

Title 5. BUSINESS REGULATIONS

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Chapter 5.01. General Business License Regulations.

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5.01.01. Applicability.

The provisions of this Title shall govern all businesses within the boundaries of the City and shall regulate all business licenses required and granted by the City, including beer licenses.

(Ord. 11-9; Ord. 98-0728-1)

5.01.02. Purpose.

This Title is designed for: the regulation of business activities; raising revenue from business activities; promoting the safety, health, and prosperity of City residents; and improving morals, peace, good order, comfort, and convenience of the citizens of the City.

(Ord. 11-9; Ord. 98-0728-1)

5.01.03. Definitions.

For purposes of this Title, the following words and phrases shall have the following meaning:

1. **“Business”:**
 - a. means and includes all kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters, whether full-time or part-time, together with all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for private profit or benefit either directly or indirectly, on any premises within the City anywhere within its jurisdiction; and

- b. any person engaged in rental of two or more real property units for profit shall be considered to be engaging in business.
- 2. **“City”** means the City of Saratoga Springs, Utah.
- 3. **“City License Officer”** means the City Administrator or designee.
- 4. **“Employee”** means:
 - a. any operator, owner or manager of a business;
 - b. any person or persons employed by an operator, owner, or manager in the operation of a place of business in any capacity, whether part-time or full-time;
 - c. any sales persons, agents, or independent contractors engaged in the furtherance of a business activity in any capacity, regardless of the method of compensation; and
 - d. all owners of a business if there be more than one.
- 5. **“License”** means a certificate or document issued by the City evidencing permission or authority from the City to the holder named to carry on a particular business or to pursue a particular occupation.
- 6. **“Licensee”** means the person to whom a license has been issued pursuant to the provisions of this Title, including individual persons, partnerships, joint ventures, associations, clubs, trusts, corporations, or any other entities qualified by law to carry on any business referred to in this Title.
- 7. **“Number of employees”** means the average number of employees engaging in the furtherance of licensee’s business from a base within the City during a regular working day of the preceding calendar year, or in the case of a new business, said number shall be based upon applicant’s sworn statement. In computing such number, a part-time employee shall be counted by that fraction formed by using the total number of hours worked by such employee as the numerator and the total number of hours worked by a full-time employee as the denominator. Full-time is defined as a forty-hour week.
- 8. **“Person”** means either an applicant or licensee, as defined in this Section.
- 9. **“Premises”** means all lands, structures, and places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or otherwise used in connection with any such business conducted on such premises.
- 10. **“Year”** means the consecutive period of time, measured in days, extending from July 1st through and inclusive of the succeeding June 30th.

(Ord. 11-9; Ord. 98-0728-1)

5.01.04. Regulation as Applied.

1. **Compliance Required.** It is unlawful for any person, either directly or indirectly, to conduct any business or nonprofit enterprise, or to use in connection therewith any vehicle, premises, machine, or device in whole or in part for which a license is required by any law or ordinance of this City without a license first being procured and kept in effect at all times as required by law.
2. **Special Sales.** This Title shall apply to all businesses in the nature of special sales for which a license is required by any law or ordinance of this City, and it is unlawful for any person either directly or indirectly to conduct any such sale except in conformity with the provisions of this Title.
3. **One Act Constitutes Doing Business.** For the purpose of this Title, any person shall be deemed to be in business or engaging in nonprofit business and thus subject to the requirements of Subsections (1) and (2) of this Section when any of the following are done:
 - a. selling any goods or service;
 - b. soliciting business or offering goods or services for sale or hire; or
 - c. acquiring or using any vehicle or any premises in the City for business purposes.
4. **Responsibility for Obtaining License.** It shall be the responsibility of the person engaging in business within the City to voluntarily apply and maintain in full force and effect a valid license. The agents or other representatives of nonresidents who are doing business in the City shall be personally responsible for compliance by their principals and the businesses they represent with the terms of this Title.
5. **Separate License for Branch Establishments.** A license shall be obtained in the manner prescribed in this Title for each branch establishment or location of the business engaged in, as if each branch establishment or location were a separate business, provided that warehouses and distributing plants used in connection with and incidental to a business license under the provisions of this Title shall not be deemed to be separate places of business or branch establishments.
6. **Joint License.** A person engaged in two or more businesses at the same location shall not be required to obtain separate licenses for conducting each of such businesses, but when eligible shall be issued one license which shall specify on its face all such businesses. However, such joint license shall not include licenses for beer, liquor set-ups, dance, shuffle boards, automatic baseball, marble or pinball machines, juke boxes, music machines, video games, and other amusement devices.
7. **Exemptions.** Exemptions to this Title are as follows:
 - a. any person or organization for the conduct or operation of a nonprofit enterprise, either regularly or temporarily, when it is found that the applicant operates without private profit and for a public, charitable, educational, literary, fraternal, or religious purpose; or

