, which shall provide for time in which to correct such infractions, pursuant to title 16, unless the noncompliant issue constitutes a hazard or exigent circumstance requiring immediate remediation under law. Failure to bring the licensed premises into legal compliance may result in the revocation of the license by the city.

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-6: LICENSE LIMITED TO LICENSED NAME:

It is unlawful for a business to do business under any name other than the business name or names specified in the application. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-7: LICENSE APPLICATION REQUIREMENTS:

A. Application: Applications for licenses and permits required by this title shall be made online to the business license authority in the absence of provision to the contrary. When necessary, the business license authority shall provide equipment and services to assist applicants at the City offices in submitting online applications. For safety and compliance and purposes, the application shall show:

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

2. State Licensure: If applicable, verification of the existence of an active and valid license, from the applicable divisions of the state, to provide the goods or services necessary for the operation of the desired business.

3. Applicant Information: For all applicants, a statement of the business address, contact information, and other information requested on the forms provided by the business license authority.

4. Age: For businesses identified in chapter 2 of this title, excluding home occupations, temporary merchants, agricultural vendors, and mobile food businesses, verification that each applicant, or if the applicant is a business entity, each owner, officer, or member of the business entity, is at least eighteen (18) years of age, provided that the business license authority is empowered to waive the age requirement in appropriate cases.

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

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

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

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

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

D. Notice Of Change To Application Information: Any change in the information required to be submitted under this article for a business license shall be given in writing to the business license authority within fourteen (14) days after such change. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-8: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-9: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

It is unlawful for any person applying for a business license which requires investigation by the business license authority to engage in the business for which license application is made, until such investigation is completed and the license approved and issued. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1B-11: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1B-12: ISSUANCE OF LICENSE; CLOSING INCOMPLETE APPLICATIONS:

A. License Issuance: Within thirty (30) days after receiving a completed application, payment of all fees, and completion of any needed investigation, the business license authority shall issue the license or deny the application.

B. Closing Incomplete Applications: If an application is still incomplete sixty (60) days after the filing of the application, the application may be closed by the business license authority. Any filing fee shall be forfeited. Any subsequent application would require a new fee and a new application. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

The business license authority shall keep a registry containing the names of the businesses and persons holding business licenses. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1B-14: LICENSE AVAILABLE FOR INSPECTION:

Each license shall be available for inspection during business hours. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1B-15: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1B-16: LICENSE FEES:

Annual license and other fees shall be those periodically adopted by the city council in its consolidated fee schedule. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

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

A. Fees To Be Paid In Advance: All license fees shall be paid in advance in any manner accepted by the city.

B. License Year; Renewal Date:

1. License Year; Good Landlord Program: Unless otherwise specified in this title, a "license year" will run for twelve (12) consecutive calendar months following the date of commencement and end on the last day of the twelfth month.

2. Administratively Assigning License Year Dates: Annual licenses issued pursuant to this title need not be issued on a calendar year basis.

C. Payments: Each license fee shall be paid at the time of an application's filing, whether as a new or a late renewal application. The application shall not be processed until the fee is paid. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015; Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

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

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

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

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

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

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

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

F. Other Enforcement Not Precluded: Nothing in this section shall be construed to prevent or in any manner interfere with the enforcement of any criminal or civil penalty provision contained in any other title of this code, including, but not limited to, those provisions pertaining to operation of businesses without a current and valid business license. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

In addition to all persons exempt from municipal licensing pursuant to state or federal law, the following persons are exempt from the payment of license fees:

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

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

C. Nonprofit/Charitable Organizations: The provisions of this title shall not be deemed or construed to require the payment of a license fee for the issuance of a license to any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes from which profit is not derived, directly or indirectly, by any person; nor shall the payment of a license fee be required to issue a license for the conducting of any entertainment, concert, exhibition or lecture whenever the receipts from such are to be appropriated to any church, school, governmental entity, or nonprofit organization. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

A. In no event shall any mistakes made by an applicant or the city in the calculation of a license fee prevent or prejudice the collection by the city of the amount actually due from any person subject to licensing under this title. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

