

## **Title 5. BUSINESS REGULATIONS**

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## **Chapter 5.01. General Business License Regulations.**

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- 5.01.20. Revocation or Suspension of License Generally.**
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### **5.01.01. Definitions.**

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

**“Business”** means, as defined in Utah Code § 10-1-203(a), all activities, trades, professions, occupations, or enterprises, including solicitation, carried on within the limits of the City of Saratoga Springs for the purpose of gain or economic profit. Notwithstanding the purposes of this title, the term “business” shall include nonprofit entities and charitable organizations under state or federal law including but not limited to Section 501(c)(3) of the Internal Revenue Code.

**“Business License Official”** means the City employee designated by the City Manager to administer the business licensing function and serve as the licensing authority.

**“City”** means the City of Saratoga Springs, Utah, a municipal corporation.

**“City Manager”** means the city manager appointed by the city council to perform such administrative functions of the city government as may be required of the city manager by the city council, or the city manager’s designee.

**“Contingent business license”** means a license permitting a business to operate while complying with specific requirements determined by the Business License Official at the time of issuance.

**“Employee”** means the operator, owner, manager, or officer of said place of business, and any persons employed by such person in the operation of said place of business in any capacity, including any salesperson, agent or independent contractor engaged in the operation of said place of business in any capacity.

**“Engage in business”** means, but is not limited to, the sale of tangible personal property, the manufacturing of goods or property, or the rendering of personal services for others for consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling. .

**“License”** means a business license certificate issued by the licensing authority granting permission to engage in the business for which the license is issued.

**“Licensee”** means a person to whom the City has granted a valid business license.

**“License fee”** means the business license fee, renewal fee, and other fees required by law to be paid to obtain or renew a license.

**“Person”** means, but is not limited to, any business, individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, limited liability company, joint stock company, business trust, corporation, association, society, entity, or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise..

**“Place of business”** means each separate location maintained or operated by a licensee with the City from which the licensee engages in business.

**“Temporary permit”** means a license for a business that is located at a site which has been approved by the City for no more than sixty days, or shorter/longer period as otherwise specified in Section 19.05.10. “Temporary Uses,” of this Code. Temporary Uses in Section 19.05.10 shall be required to obtain both a Temporary Use Permit and business license.

(Ord. 21-52)

#### **5.01.02. Unlawful to Engage in Business Without a License.**

Unless exempted by Utah or federal law, or except as otherwise provided by this title or the City Code:

1. It shall be unlawful for any person to engage in business within the City without first obtaining a license from the City for doing so;

2. It is unlawful to continue to engage in a business without maintaining a valid license with the City;
3. It is unlawful for a person to engage in business using a name other than the name in which the City issued or renewed the license; and

It is unlawful to continue engaging in business after the City has suspended or revoked a license for such business.

(Ord. 21-52)

**5.01.03. Separate License for Each Place of Business.**

A person conducting business in more than one location shall obtain a separate license for each location provided that warehouses and distributing places without a point of sale that are used in connection with or incident to a business licensed under this title shall not be deemed to be separate places of businesses.

(Ord. 21-52)

**5.01.04. Multiple Licenses.**

1. A person engaging in two or more businesses at the same place of business shall obtain a license for each business and shall pay the license fee fixed for each respective business.
2. Where two or more persons conduct separate businesses at the same place of business, each such person shall obtain a separate license for their respective business and pay the required license fee for the business.

(Ord. 21-52)

**5.01.05. Duties of Business License Official.**

1. It shall be the duty of the Business License Official to issue business licenses or temporary business licenses after collecting all license fees based upon the City's fee schedule and the license has been approved as provided herein.
2. The Business License Official shall charge a fee based upon the City's fee schedule for each duplicate license issued to replace any license issued under this title.
3. The Business License Official shall enforce all the provisions of this title, shall investigate or cause to be investigated violations of the provisions of this title, and shall arrange service of citations for any violation of the provisions of this title.
4. The Business License Official shall keep a record containing the names of all licensees and such additional information as required for the administration of the business licensing function.

(Ord. 21-52)

**5.01.06. Application, Issuance, and Renewal Licensing Procedures.**

Upon full compliance with this Title 5 and other applicable City law, the Business License Official shall issue or renew a license to the person making application for a license or a license renewal, respectively.

1. **Application Form.** All applications regarding a business license shall be submitted to the Business License Official. All applications shall be completed in full and include all required supporting documents and information.
2. **Background and Fingerprints.** All applicants who are required to provide a criminal history are required to provide a multi-state criminal background check.
3. **Investigation.** The Business License Official or authorized City staff may investigate or inspect any business for which a license is sought prior to issuance of a license. In the case of certain regulatory licenses, an inspection may be required or enabled by other provisions of this title. If the investigation or inspection reveals any unlawful activity by the applicant, the license may be denied.
4. **Fee.** The applicant shall pay the fee set for the license applied for, which fee shall be established by the City fee schedule.
5. **Penalty Fee.** In addition to the license fee and other penalty fees, any applicant that commences business prior to obtaining a valid business license may be assessed a penalty fee as established by the City fee schedule.
6. **Renewals.** A business is responsible for renewing its business license no sooner than thirty days prior to the date of expiration, and no later than the date of expiration.
7. **Grounds for Denial.** The grounds set forth elsewhere in this title for revocation of a license shall also be grounds for denial of a license upon application. Specifically, no license shall be issued to a business violating, causing, or contributing to a violation of local, state, or federal law.
8. **Other Requirements.** Other provisions of this title may set forth additional requirements for issuance of certain regulatory licenses.
9. **Certificates.** A business license certificate issued under this title shall be displayed in accordance of section 5.01.07, "Duty to Display License," and shall be made available upon issuance of a license pursuant to this title.
10. **Misrepresentation.** It is unlawful to knowingly misrepresent a material fact in applying for a business license either orally or in writing. A violation of this section is grounds for denying, revoking, or suspending a license and is a Class B misdemeanor. In the

alternative, it may be charged under state law pursuant to Utah Code § 76-8-504 (2021), as amended. Refer to Section 5.15 for Violations – Penalties.

(Ord. 21-52)

#### **5.01.07. License Period.**

Except for licenses that are time limited as issued, all licenses expire one year from the date of issuance on the last day of that month and must be renewed annually to continue to operate the business within the city.

(Ord. 21-52)

#### **5.01.08. Temporary Permits.**

1. Notwithstanding other provision to the contrary, the Business License Official may issue a temporary permit to conduct business, which permit shall be valid for not more than sixty (60) days, unless otherwise approved consistent with Section 19.05.10 “Temporary Uses” of the City Code.
2. A temporary permit may be issued for certain uses within the City which are temporary or seasonal in nature as set forth in Section 19.05.10 (2021), as amended, of the City Code.
3. The fee charged for a temporary permit shall be established by the City fee schedule.

(Ord. 21-52)

#### **5.01.09. License Fees.**

Except as otherwise provided in this title, any person engaged in business shall pay the license fee to conduct or operate a business in the City.

1. General. The fee for any business shall be determined by resolution approved by the City Council and published in the City fee schedule. If a particular type of business is not specifically listed in the City fee schedule, the Business License Official shall determine the category that most closely fits the business.
2. Base Fee. The fee includes a base fee reflecting the actual City costs of processing license applications and investigations for initial license and renewal.
3. Proportional Service Fee. The fee may also include a proportional service component that reflects some or all of the additional costs the operation of such business typically imposes on City services consistent with State law.
4. Fees Required By Title; Cumulative. The license fees required by this chapter are in addition to those required under any other chapter of this title or section of the City Code.

Unpaid Fee Constitutes Debt. The amount of any unpaid fee, the payment which is required under this Title, shall constitute a debt due the City. The City Attorney may, at the request of the license officer, institute legal action in the name of the City to recover any unpaid fee.

(Ord. 21-52)

**5.01.10. Late Payments.**

1. Delinquent Date. A license fee not paid when due shall be considered delinquent. In the case of a license renewal, the applicable fee is due on an annual basis. In the case of license issuance, the fee must be received prior to the time at which the person required to obtain the license commences the business for which the license is required.
2. Renewals. If any license fee for an existing and continuing business is not paid: 1-30 days after the due date, a penalty of 15 percent shall be assessed; 31-60 days after the due date, a penalty of 25 percent shall be assessed; 61-90 days after the due date, a penalty of 50 percent shall be assessed; and if not paid 91 days or more after the due date, a penalty of 100 percent shall be assessed. The penalty shall be based on the base business license renewal fee only.

Enforcement. All penalties provided for in this section shall be collected by the Business License Official and payment thereof enforced in the same manner as the other license fees.

(Ord. 21-52)

**5.01.11. Refund Prohibited.**

Except as authorized by section 5.01.09 “License Fees,” of this chapter, no license fee, or any part thereof, shall be returned or refunded for any reason after paying the business license application or renewal fee, except as allowed elsewhere in this chapter.

(Ord. 21-52)

**5.01.12 Duplicate Official License Certificate.**

The City may issue a duplicate official license certificate under the provisions of this title for a certificate that has been lost or destroyed upon the licensee filing an affidavit attesting to such fact and requesting a duplicate to be issued and payment of a fee as established by the City fee schedule.

(Ord. 21-52)

**5.01.13. Transferability.**

No license issued under this title shall be transferable except under the following conditions:

1. A license may be transferred to another location if:
  - a. The licensee makes application for such transfer stating the new location and date of transfer;
  - b. The new location complies with all City, state, and federal rules, regulations, statutes, and ordinances; and
  - c. All appropriate fees are paid as established by the City fee schedule.
2. No license may be assigned or transferred to any person.
3. No license may authorize any business except as named thereon.

(Ord. 21-52)

**5.01.14. Name Change.**

1. Fee. If a person applies to change the name or names on its license without substantially changing the nature of the business or the person(s) conducting/owning it, a new license will be reissued in the new name upon filing an affidavit attesting to such change and payment of a fee as established by the City fee schedule.
2. Prohibited Conduct. It is unlawful for a person to conduct a business using a name other than the name in which the City issued or renewed the license.