- b. any business having gross sales of less than \$1,000 per year.
(Ord. 11-9; Ord. 98-0728-1)

5.01.05. City License Officer—Powers and Duties.

1. **Issue Licenses.** The City License Officer shall issue licenses in the name of the City to all persons qualified under the provisions of this Title upon payment to the City of all license fees required hereunder.
2. **Requirement of Confidence.**
 - a. All information furnished to or secured by the City License Officer under the authority of this Title shall be kept in strict confidence, shall not be subject to public inspection, and shall be kept in such a manner as to prevent disclosure to persons other than the City or State as required by law or those charged with administration of this Title.
 - b. Notwithstanding Subsection (2)(a), the City License Officer may release the names, addresses, and nature of businesses qualified under the provisions of this Title, but only upon request.
3. **Powers.** The City License Officer shall have the power to:
 - a. **Adopt Forms.** Adopt all forms and prescribe the information required therein as to all matters relevant to the issuance of a license.
 - b. **Investigate.** Investigate and determine the eligibility of any applicant or licensee, either at the time of issuance of a license or at any reasonable time after its issuance, in such manner as may be reasonable and necessary for the proper administration and enforcement of this Title. The Police Chief, the Fire Chief, the building inspector, and the City attorney, or their authorized officers and deputies, are authorized and declared to be ex officio license deputies, and are authorized and required to examine all places of business subject to this Title to see that such businesses are carried on or transacted in accordance with this law, and to report to the City License Officer any violation.
 - c. **Inspection of Premises and Records.** Inspect prospective or existing places of businesses to ensure compliance with building, safety, and health code, and inspect books and records of any applicant or licensee to determine the number of employees, or any other information reasonably necessary to the administration and enforcement of this Title; provided, that all such inspections shall be at reasonable times and upon proper advance notice to the applicant or licensee. The license officer shall utilize the deputies referred to in Subsection (3)(b) of this Section for the purpose of the inspections.
 - d. **Give Notice.** Notify any applicant of the acceptance or rejection of their application, and in the event of rejection and at the applicant's request, state in writing the reasons for the rejection and deliver it to the applicant.
 - e. **Request Enforcement.** Request the City attorney to file an action against any applicant or licensee who conducts a business without license required by this Title.

- f. **Good Standing of Applicant or Licensee.** Determine that the applicant or licensee is not in default under the provision of any City ordinance, or indebted or obligated in any manner to the City or the utilities operated by it, and determine that they are not in violation of any City zoning regulation by reason of the condition of business premises or the use to be made thereof. A favorable determination of the applicant's standing in light of these factors shall be a condition precedent to issuance of a license under this Title.
- g. **Require Affidavits.** Require, when deemed necessary at the discretion of the City License Officer, affidavits regarding the license history of the applicant indicating whether such person in previous business operations, in this or another state, had a business license revoked or suspended, together with the reasons therefor; and to request that the police chief obtain a record of any prior convictions of the applicant or licensee when determined by the City License Officer to be desirable.