B. No refund shall be made for any fee paid for a license issued pursuant to this title, unless the fee paid was incorrect due to a calculation error or not legally owed under the

provision of this title. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-21: DEVIATIONS PROHIBITED:

No greater or lesser amounts shall be charged or received for licenses, and no license shall be issued for any period of time other than as specifically provided in this title. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1B-22: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-23: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

No transfers of licenses are allowed. Any material change of ownership structure, business name, address, or other information that must be provided to the business license authority under this title shall require a new application for a new license. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

Before any business license shall be issued to a person, the applicant shall file with the business license authority an instrument naming a true and lawful agent of such applicant with full power and authority to accept service or notice of process for or on behalf of such applicant with respect to any matters connected with or arising in connection with such license. In submitting or causing submission of such instrument, the applicant consents and agrees that any service or notice of process shall be made upon the agent and when so made shall be taken and held to be valid, as if personally served upon the applicant according to the laws of this or any other state, and waives all claims and arguments that such service was invalid, void, or insufficient. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-26: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-27: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1B-28: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-29: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

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

Any business license issued pursuant to this article will expire no later than one hundred and twenty (120) calendar days following the continuous closure or cessation of business operations for which the license was issued, except when cessation or closure is required to repair damage caused by flood, fire, earthquake or other natural disaster. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1B-31: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-04, 2-10-2021; Ord. 23-12, 3-22-2023)

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

SECTION:

4-1C-1: Denial, Revocation, And Suspension Of A Business License

4-1C-2: [Reserved]

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

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

4-1C-5: License Appeal Authority Established

4-1C-6: Administrative Law Judge As The License Appeal Authority

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

4-1C-8: Appeal Hearing

4-1C-9: Decision Of The License Appeal Authority

4-1C-10: Appeal Of A License Appeal Authority Decision

4-1C-11: [Reserved]

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

4-1C-1: DENIAL, REVOCATION, AND SUSPENSION OF A BUSINESS LICENSE:

A. Reasons For Denial, Revocation, or Suspension: A business license may be denied, or a business license may be revoked or suspended, for any lawful reason, including, but not limited to, the following:

1. The business is or will be involved in activities that violate city, county, state or federal laws or regulations;

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

3. The business involves or would involve activities by patrons of the business which are reasonably likely to constitute a public nuisance, or to commit violations of law;

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

5. The license is or would be the result of fraud or misrepresentation of a material fact by the applicant or licensee;

6. Issuance or continuance of the license will jeopardize or unreasonably endanger the health, safety or welfare of any individual, because the applicant or a key employee:

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

b. Criminal or administrative charges are currently pending against the applicant or a key employee and the charges have a direct impact on the applicant's or licensee's ability to safely, competently, or legally practice the occupation, profession, or type of business;

c. The applicant or a key employee has been criminally convicted of a felony, within five (5) years and the criminal conviction relates directly to the applicant's or licensee's ability to safely, competently, or legally practice the occupation, profession, or type of business; or

d. The applicant or a key employee has been criminally convicted of a misdemeanor within the past two (2) years and the criminal conviction relates directly to the applicant's

or licensee's ability to safely, competently, or legally practice the occupation, profession, or type of business; or

7. Nonpayment of any required license fees, taxes, charges, or penalties;

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

9. False, or misleading, or incomplete information given on the application (any individual name or business entity name that is substantially similar to the correct name shall not be deemed to be incomplete, erroneous, or false); or

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

B. A license under this title grants only a revocable privilege to engage in business and confers no vested rights of any kind or nature upon the business or person holding the business license. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1C-2: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

The business license authority may prosecute a suspension or revocation administratively as provided in title 16 of this code, and/or as a Class B misdemeanor. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

A. If the license is revoked, no new application shall be considered by the business license authority until expiration of the time period specified in the order of revocation, which in no event shall be less than one (1) year.