(Ord. 21-52)

**5.01.15. Misuse of Business License Certificate.**

1. Unlawful Use or Modification. It is unlawful to counterfeit a license certificate or to intentionally deface or mutilate a certificate which is required to be displayed pursuant to section 5.01.17, "Duty to Display License," of this chapter or other display requirements of this title.
2. Unlawful Display. It is unlawful to display, or permit to be displayed, a license certificate at any place of business or in any vehicle other than the place of business or vehicle designated therein, or after the City has revoked the certificate, or the business is otherwise prohibited or declared to be unlawful by this chapter or any other ordinance of law.

(Ord. 21-52)

**5.01.16. Duty to Display Business License.**



1. Any person conducting a licensed business in the City at a fixed location of business, shall at all times display the license certificate in a conspicuous place on the premises used for such business.
2. When such license certificate has expired, the licensee shall remove the certificate from public display.
3. If the licensee's business is such that the license certificate cannot be publicly displayed due to the transient or mobile nature of the business, then the licensee shall carry the license certificate on the licensee's person at all times while carrying on that business.
4. Any person having a license certificate and carrying on a business, shall produce the license whenever requested to do so by a police officer, City representative, Business License Officer, code enforcement officer, or other person authorized to issue licenses, inspect premises, or collect fees for licenses.

(Ord. 21-52)

**5.01.17. Police Officers, Firefighters, and Code Enforcement Officers Ex Officio License Inspectors.**

All City police officers, firefighters, and code enforcement officers are appointed ex officio business license inspectors and may examine all places of business, persons, and vehicles for whom a license is required and shall determine whether the place of business, persons, and vehicle are properly licensed and whether any business is transacted other than the business described in, and covered by, the license. They shall report to the Business License Official all persons doing business without a valid license.

(Ord. 21-52)

**5.01.18. Arrest and Proof of License Powers.**

All police officers and code enforcement officers, in the discharge and performance of their official duties, shall have and exercise the powers to:

1. Issue citations for violations of any of the provisions of this title or, in the case of a police officer who is a law enforcement officer under Utah law, make arrests for such violations; and
2. Enter, free of charge, at any reasonable time, any place of business or vehicle to verify compliance with this Chapter, to demand the exhibition of a valid license, and to stop business transactions and activities if such are being conducted without a valid license or in violation of this Chapter.

(Ord. 21-52)

**5.01.19. Exemptions to License or Fee.**

1. A person engaged in the following activities is exempt from the license provisions under this title:
  - a. A nonprofit organization or operation where the receipts, when collected by a public educational facility, military, or charitable, religious, or governmental organization, are appropriated for the purposes and objects for which such organization is formed, and no person directly or indirectly derives a profit therefrom.
  - b. The business is specifically exempted from municipal business licensing and fees by the laws of the United States or the State of Utah;
  - c. The person is acting as a trustee, receiver, or other public officer pursuant to judicial order or supervision;
  - d. An employee working in the service of an employer where the employer has been issued a valid license;
  - e. The person conducting the business is under the age of eighteen and is conducting a business occasionally as provided in Utah Code §10-1-203(7) (2021), as amended;
  - f. The business consists of mere delivery in the City of goods or trade services purchased at a regular and licensed place of business outside the City, not including, however, food truck business;
  - g. A home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone. If the offsite impact of the home-based business and the primary residential use does not materially exceed the offsite impact of the primary use alone, the City may still issue a business license if:
    - a. The homeowner has requested a license from the City; and
    - b. The City has notified the homeowner of the exemption;
  - h. The business is an approved vendor at a City sponsored event; or
  - i. The business is a type of home occupation that does not require a license.
2. Any person not required to obtain a license as provided in this section shall comply with all other requirements of this Code.
3. A person engaged in the following activities is exempt from license fees, but shall obtain a license and shall operate the business in accordance with all applicable laws regulating the business:
  - a. A nonprofit charitable organization or a fraternal association or organization, exempted by State or Federal law;

- b. A private, nonprofit educational facility; or
- c. A business that is explicitly described in State or Federal law as having an exemption from local license fees.

(Ord. 21-52)

**5.01.20. Revocation or Suspension of License Generally.**

1. Grounds. The licensee shall operate the business in conformity with the ordinances of the City and all other applicable laws. The Business License Official may suspend or revoke any business or regulatory license issued pursuant to this title for a period of time not to exceed one year beginning fourteen calendar days after serving, or causing to be served, a written finding of a violation or conviction of the licensee, operator, agent or any person to the licensee personally or by mailing a copy of the written finding to the licensee at the person's last known physical address. In addition to the other grounds of suspension or revocation of a license found in this title, the Business License Official shall base the written finding on any of the following violations which occurred in conjunction with the operation of a licensed business:
  - a. A violation of or a conviction for violating any ordinance regulating or governing the business under which the license was granted.
  - b. A violation of or conviction for violating any City ordinance or law of the State which is required for licensure or which affects the health, welfare, or safety of its residents including, but not limited to, a public nuisance.
  - c. A violation of or conviction for violating an ordinance which resulted from the operation of the business.
  - d. Any material misrepresentation or fraud perpetrated on the City through application for, or operation of, the business.
  - e. Obtaining or renewing, or aiding another in obtaining or renewing, a license by fraud, deceit or misrepresentation;
  - f. Failing to pay any fees required by this title or other City ordinances;
  - g. Refusing to permit authorized officers to make inspection, or interfering with such officers while in the performance of their duties; or
  - h. Knowingly allowing illegal activities to occur on any place of business in which the licensee has interest.

2. Without limiting the generality of the foregoing, it is specifically provided that a license issued pursuant to this title may be revoked or suspended if the licensee violates, causes, or contributes to a violation of the City's zoning regulations applicable to the licensee's place of business.
3. A violation includes a finding of fault pursuant to Title 20 of this Code.
4. Subsequent License Application. It is unlawful for any person who has had a license suspended, revoked or denied to reapply for or obtain a license during the time that the license has been revoked, suspended or denied, unless the reason for the suspension, revocation, and/or denial has been fully corrected and the applicant is fully compliant with all the City code and all other state and federal laws and regulations.

(Ord. 21-52)

**5.01.21. Violation – Penalties.**

Refer to Section 5.15 for enforcement provisions, including fines and penalties.

(Ord. 21-52)

**5.01.22. Appeals.**

Any person adversely affected or aggrieved by a final decision of the Business License Official may appeal the decision by following the procedures found in Section 5.14 of this Code.

(Ord. 21-52)

## **Chapter 5.02. Alarm Systems and Services.**

### **Sections:**

- 5.02.01. Definitions.**
- 5.02.02. License Required.**
- 5.02.03. Registration Procedure.**
- 5.02.04. Alarm User Responsibility and Information Required.**
- 5.02.05. User Instructions.**
- 5.02.06. False Alarms.**
- 5.02.07. Deliberate False Alarms.**
- 5.02.08. Emergency Response Unit Call Records.**
- 5.02.09. City Liability Limitations.**
- 5.02.10. Interagency Communications.**
- 5.02.11. Penalties.**
- 5.02.12. Appeals.**

### **5.02.01. Definitions.**

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

**“Alarm business”** means any person, firm, partnership, association, corporation, company, or organization of any kind engaged or assisting in the business of installing, planning, servicing, selling, leasing, maintaining, repairing, altering, replacing, removing, or moving any alarm system in the City.

**“Alarm system”** means any mechanism, equipment, or device that is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, fire, medical emergency, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute “alarm systems” with respect to sections 5.02.03 to 5.02.11; however, businesses installing such shall be subject to the business license regulations in Section 5.02.02 and this Title 5:

1. Alarm devices that do not register alarms that are audible, visible, or perceptible outside the protected premises;
2. Alarm devices that are not installed, operated, or used for the purpose of reporting an emergency to the police or fire departments;
3. Alarm devices affixed to motor vehicles, unless the motor vehicle is permanently affixed to the real property at the alarm site;
4. Alarm devices installed on a temporary basis by the police or fire department;
5. Alarm devices installed for personal notification in single-family residential occupancies by homeowners, such as smoke detectors and carbon monoxide detectors.

**“Alarm user”** means the person, firm, partnership, association, corporation, company, or organization of any kind that is applying for a City business license and in control of any building, structure, or facility or portion thereof where an alarm system is maintained.

**“Answering service”** means a telephone answering service providing the receiving on a continuous basis through employees trained to receive emergency signals from alarm systems and relay them by a live voice to the Utah Valley Dispatch Special Service District (UVDSSD).

**“Apartment complex”** means any building or group of buildings containing two or more rental units.

**“Automatic dialing device”** means an alarm system that automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or code signal indicating the existence of an emergency situation that the alarm system is designed to detect.

**“False alarm”** means an alarm signal eliciting a response by peace officers or other emergency response units when a situation requiring such a response does not exist. It includes an alarm signal caused by normal natural conditions subject to control by the alarm business operator or alarm user. “False alarm” does not include an alarm signal caused by extraordinarily violent conditions of nature not reasonable subject to control by the alarm business or alarm user.

**“Interconnect”** means to connect an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

**“Intrusion alarm system”** means an alarm system signaling an entry or attempted entry into the area protected by the system.

**“Local alarm”** means any noisemaking alarm device audible at the alarm site.

**“Physical duress system”** means a silent alarm system generated by the manual activation of a device intended to signal a crisis situation requiring police response including a robbery or other physical or medical endangerment.

**“Primary trunk line”** means a telephone line serving Utah Valley Dispatch Special Service District (UVDSSD) system or dispatch that is designated to receive emergency calls.

**“Utah Valley Dispatch Special Service District and Sheriff Dispatch”** (UVDSSD) means the governmental facilities used to receive emergency and general information from the public to be dispatched to the City police and fire departments.

(Ord. 21-52)

#### **5.02.02. License Required.**

It is unlawful for any alarm business to own, manage, or conduct the business of selling, leasing, installing, servicing, maintaining, repairing, replacing, altering, moving or removing, or causing to be sold, leased, installed, serviced, maintained, repaired, replaced, altered, moved or removed in or on any building, residence, or other property with the City any alarm system, physical duress system, or automatic dialing system connected to an answering service, unless the business has a valid license in compliance with the provisions of the State of Utah Division of Occupational and Professional Licensing in (Utah Code § 58-55-101 et seq.), as amended, and a valid business license from the City.