(Ord. 11-9; Ord. 98-0728-1)

5.01.06. License Application, Issuance, Denial, and Renewal.

1. **Formal Application Required.** A written statement shall be submitted upon forms provided by the City License Officer. Such forms shall include an affidavit to be sworn to by the applicant before a notary public, except upon renewal, in which case said statement need not be notarized.
 - a. **Form of Application.** A written statement upon forms provided by the City License Officer shall be submitted. Such form shall include an affidavit to be sworn to by the applicant before a notary public.
 - b. **Contents of Application.** The forms shall require the disclosure for all information which the City License Officer shall find to be reasonably necessary to the fair administration of this Title, including business name, description of business to be engaged in, mailing address, business telephone, owner's name, owner's residence address, owner's phone number, date of birth, social security number, banking references, two character references, and such other information as the license officer shall deem reasonable and necessary.
2. **Payment of Fees.** Payment in full of fees chargeable shall be submitted for such license.
3. **Issuance of Receipt.** Whenever a license cannot be issued at the time application for the same is made, the City License Officer shall issue a receipt for the money paid in advance. Such receipt shall not be construed as approved by the City License Officer for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this Title.
4. **Due Date for Applications.** All applications for new licenses or renewals shall be made in writing and submitted to the City License Officer on or before July 1st of each year on forms as set forth in this Section. The fee payment in full shall accompany the annual application.

5. **Duplicate License Procedure.** A duplicate license shall be issued by the license officer to replace any license previously issued which has been lost, stolen, defaced, or destroyed without any willful conduct on the part of the licensee upon the filing by the licensee of an affidavit sworn to before a notary public of the state attesting to such fact and paying to the license officer a replacement fee of five dollars.
6. **Approval of Application.** In the event an application for a license is approved, such approval shall be endorsed on the license and signed by the City License Officer, who shall forthwith issue a license certificate.
7. **Non-Approval of License.** The license officer shall, upon disapproving any application submitted under the provisions of this Title, refund all fees paid in advance to the applicant, provided the applicant is not otherwise indebted to the City, in which case the City may apply the fee to any such delinquent account.
 - a. **Hearing Before City Council.** Upon denial of a license, or upon application of the fee to a delinquent account, an applicant may appear before the City Council for the purpose of presenting reasons for setting aside such denial. If applicant makes such appearance and presents adequate justification, the City Council may, at its discretion, set aside the denial and approve the application.
 - b. **Compliance pending Legal Action.** When the issuance of a license is denied and any action is instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which a license was refused unless a license be issued pursuant to a judgment ordering the same.
8. **Renewal License Procedure.** An applicant for renewal of a license shall submit an application for renewal to the City License Officer on such form as the license officer may direct. The license officer may require the disclosure of such information concerning the applicant's demeanor in the operation of the applicant's business during the preceding licensing period as is reasonably necessary to the determination by the license officer of the applicant's eligibility for a renewal license and to a possible adjustment of license fee.

(Ord. 11-9; Ord. 98-0728-1)

5.01.07. License—Fee and Determination.

1. Every person engaged in business within the City shall pay an annual license fee as required by ordinance unless specifically exempt by law. This requirement shall apply to all businesses except for those specifically covered in Chapter 5.02 of this Title, in which case the fee for such license shall be determined in accordance with the specific section pertaining to that business.
2. **General Business License Fee.** The license fee for all business shall be \$50 per year, together with \$25 per year for each employee more than one engaged in such business, not to exceed the total amount of \$500 annually. The additional fee per employee shall be pro-rated for part-time employees of the business in accordance with the fraction set forth in the definition of "Number of Employees" in Section 5.01.03. The number of

employees and their status as full-time or part-time shall be verified by the licensee through submission of payroll records to the City License Officer upon reasonable request.