B. A suspension shall be for a period not exceeding six (6) months, following which the license shall be reinstated. Should the license be under suspension at the time the license would have otherwise been renewed or renewable, the license shall not be renewed until expiration of the period of time imposed on the original suspension. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1C-5: LICENSE APPEAL AUTHORITY ESTABLISHED:

The license appeal authority shall hear and decide all appeals of license denials, suspensions, revocations, and similar actions (collectively referred to as "appeals"). The license appeal authority shall have authority to hear evidence in all appeals referred to the license appeal authority and, after an appeal hearing, shall prepare a written decision and order, as provided in this title and in title 16. The individual designated to hear an appeal shall hereafter be designated as the license appeal authority. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-04, 2-10-2021; Ord. 23-12, 3-22-2023)

4-1C-6: ADMINISTRATIVE LAW JUDGE AS THE LICENSE APPEAL AUTHORITY:

The administrative law judge, identified in title 16, shall be and shall fulfill all the responsibilities of the license appeal authority. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

Appeals of a business license authority's decision to deny, suspend, or revoke a business license may be made by filing a written notice of appeal with the city recorder, within fifteen (15) days of receipt of the notice of denial, suspension, or revocation. The appeal notice shall contain a specific and detailed explanation of the alleged mistake made by the business license authority and a specific statement of the relief desired. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-11, 3-24-2021; Ord. 23-12, 3-22-2023)

4-1C-8: APPEAL HEARING:

Appeal hearings shall be conducted in accordance with title 16.

(Ord. 12-13, 6-13-2012; amd. Ord. 21-11, 3-24-2021; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

4-1C-9: DECISION OF THE LICENSE APPEAL AUTHORITY:

A. Date Decision Due; Findings: The license appeal authority, after hearing all the evidence, shall announce its decision within fourteen (14) calendar days from the date of hearing, unless for good cause, it extends the time for rendering a decision. The license

appeal authority may affirm or reverse the decision of the business license authority, and may remand the matter for further action by the business license authority. The decision shall be in writing and shall be based upon findings of fact and conclusions of law. The license appeal authority may designate that the prevailing party draft the findings of fact and order. If the prevailing party drafts the decision, the opposing party shall have five (5) working days from the date the draft is submitted within which to file objections to the draft. Upon resolution of all objections to the draft, the license appeal authority shall issue its decision.

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

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

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

E. Administrative Exhaustion Of Remedies: After the ruling of the license appeal authority, the applicant or solicitor is deemed to have exhausted all administrative remedies with the city. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1C-10: APPEAL OF A LICENSE APPEAL AUTHORITY DECISION:

The license appeal authority's decision may be appealed ~~by the applicant or the city~~ to the district court within thirty (30) days from the date on which the license appeal authority's written decision is issued. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1C-11: [RESERVED]:

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

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

(Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

ARTICLE D. ENFORCEMENT

SECTION:

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

4-1D-2: Penalties For Violation

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

4-1D-4: Injunction

4-1D-5: [Reserved]

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

A. Authorized Enforcement Personnel:

1. All police officers, community enforcement officers, code enforcement officers, and city building inspectors are appointed to act as business license inspectors, and are empowered and required to examine all places of business and persons who are required to have a business license and to determine if licenses are valid and available for inspection.

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

B. Duty To Enforce: It shall be the duty of the city police officers, community enforcement officers, code enforcement officers, and the city building inspectors, as well as the city business license authority, to cause complaints to be filed against all persons violating any of the provisions of this title. Enforcement against pawnshops is limited as provided in Utah Code section 13-32a-112.5. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023)

4-1D-2: PENALTIES FOR VIOLATION:

A. Administrative Fines And Penalties: If the city council so authorizes, the license appeal authority may assess administrative penalties for violations of this title.

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

(Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)

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

The conviction and punishment of any person for transacting business without a license shall not excuse or exempt such person from the payment of any license fees, penalties or fines due or unpaid at the time of such conviction, and nothing in this title shall prevent a criminal prosecution for any violation of the provisions of this title. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023)

4-1D-4: INJUNCTION:

An entity or individual who operates or causes to be operated a business without a valid license in violation of the provisions of this chapter is subject to a suit for an injunction in addition to the civil and criminal violations provided in this chapter and any other remedy available at law or in equity. (Ord. 12-13, 6-13-2012; amd. Ord. 23-12, 3-22-2023; Ord. 23-25, 8-9-2023)








Ordinance No. 23-25 Business License Amd 4-1a-1 through 4-1d-5

Final Audit Report

2023-08-15

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