(Ord. 21-52)

#### **5.02.03. Registration Procedure.**

Every alarm business shall register its name, address, and license number or ID card number with the City by submitting a copy of its state license as a condition precedent to doing business within the City.

(Ord. 21-52)

#### **5.02.04. Alarm User Responsibility and Information Required.**

1. The alarm user and alarm business shall be responsible for the maintenance and operation of the alarm system and for the payment of all fees and penalties under this title.
2. The business license application shall include the following information and may be completed by the alarm user and/or alarm business and submitted to the Business License Official prior to the operation of an alarm system.
  - a. The full name, address, billing address, telephone number, and e-mail of both the owner and lessee (if any) on whose premises the system will be installed, operated, connected, monitored, or maintained;
  - b. The name of the person or licensed alarm system business installing, monitoring, maintaining, or servicing the system;
  - c. The type of system to be installed, operated, or maintained; and
  - d. Any other additional information as the Business License Official or Chief of Police shall reasonably deem necessary to properly identify and locate the user, the alarm business installing, servicing, monitoring, or maintaining the alarm system, and the persons to be contacted in the event of the filing of an alarm report.
3. The persons listed in the application shall have authority to act for the alarm user in granting peace officers access to any portion of the premises concerned and shall be knowledgeable in the basic operation of the alarm system.
4. The persons listed in the application shall be responsible for informing/updating the Business License Official if there is a change to any of the required information.

5. A penalty service fee may be assessed upon a user when a law enforcement officer responding to an alarm is unable to contact any of the listed parties due to outdated or inaccurate information provided by the user. The penalty service fee shall be determined by treating any such failure by a user as if it were a false alarm, as provided in Section 5.02.07, and may be considered as an additional false alarm for the purpose of computing fees.

(Ord. 21-52)

**5.02.05. User Instructions.**

1. Every alarm business selling, leasing, or furnishing to any user an alarm system that is installed on-premises located within the City shall furnish the alarm user with written instructions and training enabling the user to operate the alarm system properly and avoid false alarms.
2. Every alarm business selling, leasing, or furnishing to any user an alarm system installed on-premises located within the City shall notify the alarm user in writing of the contents of this chapter.

(Ord. 21-52)

**5.02.06. False Alarms.**

1. Alarm users shall be responsible for false alarms caused by anyone with authorized access to the premises.
2. A service fee is imposed for false alarms on a physical duress or intrusion alarm system to which a law enforcement officer, firefighter, or emergency response unit responds. The fee shall be assessed on false alarms for all alarm systems, whether the alarm user has registered with the City or not. The fee shall be assessed as follows:
  - a. No fine shall be assessed for the first false alarm within a 12-month period.
  - b. A \$100 fee is assessed on the user of the alarm system for each false alarm after the first false alarm in any 12-month period.
3. All penalties assessed under this chapter shall be due and payable on the date written notice of any penalty due is issued by the City. If any penalty is not paid within ninety (90) days of the due date, the City may use such lawful means as are available to collect such penalties.

(Ord. 21-52)

**5.02.07. Deliberate False Alarms.**

1. No person shall transmit any notice of intrusion or physical duress alarm knowing it to be false or without basis in fact.



2. Central stations shall not request law enforcement officers or emergency response units to respond to alarm scenes when monitoring equipment indicates an alarm system malfunction signal.
3. A violation of this provision may also be charged pursuant to Utah Code § 76-9-105.

(Ord. 21-52)

**5.02.08. Emergency Response Unit Call Records.**

Alarm businesses that request emergency response to alarm signals shall maintain a record of all such calls, stating the time, date, location of the alarm, and the name, address, and phone number of the alarm user. The records shall indicate the cause of the alarm, if known. This record shall be current and shall be made available to the City's authorized representative at any time during normal business hours.

(Ord. 21-52)

**5.02.09. City Liability Limitations.**

The City shall not be liable for any defects in operation of intrusion or duress alarm systems, nor any failure to respond appropriately upon the receipt of notice of a tripped alarm. In the event the City finds it necessary to order the system disconnected, the City shall incur no liability for such action.

(Ord. 21-52)

**5.02.10. Interagency Communications.**

At the time a central station or alarm dispatch center files an alarm report, it must also provide the City dispatch a toll free telephone number for the City to communicate with the central station or alarm dispatch center.

(Ord. 21-52)

**5.02.11. Penalties.**

Refer to Section 5.15 for enforcement provisions, including fines and penalties.

(Ord. 21-52)

**5.02.12. Appeals.**

Any person adversely affected or aggrieved by a final decision of the Business License Official may appeal the decision by following the procedures found in Section 5.14 of this Code.

(Ord. 21-52)

## **Chapter 5.03.           Alcoholic Beverage Licenses.**

### **Sections:**

- 5.03.01.       Purpose.**
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- 5.03.14.       Appeals.**

### **5.03.01.       Purpose.**

1. It is the purpose of this chapter to control and regulate the sale, distribution, and consumption of alcoholic beverages within the City. It is further the purpose of this chapter to conform to State law while maintaining the City's right to adopt regulations that may be stricter than those imposed by State law.
2. All sales of alcoholic beverages within the City shall be governed by the Utah Alcoholic Beverage Control Act (UABCA). In the event the ordinances of the City conflict with the requirements of the UABCA, the UABCA shall control.
3. This Chapter is intended to supplement and work in conjunction with the Utah Alcoholic Beverage Control Act, Utah Code Title 32B, as amended ("Act"). In the case of a conflict, the more restrictive provision shall apply. If it is not clear which provision is more restrictive, then the Act shall take precedent.

(Ord. 21-52)

### **5.03.02.       Definitions.**

For purposes of this chapter and title, definitions found in the Utah Alcoholic Beverage Control Act, Utah Code Title 32B, as amended, are hereby adopted. The following words, terms, and phrases defined in this section are either not present in the Utah Code Title 32B, or are more restrictive, and shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**"Application"** means a formal written request submitted to the City of Saratoga Springs, for the issuance of a City permit, license, or Local Consent.

**"Bar establishment license" or "bar license"** means as stated in Utah Code Title 32B a retail license issued in accordance with Utah Code § 32B-5-101 et seq and Utah Code § 32B-6-401 et seq.

**"Community location"** means as stated in Utah Code Title 32B a public or private school, a church, a public library, a public playground, or a public park. In addition, consistent with Utah Code Title 32B "community location" also includes a public or private daycare, private playground, private park, public or private trail, and public or private open space.

**"License Official"** means the Business License Official or any other City employee designated by the City Manager to manage the alcohol licensing function.

**"Local Consent"** means a written document provided by the License Official to the Utah Department of Alcoholic Beverage Control ("DABC") indicating the City's consent for the DABC to issue a specific type of beer or liquor license.

**"Public-Owned Recreation Facility"** means any building or permanent structure owned or leased by the State, county, city, or other political jurisdiction that is used primarily for recreational activities.

**"Beer-Only Restaurant License"** means a license issued in accordance with Utah Code § 32B-6-901 et seq. that permits a restaurant to store, sell, and serve beer for consumption on its premises within the City, but not liquor, spirituous liquor, flavored malt beverage, wine, or heavy beer. Each restaurant must maintain at least seventy percent of its total restaurant business from the sale of food, as established by the DABC.

**"Full-Service Restaurant License"** means a license that permits a restaurant to store, sell, and serve alcoholic beverages for consumption on the premises, in conjunction with an order of food that is prepared, sold, and served at the restaurant to the general public. Each restaurant must maintain at least seventy percent of its total restaurant business from the sale of food, as established by the DABC.

**"Limited-Service Restaurant License"** means a license that permits a restaurant to store, sell and serve wine, heavy beer, and beer for consumption on its premises, but not spirituous liquor or flavored malt beverage. Each restaurant must maintain at least seventy percent of its total restaurant business from the sale of food, as established by the DABC.

**"Off-Premises Beer Retailer License"** means a license that permits the licensee to sell beer in original containers (not to exceed two liters) for consumption off the premises.

**"On-Premises Banquet License"** means a license that permits the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts. Alcoholic beverages may be sold on any day from 10:00 A.M. until 1:00 A.M.

**“On-Premises Recreational Beer Retail Establishment”** means a recreation facility that has an On-Premises Recreational Beer Retail License.

**“On-Premises Recreational Beer Retail License”** means a license that permits a recreational facility to sell beer for consumption on the premises associated with a recreational amenity as defined in Utah Code § 32B-6-702. At least seventy percent of the sales at the recreational facility must be from food, or may be from gross revenues directly related to the recreational amenity.

**“Single-Event Permit”** means single-event permit that allows the licensee to sell and allows the on-premises consumption of any alcohol (including beer) at a temporary event not to exceed one hundred twenty hours. This permit is available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. The organization must have been in existence as a bona fide organization for at least one year prior to the date of application. The permit allows for cash bars and the sale of alcoholic beverages to the general public, or to the organization’s own invited guests for the duration of the event.

**“Special-Use Permit”** means a special-use permit that is issued for the purchase, sale, storage, use, consumption of alcoholic products in limited types and quantities, and for limited purposes. The following types of permits are considered special-use permits: religious wine permits issued to religious organizations, industrial or manufacturing use permits issued to persons or organizations involved in industrial or manufacturing pursuits, scientific or educational use permits issued to persons or organizations involved in scientific or educational pursuits, healthcare facility use permits issued to hospitals or healthcare facilities, and public service permits issued to operators of airlines, railroads, or other public conveyances.

**“On-Premises Tavern License”** means an on-premises beer retailer license that permits a business establishment to sell beer at retail for consumption on the premises issued to a Tavern.

**“Tavern”** means a business establishment that is not an On-Premises Recreational Beer Retail Establishment that is engaged in the retail sale or distribution of beer to public patrons for consumption on the establishment that is licensed as a tavern under State law. It includes beer bars, parlors, lounges, cabarets and night clubs where the revenue from the sale of beer exceeds the revenue from the sale of food, although food need not be sold in such establishments.