3. **Payment of License Fees.** All license fees provided for in this Title shall be payable annually in advance and shall be effective up and until July 2nd of the succeeding year, unless otherwise specifically provided.
4. **Adjustment of Fee—Pro Rated Fees.**
 - a. **Change in License Status.** The license officer shall require the payment for an additional or higher license fee to be prorated for the balance of the license period when a licensee changes status under this Title by increasing the number of employees.
 - b. **Date of Issuance.** Any application for a license pursuant to this Title filed subsequent to December 31st of any year shall authorize a pro-rated fee to the licensee at half the annual license fee set forth in this Title. For example, applications made in June shall be required to pay \$25, then in July the annual payment shall be \$50 again.
5. **Rebate of Fee.**
 - a. **General Prohibition.** Except as herein provided, no rebate or refund of any license fee or part thereof shall be made by reason of nonuse of such license or by reason of a change of location or any business rendering the use of such license ineffective.
 - b. **Authorize in Special Cases.** The license officer shall have the authority to refund a license fee or pro rate a portion thereof where:
 - i. the license fee was collected through error;
 - ii. the licensee has been prevented from enjoying the full license privilege due to death or incapacity;
 - iii. the licensee has entered into the armed services and thereby rendered unable to conduct business;
 - iv. the licensed business is subject to eminent domain; or
 - v. the licensed business is destroyed by fire or other casualty through no fault of licensee.
 - c. **Basis of Rebate.** A rebate as provided herein shall be based upon the number of days in the license period remaining after the occurrence of the event relied upon for rebate, based upon a 365-day year.
6. **Late Penalties.** Any license fee due on July 1st that is paid later than August 1st of any license year shall be considered to be late, and a late penalty of ten dollars shall be assessed for each renewal application submitted after August of a license year.
7. **License Fee Additional.** The license fee herein provided for shall be in addition to any and all licenses and taxes imposed by any other ordinance of the City. In any case where the state of Utah requires a business to be licensed, the obtaining of such license is a prerequisite to receiving a City license under this Title.

8. **Board of Equalization.** The City Council is hereby constituted a board of equalization for the equalization of license rate. Said board shall have the authority to examine fees and to hear complaints regarding license assessments and to make changes in assessments which the board deems to be illegal, unequal, or unjust; provided, however, that any corrections made by the board shall be accompanied with findings of fact and the same shall be entered in the record of license assessment kept by the license officer.
9. **Fee Adjustments.** License fees may be adjusted as necessary by ordinance amendment or by resolution of the board of City Council.

(Ord. 11-9; Ord. 98-0728-1)

5.01.08. License—Contents.

Each license issued under this Title shall state upon its face the following:

1. the name of the licensee and any other name under which such business is to be conducted;
2. the type and address of each business so licensed;
3. the date of issuance and expiration thereof; and
4. such other information as the license officer shall determine.

(Ord. 11-9; Ord. 98-0728-1)

5.01.09. License—Transfer.

No license granted or issued under any of the provisions of this Title shall be assignable or transferable in any manner.

(Ord. 11-9; Ord. 98-0728-1)

5.01.10. Licensee—Duties.

1. **General Standards of Conduct.** Every licensee under this Title shall:
 - a. **Permit Inspection.** Permit all reasonable inspections of the business and examination of the books by a public authority so authorized by law.
 - b. **Comply with Governing Law.** Ascertain and at all times comply with all laws and regulations applicable to licensed business.
 - c. **Operate Properly.** Avoid all forbidden, improper, or unnecessary practices which may affect the public health, morals, or welfare.