(Ord. 21-52)

### **5.03.03. License Required to Sell Alcoholic Beverages.**

1. A person may not engage in the business of the sale of alcoholic beverages at retail within the City without first procuring the appropriate license issued by the City and a license issued by the Utah Alcoholic Beverage Control Commission.

2. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act of Utah and the regulations of the Alcoholic Beverage Control Commission and this chapter and all other applicable local, state and federal regulations.
3. Any license type not listed in section 5.03.04. is prohibited in Saratoga Springs.

(Ord. 21-52)

#### **5.03.04. Licenses.**

1. General.
  - a. A separate license is required for each place of sale, or place of business, or separate establishment.
  - b. The license shall identify the specific premises covered thereby and shall be conspicuously display in their business.
  - c. The applicable alcoholic beverage license and fees are required in addition to the general business license that is required.
2. Transfer of License.
  - a. Licenses issued by the City pursuant to this Chapter shall not be transferable to any other person, entity, or location.
  - b. A Licensee having been granted a Saratoga Springs license may not sell, exchange, barter, give away, or attempt in any way to dispose of the license whether for monetary gain or not.
3. Utah Alcoholic Beverage Control Act.
  - a. Applicable provisions of the Utah Alcoholic Beverage Control Act set forth at Utah Code § 32B-1-101 et seq., as currently adopted and as amended are adopted as the alcoholic beverage license provisions of the City.
4. Licenses, Local Consent, and Permits. The following Licenses, Local Consent, and Permits may be issued by the City. Applicants are required to obtain a separate license and Local Consent (if required) for each license type. Establishments that hold any of the following licenses or permits shall comply with all provisions of the Utah State Code and this Code applicable to the license or permit type, including hours of operation and limitations on minors:

License/Permit Name	Saratoga Springs Description	State Code (as currently adopted or amended)	Local Consent
Bar Establishment License	A bar establishment license entitles the licensee to operate a bar establishment.	Utah Code § 32B-6-401 et seq.  Utah Code § 32B-5-101 et seq.	Yes

License/Permit Name	Saratoga Springs Description	State Code (as currently adopted or amended)	Local Consent
Off-Premises Beer Retailer License	An off-premises beer retailer license shall entitle the licensee to sell beer in original containers (not to exceed two liters) for consumption off the premises.	Utah Code § 32B-5-101 et seq.  Utah Code § 32B-7-101 et seq.	Yes
Beer-Only Restaurant License	A beer-only restaurant license shall entitle the licensee to sell beer for consumption on the premises of a licensed restaurant in open containers and on draft in any size not to exceed two liters capacity, in conjunction with an order of food.	Utah Code § 32B-5-101 et seq.  Utah Code § 32B-6-901 et seq.	Yes
On-Premises Recreational Beer Retail License	An on-premises beer recreational beer retail license is required for the sale of beer at retail for on-premises consumption for establishments that are tied to a “recreational amenity,” as defined by the DABC. At least 70 percent of the sales at the recreational facility must be food, or may be from gross revenues directly related to the recreational amenity.	Utah Code § 32B-5-101 et seq.  Utah Code § 32B-6-701 et seq.	Yes
On-Premises Tavern License	An on-premises tavern license is required for the sale of beer at retail for on-premises consumption for establishments where the primary or main business is that of selling beer for consumption on the premises.	Utah Code § 32B-6-701 et seq.	Yes
Full Service Restaurant License	Full service restaurant licenses are required for the storage, sale, service, and consumption of beer and liquor on the premises of a restaurant that is engaged primarily in serving meals to the general public.	Utah Code § 32B-5-101 et seq.  Utah Code § 32B-6-201 et seq.	Yes

License/Permit Name	Saratoga Springs Description	State Code (as currently adopted or amended)	Local Consent
Limited Service Restaurant License	Limited service restaurant licenses are required for the storage, sale, service, and consumption of wine, heavy beer, and beer on the premises of a restaurant that is engaged primarily in serving meals to the general public.	Utah Code § 32B-5-101 et seq.  Utah Code § 32B-6-401 et seq.	Yes
On-Premises Banquet License	An on-premises banquet license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, or beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts.	Utah Code § 32B-5-101 et seq.  Utah Code § 32B-6-.01 et seq.	Yes
Temporary Beer Event Permit	Temporary beer event permits are required to sell beer for on-premises consumption at a temporary event. Multiple temporary beer event permits may be obtained per calendar year, limited to the number of events permitted by the DABC.	Utah Code § 32B-9-101 et seq.  Utah Code § 32B-9-201 et seq.  Utah Code § 32B-9-401 et seq.	Yes
Single Event Permit	A single event permit allows the licensee to sell and allows the on-premises consumption of any alcohol (including beer) at a temporary event. The licenses are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. Multiple single event permits may be obtained per calendar year, limited to the number of events permitted by the DABC.	Utah Code § 32B-9-101 et seq.  Utah Code § 32B-9-201 et seq.  Utah Code § 32B-9-301 et seq.	Yes

License/Permit Name	Saratoga Springs Description	State Code (as currently adopted or amended)	Local Consent
Special Use Permit	A special use permit authorizes the licensee to purchase, use, store, sell, offer for sale, consume, or manufacture an alcoholic product only in the quantity, in a type, and for the following limited purposes: religious wine permits issued to religious organizations, industrial or manufacturing use permits issued to persons or organizations involved in industrial or manufacturing pursuits, scientific or educational use permits issued to persons or organizations involved in scientific or educational pursuits, healthcare facility use permits issued to hospitals or healthcare facilities, and public service permits issued to operators of airlines, railroads, or other public conveyances	Utah Code § 32B-10-102 et seq.	Yes

(Ord. 21-52)

**5.03.05. On-Premises Beer Retailer License Location and Proximity Restrictions.**

1. As provided in Utah Code § 32B-1-202, a license will not be issued to an outlet, including a retail licensee, where there is a community location:
  - a. Within six hundred feet (600') of the proposed outlet, as measured from the nearest patron entrance of the proposed outlet by following the shortest route of ordinary pedestrian travel to the nearest property boundary of the community location; or
  - b. Within two hundred feet (200') of the proposed outlet, measured in a straight line from the nearest patron entrance of the proposed outlet to the nearest property boundary of the community location.

(Ord. 21-52)

**5.03.06. Application Process.**

1. All applications for alcoholic beverage control licenses, for renewal or re-issuance of licenses, or for transfer of licenses authorized by this chapter, shall be made on forms provided by the City and shall conform to this chapter and applicable State statutes.



2. Any applicant seeking a license to sell alcoholic beverages within Saratoga Springs shall submit an application including the following terms:
  - a. The name, current address and telephone of the applicant.
  - b. The full license fee.
  - c. A copy of the applicant's current business license.
  - d. Evidence of proximity to any community location.
  - e. A floor plan of the business, including where the applicant proposes to store, sell, offer for sale, or furnish an alcoholic beverage, and proposed consumption area.
  - f. Evidence that the business is carrying dramshop insurance coverage, if required by State law, of at least the State required minimums.
  - g. A signed consent form stating that if granted a license, the licensee will permit any authorized representative of the DABC, City, Police, Code Enforcement, or Department of Health unrestricted right to enter the licensee's premises.
  - h. Any other information the City may require to accurately evaluate the merits of the application.
  - i. If there are any changes made in the name(s) of the applicant(s) of the licensed premises, an update to the license application must be filed within 30 days of the change.
  - j. All applicants who are beginning a new business or renewing a business license shall also comply with all applicable general business licensing requirements.

(Ord. 21-52)

#### **5.03.07. Qualifications for License or Permit.**

1. No license or Local Consent as described in Section 5.03.04 shall be granted unless the applicant is of age 21 or over.
2. The City shall not issue a license or permit to any person convicted of any violation of a law enumerated in Utah Code § 32B-1-304 et seq.
3. The City shall revoke the license or permit of any person or any business consistent with action of the Utah Alcoholic Beverage Control Commission ("UABCC") taken pursuant to Utah Code § 32B-1-304 et seq.

(Ord. 21-52)

#### **5.03.08. Fees.**

Application fees shall be established by Resolution adopted by the City Council as published in the City fee schedule.

(Ord. 21-52)

### **5.03.09. Transfer of License.**

1. Licenses, Permits, and Local Consent issued by the City shall not be transferable to any other person or entity.
2. It shall be unlawful for any licensee to sell or transfer the business ownership, or otherwise cease operating the business, without notifying the License Official and surrendering the license.
3. If the persons named on the licensee's most recent application on file with the License Official remain the same, a license or Local Consent issued pursuant to this chapter may be transferred to a new location upon approval of the License Official. The licensee shall pay the transfer fee as established by Resolution adopted by the City Council as published in the City fee Schedule, and all outstanding license fees. All current bonds, violations, penalties and tenure for bonds will also be transferred to the new location without interruption. The new location must be able to satisfy all land use ordinances, DABC requirements, and all other business approval requirements.

(Ord. 21-52)

### **5.03.10. Denial.**

The City may deny any application for a license or Local Consent described herein. If, on an application or a renewal for a license, the License Official finds that any applicant does not meet the requirements of or is disqualified under any section of this chapter, or if the License Official finds that the application is deficient in any way or any of the facts provided thereon are false or in question, the License Official shall deny the application.

(Ord. 21-52)

### **5.03.11. Suspension and Revocation of License.**

1. License and Local Consent may be immediately suspended or revoked by the License Official for any of the following reasons:
  - a. Violation of the licensed premises of any provision of this chapter;
  - b. Violation of any other ordinance or law related to alcoholic beverages;
  - c. The licensee does not now possess the qualifications required by this chapter and the statutes of the State of Utah;
  - d. False or incomplete information given on an application;
  - e. The licensee has obtained or aided another person in obtaining a license by fraud or deceit;
  - f. The licensee has failed to pay real or personal property taxes, utility taxes or sales taxes;
  - g. Any illegal activity by the licensee or any employees of the licensee of any City ordinance or state or federal statute, except minor traffic offenses, while on the premises or relating to the business;
  - h. Failure to pay the license fee;

- i. Violation of City ordinance or state or federal statute relating to the business, alcoholic beverage, consumption, entertainment or agency licenses and resulting from the conduct of such business or activity;
  - j. The applicant has been convicted of or entered a plea of nolo contendere for:
    - i. A felony involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor or any violent felony or has completed serving a sentence for such felony (whichever is most recent) within five (5) years; or
    - ii. A misdemeanor involving controlled substances, alcohol, sex crimes or contributing to the delinquency of a minor within three (3) years;
  - k. Any conduct or act of the licensee or his employees or any act committed by them on the premises or any act by the patrons where such business is conducted tending to render such business or such premises where the same is conducted a public nuisance or a menace to the health, peace or general welfare of the City of its inhabitants;
  - l. The licensee has refused to allow authorized representatives of the City to make an inspection or has interfered with such representatives while in the performance of their duty in make such inspection;
  - m. Any other reason expressly provided for in this chapter; or
  - n. Any other offense listed in Utah Code § 32B-1-304 et seq.
2. The licensee shall be responsible for the operation of the business in conformity with the ordinances of the City, including, but not limited to the City parking, noise, and zoning ordinances, and the laws of the State and it shall be grounds for suspension or revocation of the license or Local Consent if a violation occurs through an act of a licensee, operator, employee, agent, or person who is allowed to perform for patrons of the business, whether or not said person is paid by the licensee for said performance, or any person who violates said ordinances or laws with the consent or knowledge of the licensee or his agents or employees or operator of the business.

(Ord. 21-52)

#### **5.03.12. Application After Suspension or Revocation.**

- 1. A suspension shall be for a period not exceeding one year.
  - a. After the expiration of the suspension period, the license or Local Consent may be reinstated, if the licensee otherwise complies with all licensing requirements
  - b. If the license would have otherwise expired during the period of the suspension, the licensee will not be entitled to apply for a renewal license until after the period of suspension has expired and will be required to pay the full license fee.
  - c. DABC will be notified by the License Official of a suspension and the suspension period.
- 2. A revocation shall be for a period of no less than one year.
  - a. Upon Revocation of the license, the licensee shall forfeit to the City the remaining license fee paid.
  - b. A licensee shall not be entitled to reapply for a new license or request for Local Consent during the period of revocation

- c. DABC will be notified by the License Official of the revocation and the revocation period.
- 3. If the licensed business is sold to a new party, not previously associated with the licensee who is under suspension or revocation, the new owner of the business may apply for and may be granted a new license under this chapter, notwithstanding the current revoked or suspended status of the former licensee.

(Ord. 21-52)

#### **5.03.13. Penalties.**

Refer to Section 5.15 for enforcement provisions, including fines and penalties.

(Ord. 21-52)

#### **5.03.14. Appeals.**

Any person adversely affected or aggrieved by a final decision of the Business License Official may appeal the decision by following the procedures found in Section 5.14 of this Code.

(Ord. 21-52)

**Chapter 5.04.        Home Occupations – [See Title 19.08.](#)**

**Chapter 5.05.        [Reserved]**

## **Chapter 5.06. Food Service Establishments; Mobile Food Vendors; Mobile Ice Cream Vendors.**

### **Sections:**

- 5.06.01. Definitions.**
- 5.06.02. License Required; Health Department Permit; Fees; and Regulations.**
- 5.06.03. Prohibited Acts.**
- 5.06.04. Compliance with Law.**
- 5.06.05. Sales and Use Tax Remittance**
- 5.06.06. Penalties.**
- 5.06.07. Appeals.**

### **5.06.01. Definitions.**

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

**“City owned property”** means all parks, open space, parcels containing City operations, buildings, rights of way, and all other such properties. City owned property includes all parking lots, roadways, and driveways on these properties.

**“Food service establishment”** means

1. Any fixed or mobile restaurant, coffee shop, cafeteria, café, grill, tea room, sandwich shop, soda fountain, bar, cocktail lounge, nightclub, roadside stand, or industrial feeding establishment;
2. Any private, public or nonprofit organization or institution routinely serving food;
3. Any catering kitchen, commissary, or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and
4. Any other eating or drinking establishment or operation where food is served or provided to the public with or without charge.

**“Mobile food vending”** means the preparation, sale, or donation of food or beverages from a mobile food service vehicle.

**“Mobile food vendor”** means a food service establishment engaged in the preparation, sale, or donation of food or beverages from a mobile food service vehicle.

**“Mobile food vendor vehicle”** a food service establishment that is an outdoor wheeled contrivance not permanently affixed to the ground and capable of being moved, from which food and/or beverage intended for immediate consumption is provided for sale or donation, and includes a motorized vehicle, self-propelled vehicle, a vehicle that is not self-propelled but that can be easily towed, and a vehicle moved by human exertion. Some examples include, but are

not limited to a food truck, food trailer, food cart, mobile food kitchen, hot dog cart, refreshment vehicle, push cart vendors, bicycle cart vendors. This definition does not include a mobile ice cream vendor.

**“Mobile ice cream vendor”** means a motor vehicle in which ice-cream, popsicles, ice sherbets or frozen desserts of any kind are carried for purposes of retail sale on the city streets.

(Ord. 21-52)

#### **5.06.02. License Required; Health Department Permit; Fees; and Regulations.**

1. License And Fire Safety Inspection Required. It is unlawful for any person to operate, conduct, carry on, or maintain a food service establishment, mobile ice cream vendor, or mobile food vendor vehicle without a business license. No business license shall be issued or renewed to operate a food service establishment until the establishment has been inspected and passed for fire safety, and the applicant issued a valid food service establishment or food truck permit issued by the Utah County Health Department. All mobile food vendors and mobile ice cream vendors must be able to produce a valid business license, health department food truck permit, and evidence of a successful fire safety inspection.
2. Mobile Food and Mobile Ice Cream Vendors.
  - a. A mobile food or mobile ice cream vendor who has a valid business license from another political subdivision within the state is not required to obtain a City of Saratoga Springs business license, however, must be able to produce a valid business license, health department permit, and evidence of a successful fire safety inspection upon request by a City official.
  - b. All business activity related to mobile food and mobile ice cream vending shall be a temporary subject to the following requirements:
    - i. Permitted hours of operation are 7:00 A.M. to 10:00 P.M., except as otherwise authorized by the City.
    - ii. No overnight parking on any public right-of-way or City-owned property is allowed, except during a multi-day event and as authorized by the City.
    - iii. Noise Restrictions: No person shall use, play or employ any sound, outcry, amplifier, loudspeaker, or any other instrument or device for the production of sound from a mobile food or mobile ice cream vending vehicle:
      1. when the vehicle is stationary;
      2. Earlier than ten o'clock (10:00) A.M. nor later than eight o'clock (8:00) P.M. or one-half hour after sunset, whichever occurs first;
      3. In such a manner that the sound is plainly audible three hundred feet (300') from the vehicle, or
      4. along the same block face traveling in either direction on the street more than once every two (2) consecutive hours.
  - c. Separate License Required. A separate business license shall be required for each food service establishment, mobile ice cream vending vehicle, or mobile food vending vehicle.



3. Fees. The license fees for a food service establishment or mobile food vendor shall be set by Resolution adopted by the City Council and shown in the City fee schedule.

(Ord. 25-23; Ord. 21-52)

#### **5.06.03. Prohibited Acts.**

1. Preparation Outside The Mobile Food Vending Vehicle. Vendors may prepare food and beverages outside of the mobile food vending vehicle (e.g. meat smoking, corn roasting) but such preparation shall not obstruct vehicle or pedestrian traffic nor create safety hazards to the public. Vendors, however, shall not serve food directly to customers from the outside food preparation area.
2. Items for Sale. Only food and beverage items, and merchandise branded with the mobile food vending logos such as apparel or beverage containers, may be sold from a mobile food vending vehicle. The sale or distribution of other merchandise, professional or personal services, or alcoholic beverages is prohibited.
3. Obstruction of Traffic. Placement of a mobile food vending vehicle or related accessories shall not obstruct or impede pedestrian traffic or vehicular traffic, access to and from driveways, or clear vision lines for vehicle drivers.
4. Drive-Through or Drive-In Service Prohibited. Mobile food vending vehicles shall serve pedestrians only. Drive-through or drive-in service is prohibited.
5. Discharge or disposal of any substance, material, food, or waste into the storm drain system is prohibited.

(Ord. 25-23-renumbered; Ord. 21-52)

#### **5.06.04. Compliance with Law.**

Mobile food vending vehicle placement, mobile operation and any associated accessories must adhere to federal, state, and local laws, regulations and policies. Local laws, regulations and policies include, but are not limited to, the City's zoning ordinances, noise ordinance, stormwater regulations, and fire and building codes.

(Ord. 21-52)

#### **5.06.05. Sales and Use Tax Remittance.**

All mobile food vendors are subject to the City's sales tax for goods sold within the boundaries of the City. Vendors shall be required to keep accurate records of daily sales that occur within City limits. The City reserves the right to audit sales records.

(Ord. 25-23; Ord. 21-52)

**5.06.06. Penalties.**

Refer to Section 5.15 for enforcement provisions, including fines and penalties.

(Ord. 21-52)

**5.06.07. Appeals.**

Any person adversely affected or aggrieved by a final decision of the Business License Official may appeal the decision by following the procedures found in Section 5.14 of this Code.

(Ord. 21-52)

**Chapter 5.07.        [Reserved]**

## **Chapter 5.08.           Retail Fireworks Sales.**

### **Sections:**

#### **5.08.01.           Definitions.**

#### **5.08.02.           Sales Without License Prohibited.**

#### **5.08.03.           Retail Fireworks Outlet License Requirements.**

#### **5.08.04.           Revocation.**

#### **5.08.05.           Penalties.**

#### **5.08.06.           Appeals.**

#### **5.08.01.           Definitions.**

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

**“Building”** means an enclosed structure with a roof, which is intended for use or is used by human persons.

**“Fireworks”** means as defined in Utah Code § 53-7-202.

**“Retail fireworks outlet”** means any person, corporation, partnership or other entity which sells fireworks to any member or members of the public.

**“Stand”** means the physical structure from which fireworks are sold.

(Ord. 21-52)

#### **5.08.02.           Sales Without License Prohibited.**

1. The owner or operator of a retail fireworks outlet must possess an appropriate City business license. A person may not sell a firework from the inventory of said outlet unless such outlet holds a valid license permitting the retail fireworks outlet.
2. Separate Offenses. Each act of selling a firework as described in 5.08.02(1) above, shall constitute a separate offense.

(Ord. 21-52)

#### **5.08.03.           Retail Fireworks Outlet License Requirements.**

The Business License Official shall issue a license permitting operation of a retail fireworks outlet to any person who fulfills all of the following requirements:

1. Application. The licensee shall complete and sign an application on form(s) provided by the Business License Official.

2. **Stand Design and Dimensions.** The stand shall be of sturdy but temporary construction, having a roof, and enclosing no more than 200 square feet. The greatest non-diagonal dimension of the stand shall not exceed 24 feet. The stand shall have at least two doors which open outward and which measure at least 3 feet in width by 6 feet 8 inches in height. The stand shall also have an interior aisle running the entire length of the stand and from one door to the other, which must be kept free of any obstructions.
3. **Distances.** The retail fireworks outlet shall be located at the following minimum distances from buildings or items as follows:
  - a. At least 100 feet from any school building, healthcare institution, church or other building used primarily for religious services, gasoline filling station, or any building or site where flammable liquid is stored or present;
  - b. 50 feet from any other building;
  - c. 100 feet from any other retail fireworks stand;
  - d. 20 feet from any boundary dividing tracts of land owned by different persons, unless the adjacent owner grants written permission to locate the stand nearer to the boundary and an executed original of such permission is submitted to the Business License Official.
4. **Firefighting Equipment.** The retail fireworks outlet shall have inside the stand within easy reach two or more fire extinguishers with a combined rating of at least 2A:10-B:C.
5. **Zoning.** The retail fireworks outlet must conform to the applicable land use and zoning provisions of this code, including, but not limited to, the setback and sign requirements.
6. **Storage.** The owner or operator shall notify the City Fire Marshal where any class C explosives are stored. The City Fire Marshal shall have authority to approve the storage site and may regulate in accordance with the guidelines in the administrative rules adopted within the Utah Fireworks Act.
7. **Dates of Operation.** The retail fireworks outlet may only operate during the specified in the Utah Fireworks Act, Utah Code § 53-7-222(2). The term “operate” in this section means the exchange of money, legal tender, barter, or other consideration for fireworks as defined in Utah Code § 53-7-202.
8. **Insurance.** The owner or operator must show evidence of current insurance covering the period of operation in types and amounts satisfactory to the City.
9. **Inspection.** Designated City officials shall inspect the retail fireworks outlet prior to issuance of a license, but after such outlet stand has been made ready for operation, and shall examine the outlet stand for conformity with this section.
10. **Fee.** The owner or operator of the retail fireworks outlet stand shall pay to the City a fee set by resolution adopted by the City Council for inclusion in the City fee schedule. Said fee shall not be refundable for any reason. The fee must be received by the City before

the retail fireworks outlet stand(s) is inspected by the City for compliance with this section.

11. Removal. The licensee, owner, or operator of the retail fireworks outlet must remove a stand(s) within five days after the sales period authorized by State law.

(Ord. 21-52)

#### **5.08.04. Revocation.**

1. Grounds. A license issued in accordance with this chapter may be revoked by the Business License Official, Police Chief, Fire Marshall, or Code Enforcement Officer for any of the following reasons:
  - a. Failure of the licensee, owner, or operator to maintain the retail fireworks outlet in conformance with the requirements of City Code.
  - b. Misrepresentation by the person signing the application for license of a retail fireworks outlet;
  - c. Failure by the licensee to conform to statements made in the application.
  - d. A violation of the Utah Fireworks Act, administrative rules issues pursuant to the Utah Fireworks Act, or other applicable law.
2. Procedure. City officials may inspect all retail fireworks outlets. If grounds are discovered for revocation of a license pursuant to this chapter, the City shall immediately give written notice of license revocation to the holders of the license revoked, and shall note such revocation on the records of the City.
3. License Reissuance. Upon full compliance with all requirements, the Business License Official may reissue a license to the applicant whose license was revoked.
4. A revocation may be appealed by following the procedures in Section 5.14 of this title.

(Ord. 21-52)

#### **5.08.05. Penalties.**

Refer to Section 5.15 for enforcement provisions, including fines and penalties.

(Ord. 21-52)

#### **5.08.06. Appeals.**

Any person adversely affected or aggrieved by a final decision of the Business License Official may appeal the decision by following the procedures found in Section 5.14 of this Code.

(Ord. 21-52)

## **Chapter 5.09. Residential Facilities.**

### **Sections:**

**5.09.01. Purpose.**

**5.09.02. Definitions.**

**5.09.03. Provisions Applicable to All Residential Facilities for Persons with a Disability.**

**5.09.04. Licensing.**

**5.09.05. Penalties.**

**5.09.06. Appeals.**

### **5.09.01. Purpose.**

1. The purpose of this chapter is to establish licensing requirements that are not contrary to law for residential facilities for persons with a disability in order to promote the health, safety, morals and general welfare of the public.
2. It is the intent of the City that this chapter comply with the Utah Fair Housing Act, the Fair Housing Amendments Act of 1988 (42 U.S.C. § 3601 et seq.), 29 U.S.C. § 794, Title 19 of the City Code, and any other applicable federal, state, and local laws.
3. It is the intent of the City, to the extent allowed by law, to maintain the residential feel of a residential neighborhood consistent with the general plan.

(Ord. 21-52)

### **5.09.02. Definitions.**

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

**“Disability”** means a physical or mental impairment that substantially limits one or more of a person’s major life activities, including a person having a record of such an impairment or being regarded of having such an impairment. “Disability” does not include current illegal use of, or addition to, any federally controlled substance, as defined the Controlled Substances Act. 21 USC 802(6).

**“Residential facility for persons with a disability”** means a residence in which more than one person with a disability resides; and

1. Is licensed or certified by the Department of Human Services under Utah Code § 62A-2; or
2. Is licensed by the Department of Health under Utah Code § 26-21;
3. Meets the definitions in Utah Code § 10-9a and Title 19.

**“Residential support”** means arranging for or providing the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing for services for themselves or their families. Residential support includes providing a supervised living environment for persons with dysfunctions or impairments that are emotional, psychological, developmental or behavioral; or chemical dependencies. Treatment is not a necessary component of residential support.

(Ord. 21-52)

**5.09.03. Provisions Applicable to All Residential Facilities for Persons with a Disability.**

Each residential facility for persons with a disability shall:

1. Conform to all applicable State and local building, safety, health, and zoning requirements applicable to residential structures in the zone in which it is located.
2. Comply with the Land Development Code, Title 19 of the City Code, including obtaining the necessary permits and processes in Title 19.
3. Maintain Residential Character of Facility. A residential facility located in an existing residential dwelling shall be capable of use as a residential facility without structural or landscaping alterations that would change the structure’s residential character. Any new structure constructed for used as a residential facility shall be of a size, scale and design that is in compliance with Title 19 of the City Code with respect to a residential structure.
4. Abide by State Requirements. The owner of the residential facility must conform to all applicable standards and requirements of the Utah State Department of Human Services and the Utah State Department of Health. The owner or operator must obtain all licenses required by the State to operate the residential facility.
5. Possess a Valid City Business License. The owner or operator of the residential facility must possess an appropriate City business license.
6. Occupying Resident Restrictions. The residential facility for persons with a disability shall be occupied only by individuals with a disability and professional staff or employees. Occupancy by any staff or employee shall only be allowed if such occupancy is primarily for the purpose of serving the persons with a disability and not primarily a benefit of employment. The residential facility for persons with a disability shall not house more than eight (8) persons with a disability, or as otherwise provided by Title 19 of the City Code.

(Ord. 21-52)



#### **5.09.04. Licensing.**

1. Any license issued pursuant to this chapter shall be nontransferable and shall terminate if the structure is devoted to a use other than the permitted facility; the facility fails to comply with all applicable building, safety, health, and zoning requirements of this code; or the licensing state agency suspends, revokes, or materially changes the classification of the permitted activities at the residential facility.
2. The general licensing procedures of this title shall apply to the granting, renewal, suspension, or revocation of any license application or license as a residential facility for persons with a disability.

(Ord. 21-52)

#### **5.09.05. Penalties.**

Refer to Section 5.15 for enforcement provisions, including fines and penalties.

(Ord. 21-52)

#### **5.09.06. Appeals.**

Any person adversely affected or aggrieved by a final decision of the Business License Official may appeal the decision by following the procedures found in Section 5.14 of this Code.

(Ord. 21-52)

## **Chapter 5.10. Residential Rental Housing.**

### **Sections:**

#### **5.10.01. Definitions.**

#### **5.10.02. General Provisions.**

#### **5.10.03. Penalties.**

#### **5.10.04. Appeals.**

#### **5.10.01. Definitions.**

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

**“Person”** means any individual, corporation, partnership, limited liability company, or any legal business entity.

**“Rental housing”** means rental units that are actually rented, intended to be rented, leased, or intended to be leased.

**“Rental housing complex”** means any building, group of buildings, facilities, or structures containing four or more rental units.

**“Rental unit(s)”** means one or more rooms in a building, or a portion of a room, designed or intended to be used, or actually used, for occupancy by a person or persons for living and sleeping quarters and containing one kitchen only; excluding hotel and motel units.

**“Residential rental housing”** means rental units that are part of a building or development consisting of four or more rental units.

(Ord. 21-52)

#### **5.10.02. General Provisions.**

1. License Required. It is unlawful for any person to keep, conduct, operate, or maintain any residential rental housing of four or more rental units within the limits of the City without first obtaining a license to do so.
2. Application for License. In addition to the requirements of Section 5.01.19 of this Title, the application for a residential rental housing license shall contain the following:
  - a. The location of the residential rental housing;
  - b. The number of rental units contained in the residential rental housing;
  - c. The number of persons that each unit will accommodate, with or without board; and
  - d. A site plan approved per Title 19 for the residential rental housing must be attached to the license application.
3. Additional Requirements for Issuance of License.

- a. Investigation by Health Department. The original application for residential rental housing license shall be referred to the health department for investigation as to whether or not applicable health requirements have been met. The license shall not be issued prior to the health department approval of the house for occupancy.
  - b. Investigation by Fire Department. The original application for residential rental housing license shall be referred to the fire department for investigation as to whether or not all laws, ordinances, and regulations pertaining to life safety, fire protection, and fire prevention have been met. The license shall not be issued prior to the fire department's approval of the housing for occupancy.
4. Register to be Kept. Every person maintaining or operating a hotel or rooming house, auto court, motel, short term rental or trailer camp in the City shall keep a register in which each guest shall be required to write his or her name, residence, and make and state registration license number of his or her vehicle or trailers. Such person shall not fail to enter in such register opposite the name of each guest the designation of the room, cabin, trailer or camping space assigned. Failure to maintain the register is a class B misdemeanor.
5. Fee. The annual license fee for residential rental housing is as established by resolution of the City Council.

(Ord. 21-52)

#### **5.10.03. Penalties.**

Refer to Section 5.15 for enforcement provisions, including fines and penalties.

(Ord. 21-52)

#### **5.10.04. Appeals.**

Any person adversely affected or aggrieved by a final decision of the Business License Official may appeal the decision by following the procedures found in Section 5.14 of this Code.

(Ord. 21-52)

**Chapter 5.11.        [Reserved]**

**Chapter 5.12.      [Reserved]**

## **Chapter 5.13. Solicitors.**

### **Sections:**

- 5.13.01. Definitions.**
- 5.13.02. Solicitation License Requirement.**
- 5.13.03. Prohibited Solicitation.**
- 5.13.04. Application Form; Application Must Be Complete.**
- 5.13.05. Issuance of License.**
- 5.13.06. Form of License; Identification.**
- 5.13.07. Maintenance of License Documentation.**
- 5.13.08. Non-Transferability of License.**
- 5.13.09. Solicitation License Exemptions.**
- 5.13.10. Deceptive Soliciting Practices Prohibited.**
- 5.13.11. “No Soliciting” Notice.**
- 5.13.12. Duties of Solicitors.**
- 5.13.13. Time of Day Restrictions.**
- 5.13.14. Buyers Right to Cancel.**
- 5.13.15. Denial, Suspension, Revocation of a Solicitor’s License.**
- 5.13.16. Penalties.**
- 5.13.17. Appeals.**

### **5.13.01. Definitions.**

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

**“BCI background check”** means a search of local, county, and state police, court, and criminal records conducted by the Bureau of Criminal Identification or a similar agency and information acquired from such a search.

**“Registered solicitor”** means a person who has completed an application to become a registered solicitor and who has been issued a solicitor’s license from the Business License Officer.

**“Solicitation”** means initiating face-to-face contact with an individual with the intent to offer, sell, lease, or rent goods, information, or services, including, but not limited to door-to-door selling.

(Ord. 21-52)

### **5.13.02. Solicitation License Requirement.**

It is unlawful for any person to engage in face-to-face solicitation for the sale, lease, or rental of consumer goods or services within the corporate limits of the City, whether under single or multiple contracts, in which the seller personally solicits the sale at the residence or place of employment of the buyer without first obtaining a solicitation permit from the City and carrying such permit on their person while engaged in face-to-face solicitation.

Any person or business holding a City business license that uses employees, independent contractors, or agents for door to door solicitation in an effort to provide any tangible or intangible benefit to the business, shall be required to have such solicitors apply for and obtain a solicitor's license from the Business License Official, unless otherwise exempt from registration.

(Ord. 21-52)

**5.13.03. Prohibited Solicitation.**

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this chapter, the practice of being in and upon the grounds of a private residence within the City as a solicitor for the purpose of home solicitation sales or to provide unsolicited goods and services, is prohibited and is punishable as set forth in this chapter.

No solicitation activities shall be conducted on public streets, sidewalks, or public property unless in conjunction with a City event.

(Ord. 21-52)

**5.13.04. Application Form; Application Must be Complete.**

The Business License Official shall provide a standard application form for registration of solicitors. The application form shall be accompanied by a copy of this chapter for review by the applicant. Each application form shall require disclosure and reporting by the applicant of the following information and documentation:

1. Affirmation of Review of City Law. An affirmation by the applicant that the applicant has received and reviewed a copy of this chapter.
2. Contact Information.
  - a. The applicant's true, correct, and legal name, including any former names or aliases used during the last ten (10) years;
  - b. The applicant's telephone number, cell number, home address, and mailing address, if different;
  - c. If different from the applicant, the name, address, and telephone number of the responsible person, entity, or business; and
  - d. The address by which all notices to the applicant required under this chapter are to be sent.
3. Proof of Identity. The applicant shall be required to undergo an in-person confirmation by the Business License Official of the applicant's true identity by use of any of the following, which bears a photograph of said applicant:
  - a. A valid driver's license issued by any state;
  - b. A valid passport issued by the United States;
  - c. A valid identification card issued by any state; or
  - d. A valid identification issued by a branch of the United States Military.

Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the applicant; however, a photocopy of the confirmation of identity will be kept with the application

4. Proof of Registration with the Utah State Department of Commerce. The applicant shall provide proof that either the applicant, or the responsible person, entity, or business, has registered with the Utah State Department of Commerce.
5. Marketing Information. The applicant shall provide a short, succinct description of the following:
  - a. The goods or services offered by the applicant, including any commonly known, registered or trademarked names;
  - b. Whether the applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.
6. BCI Background Check and Disqualifying Status.
  - a. The applicant shall provide the following:
    - i.. An original or a copy of a BCI background check authorization; and
    - ii. A signed copy of a waiver whereby applicant agrees to allow the City to obtain a name, date of birth, and BCI background check on applicant for purposes of enforcement of this chapter. Residents of Utah shall provide a BCI report from a Utah law enforcement agency. Residents of other states shall provide a BCI report from a law enforcement agency in their state of residence or from the FBI.
  - b. Responses to Questions Regarding Disqualifying Factors. The applicant shall be required to affirm or deny each of the disqualifying factors and grounds for denial of a solicitor's license.
  - c. Definition of Disqualifying Status:
    - i. The applicant or licensed solicitor has been criminally convicted of felony homicide, physically abusing, sexually abusing, or exploiting a minor, the sale or distribution of a controlled substance, or sexual assault of any kind;
    - ii. Criminal charges are currently pending against the applicant or licensed solicitor for felony homicide, physically abusing, sexually abusing, or exploiting a minor, the sale or distribution of a controlled substances, or sexual assault of any kind.
    - iii. The applicant or licensed solicitor has been criminally convicted of a felony within the last 10 years;
    - iv. The applicant or licensed solicitor has been incarcerated in a federal or state prison within the past five years;
    - v. The applicant or licensed solicitor has been criminally convicted of a misdemeanor within the past five years involving a crime of moral turpitude, or violent or aggravated conduct involving persons or property;
    - vi. A final civil judgment has been entered against the applicant or licensed solicitor within the last five (5) years indicting that the applicant or licensed



solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. 523(a)(2), (a)(4), (a)(6), or (a)(19);

- vii. The applicant or licensed solicitor has an outstanding arrest warrant from any jurisdiction; or
- viii. The applicant or licensed solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

An applicant with Disqualifying Status shall not be entitled to receive a solicitor's license.

- 7. Fee. The license fee for each solicitor's license regulated by this chapter shall be established by resolution of the City Council and incorporated into the Fee Schedule.
- 8. Application Must Be Complete. The Business License Official shall not begin the registration process unless the applicant has submitted a completed application. The original identification submitted to establish proof of identity shall be returned after the business license authority verifies the applicant's identity. A copy of the identification shall be retained by the Business License Official. A copy of the BCI background check shall be retained by the Business License Official.

(Ord. 21-52)

#### **5.13.05. Issuance of License.**

The Business License Official shall review the completed application submitted by the applicant and issue a license or deny a license in accordance with the following requirements:

- 1. License.
  - a. The City shall take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the applicant, including, but not limited to, the information disclosed with the application form; and
  - b. After due consideration, the City shall issue a written notice to the applicant and the responsible person, entity, or business, if any, that the applicant:
    - i. Will be issued a license, eligible for renewal one year from the date of issuance; or
    - ii. Will not be issued a license for reasons cited in the notice.
- 2. Renewal. A license shall be valid for one year from its issuance and expire at twelve o'clock (12:00) Midnight on the day of the license expiration. Any license that is not suspended, revoked, or expired may be renewed upon the request of the licensed solicitor and the submission of a new completed application and payment of the then-applicable fee, unless any of the conditions for denial, suspension, or revocation of a business license or solicitor's license or a disqualifying status exists.

(Ord. 21-52)

#### **5.13.06. Form of License; Identification.**

1. License Form. If the applicant is entitled to a license as provided in this chapter, the Business License Official shall issue a license that shall list the name of the registered solicitor and the responsible person or entity, if any, and the date of expiration. The license shall be signed and dated by the Business License Official. The license shall be carried by the licensed solicitor at all times while soliciting in the City.
2. License and Identification Required When Soliciting. The City shall issue each registered solicitor a license. The licensee shall carry a copy of the license either via a PDF on their phone or electronic device or a printed copy while soliciting in the City. The license shall bear the name of the City and contain: (a) the name, address, and phone number of the licensed solicitor, and/or the name, address, and phone number of the responsible person or entity; (b) a copy of the proof of identity with photograph of the registered solicitor; and (c) the license expiration date.

(Ord. 21-52)

#### **5.13.07. Maintenance of License Documentation.**

The Business License Official shall maintain and make available for public inspection a copy or record of completed applications received and the license or written denial issued by the City. The applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection, except as disclosure is required or allowed by law. The Business License Official may furnish to the City Chief of Police a list of all applicants, both denied and licensed.

(Ord. 21-52)

#### **5.13.08. Non-Transferability of License.**

Solicitation licenses shall be issued only in the name of the applicant and shall list the responsible person or entity, if any. The license shall be nontransferable. A licensed solicitor desiring to facilitate or attempt to facilitate home solicitation sales with different (a) goods or services, or (b) responsible person or entity, from those designated in the originally submitted completed application, shall submit a written change request to the Business License Official. A new license based on the amended information shall issue for the balance of time remaining on the solicitor's previous license before the amendment was filed. Before the new license is given to the licensed solicitor, licensed solicitor shall obtain a revised identification badge from the City after payment of the applicable fee for the identification badge.

(Ord. 21-52)

#### **5.13.09. Solicitation License Exemptions.**

The following persons and businesses are exempt from licensure under this chapter:

1. Visitors by Invitation. Persons specifically invited to a residence by a responsible person who is a competent individual prior to the time of the person's arrival at the residence;
2. Deliverers of Preordered Goods and Services. Persons delivering goods to a residence pursuant to a previously made order, or persons providing services at a residence pursuant to a previously made request by a competent individual;
3. Goods or Services in Conjunction with Religious or Political Activity. Persons advocating or disseminating information for, against, or in conjunction with any religious belief or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and
4. Charitable Solicitations. Persons representing a charitable organization. The charitable exemption shall apply to students soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the solicitation has been approved in writing by the school administration, and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting.

(Ord. 21-52)

#### **5.13.10. Deceptive Soliciting Practices Prohibited.**

1. No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.
2. A solicitor shall immediately disclose to the consumer during face-to-face solicitation: (a) the name of the solicitor; (b) the name and address of the entity with whom the solicitor is associated; and (3) the purpose of the solicitor's contact with the person and/or competent individual. This requirement may be satisfied through the use of the badge and an informational flyer.
3. No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.
4. No solicitor shall represent directly or by implication that the granting of a license implies any endorsement by the city of the solicitor's goods or services or of the individual solicitor.

(Ord. 21-52)

#### **5.13.11. "No Soliciting" Notice.**

1. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Soliciting" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.

2. The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive or does not invite solicitors.
3. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.
4. The provisions of this section shall also apply to solicitors who are exempt from licensure pursuant to provisions of this chapter.

(Ord. 21-52)

#### **5.13.12. Duties of Solicitors.**

1. Check for No Solicitation Posting. Every person soliciting or advocating shall check each resident for any sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises such as, but not limited to, “No Soliciting” signs. If such a sign or placard is posted, such solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from the property. Possession of a solicitor’s license does not in any way relieve any solicitor of this duty.
2. Crime to Violate No Solicitation Notice. It is a violation of this chapter for any person soliciting or advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a “No Soliciting” sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating a home solicitation sale, door to door soliciting, or soliciting.
3. Crime to Use Deception or Ruse. It is a violation of this article for any solicitor through ruse, deception, or fraudulent concealment of purpose to solicit or take action calculated to secure an audience with an occupant at a residence.
4. Duty to Honor Request to Leave. Any solicitor who is any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.
5. Ban Against Physical Contact. The solicitor shall not intentionally or recklessly make any physical contact with or touch another person without the person’s consent.
6. Building Entry Banned Without Permission. The solicitor shall not follow a person into a residence without their explicit consent.
7. Badgering Banned. The solicitor shall not continue repeated soliciting after a person or competent individual has communicated clearly and unequivocally their lack of interest in the subject, goods, or services of the solicitor.

(Ord. 21-52)

#### **5.13.13. Time of Day Restrictions.**

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

(Ord. 21-52)

#### **5.13.14. Buyer's Right to Cancel.**

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

(Ord. 21-52)

#### **5.13.15. Denial, Suspension, Revocation of a Solicitor's License.**

1. Denial. Upon review, the Business License Official shall refuse to issue a solicitor's license to an applicant for any of the following reasons:
  - a. The application form is not complete.
  - b. The information submitted by the applicant at the time of application is found to be incomplete or incorrect.
  - c. The applicant fails to establish proof of identity, provide an internet-based background check form, or pay the fees.
  - d. The completed application or background check indicates the applicant has a disqualifying status.
  - e. The applicant has previously been denied a license by the City or has had a license revoked for grounds that still constitute a disqualifying statute under this chapter.
  - f. Since the submission of the completed application, the applicant is subject to a previously undisclosed or unknown disqualifying status.
  - g. Since the submission of the application, the City has received a substantiated report of past or present criminal conduct of the applicant.
  - h. Since the submission of the application, the City has either criminally convicted or obtained a civil injunction against the applicant for violating this chapter or similar federal, state, or municipal laws in a manner rising to the level of a disqualifying status; or
  - i. Since the submission of the application, a final civil judgment has been entered against the applicant that the applicant has either engaged in fraud or intentional misrepresentation, or a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. 523(a)(2), (a)(4), (a)(6), or (a)(19).
  - j. Any reason included in this Chapter.

2. **Suspension or Revocation.** The City shall either suspend or revoke a license when any of the reasons warranting the denial of a license occurs.
3. **Notice of Denial or Suspension.** Upon determination of the Business License Official to deny an applicant's completed application or to suspend a solicitor's license, the City shall cause written notice to be sent to the applicant or solicitor by the means designated on the completed application. The notice shall specify the grounds for the denial or suspension, the documentation or information the City relied on to make the decision, the availability of the documentation for review by applicant upon one business day notice to the City, and the date upon which the denial or suspension of the license shall take effect. It shall further state that the applicant or solicitor shall have ten (10) days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the license shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless the suspension is because of Disqualifying Status in which case, the suspension is effective immediately.
4. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by court to be contrary to equity or law. Failure to appeal the suspension of a license automatically results in its revocation.

(Ord. 21-52)

#### **5.13.16. Penalties.**

Refer to Section 5.15 for enforcement provisions, including fines and penalties.

(Ord. 21-52)

#### **5.13.17. Appeals.**

Any person adversely affected or aggrieved by a final decision of the Business License Official may appeal the decision by following the procedures found in Section 5.14 of this Code.

(Ord. 21-52)

## **Chapter 5.14. Appeals.**

### **Sections:**

#### **5.14.01. Right of Appeal.**

#### **5.14.01. Right of Appeal.**

1. Parties Entitled To Appeal. Any person adversely affected or aggrieved by a final decision of the Business License Official, may appeal the decision to a hearing examiner appointed by the City Manager. If the licensee is not the Appellant, the licensee may choose to participate in the appeal. Appeals shall be made as follows:
  - a. Time to File Appeal. The hearing examiner may only consider appeals properly filed pursuant to this section within ten (10) calendar days of the date the disputed final written decision was written.
  - b. Written Appeal. Appellants shall file a request for appeal in writing with the City Recorder. The hearing examiner may only consider an appeal if the Appellant submitted complete and required information within the time period provided by this section. Required information includes the payment of applicable fees, including those shown on the current year City fee schedule, and a written statement that identifies the alleged error that provides the grounds for appeal.
  - c. Notice of Hearing. After receiving a request for appeal, the City Recorder shall forward the request for appeal to the hearing examiner who shall fix a reasonable time and place for a meeting to hear the appeal, and the City Recorder shall notify the parties of the time and place of the appeal hearing.
  - d. Response and Representation. Prior to the hearing, the parties, including the Appellant and the City, may submit to the City Recorder additional supporting documentation and information for consideration by the hearing examiner. The City Recorder shall ensure that the parties receive information submitted. The parties may be represented by legal counsel.
  - e. Hearing and Decision. The hearing examiner shall conduct a hearing, consider the information provided, and make a decision that reverses or affirms, in whole or part, the decision being appealed. If the hearing examiner institutes a sanction of suspension or revocation of a license, the sanction shall apply to the Licensee or Appellant, the licenses issued by the City, and to the premises in question for the full term of the imposed sanction.
  - f. Written Decision. The hearing examiner shall issue a written order containing the decision and the reasons for the decision. The hearing examiner's decision shall be final.
2. Subsequent License Application. It is unlawful for any person who has had a license suspended, revoked, or denied to reapply for or obtain a license during the time the license has been revoked, suspended, or denied, unless the contingent reason for the suspension, revocation, or denial has been fully corrected and the applicant is fully compliant with all City codes and regulations.

(Ord. 21-52)

## **Chapter 5.15. Enforcement and Penalties.**

### **Sections:**

#### **5.15.01. Right to Prosecute.**

#### **5.15.02. Civil Penalties.**

#### **5.15.03. Criminal Offenses and Penalties, Including False Statements.**

#### **5.15.01. Right to Prosecute.**

Civil and/or criminal enforcement of this title shall conform to Title 20 of the City Code.

(Ord. 21-52)

#### **5.15.02. Civil Penalties.**

1. Notice of Violation. Pursuant to Title 20, when a Code Enforcement Officer determines a violation of this Title has occurred, the officer may issue a notice of violation or administrative citation that shall be served in the manner contained in Title 20.
2. Fines, Suspension, or Revocation of License. Civil fines may be assessed for a violation of this Title pursuant to Title 20 of the City Code. Additionally, the enforcement officer or Business License Official may elect to suspend or revoke a license issued by the city for a violation of this Title.
3. Additional Penalty for Doing Business Previously Without a License. In the event that it is discovered that any person or applicant for a business license has done business in the City during a previous year or years without a valid license as required by this Title, the Business License Official shall not issue a license to such person or applicant for the current year until said applicant pays to the City the license fee that would have been applicable for the business during the preceding years, together with a penalty to be specified in the Consolidated Fee Schedule.

(Ord. 21-52)

#### **5.15.03. Criminal Offenses and Penalties, Including False Statements.**

In the event that the City, in accordance with 20.01.05, elects to pursue criminal enforcement of these provisions, the penalties shall be as follows:

1. Fine and Imprisonment. Any person violating any provision of this title shall be deemed guilty of a Class B misdemeanor and, upon conviction, shall be fined in an amount not exceeding one thousand dollars (\$1,000) or by imprisonment for a period of not exceeding six months or by both fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
2. The City adopts all violations and penalties as listed in Utah Code § 32B-1-101 et seq., as currently adopted and as hereinafter amended, which may be charged separately when applicable.



3. Additionally, any person who makes any false statement or provides untrue information in any application, document, affidavit, or statement required by this chapter is guilty of a Class B misdemeanor. In the alternative, the person may be charged under state law pursuant to Utah Code § 76-8-501 et. seq.

(Ord. 21-52)