- d. **Cease Business.** Refrain from operating the licensed business on premises after expiration of the license or during the period when a license is revoked or suspended.
2. **Display of License.** Every licensee under this Title shall post and maintain such license upon the licensed premises in a place where it may be seen at all times. The licensee shall carry such license on their person when there is no licensed business premises.
3. **Unlawful Possession.** A licensee shall not loan, sell, give, or assign to any other person, or allow any other person to use or display, or to destroy, damage, or remove, or to have in their possession, except as authorized by the license officer or by law, any license which has been issued to said licensee.
4. **New Location Desired.** A licensee shall have the right to change the location of the licensed business provided the following is complied with:
 - a. **Approval by License Officer.** Obtain written permission from the license officer for such change of location.
 - b. **Payment of Fee.** The license officer may endorse a change of location for any business upon approval and up on payment of a five-dollar service fee.
5. **Keep Records.** Keep all records and books necessary to the computation of the license fee and to the enforcement of this Title.

(Ord. 11-9; Ord. 98-0728-1)

5.01.11. Ineligible Business.

It is unlawful to peddle or offer for sale in any place but in a duly licensed business establishment any medicine or remedy of any character or description, and no license shall be issued for such purpose, except that this shall not apply to the sale of medicines or remedies packaged or labeled in compliance with the requirements of the Federal Food, Drug and Cosmetic Act and regulations thereunder, and similarly applicable laws and regulations of the state of Utah.

(Ord. 11-9; Ord. 98-0728-1)

5.01.12. Non-established Businesses—Nonresidents.

1. This Title shall apply to persons engaged in business whether the business is conducted with or without an established place of business and shall also include those who conduct business from a hotel room or an automobile or other type of mobile unit.
2. This Title shall be applied to nonresidents of the City, as well as to residents, and in the same manner as applied to residents of the City.

(Ord. 11-9; Ord. 98-0728-1)

5.01.13. Undue Burden on Interstate Commerce.

None of the licenses provided for by this Title shall be applied so as to occasion an undue burden on interstate commerce. In any case where a license fee is levied on a licensee or applicant for license, and the levy is alleged to place an undue burden upon interstate commerce, such person may make application for hearing pursuant to the provisions set forth in Section 5.01.07 before the board of equalization, and may utilize all other applicable remedies set forth herein.

(Ord. 11-9; Ord. 98-0728-1)

5.01.14. Enforcement.

1. **Inspections.** All persons authorized herein to inspect licensees and businesses shall have the authority to enter, with or without search warrant, at all reasonable times. It is unlawful for any under the provisions of this Title to refuse permission to an inspector of the City or any law enforcement officer to enter the licensed premises to inspect the same.
2. **Provisional Order.** When an inspector has reported any violation of this Title or any law or ordinance, the license officer shall issue to the affected person a provisional order to comply.
 - a. **Nature of Notice.** The provisional order shall be in writing, shall be personally served, and shall apprise the person affected of the specific violation. In absence of the person affected or agent or employee, a copy of such notice shall be affixed to some structure on the premises as personal service. Depositing such notice in United States Mail shall also constitute personal service.
 - b. **Period of Compliance.** The provisional order shall require compliance within ten days of service on the affected person.
 - c. **Hearing.** Upon written application by the person affected before the expiration of the ten-day period for compliance, the license officer shall order a hearing before the City commission. Notice of such hearing shall be given to the affected person as prescribed in this Code.
3. **Final Order.** Upon the failure or refusal of the violator to comply with the provisional order or with any order made after hearing, the license officer shall then declare and make the provisional order final.
 - a. **Authority of License Officer.** The license officer shall have the authority to suspend or revoke licenses upon making and declaring a provisional order final.
 - b. **Effect of Revocation or Suspension.** Upon revocation or suspension, no refund of any portion of the license fee shall be made to the licensee and they shall immediately cease all business under such license.
4. **Summary Action.**
 - a. **Iniimical Conduct.** When the conduct of any licensee, agent, or employee is so iniimical to the public health, safety, and general welfare so as to constitute a

- nuisance and thus give rise to an emergency, the license officer shall have the authority to summarily order the cessation of business and the close of premises, or to suspend or revoke the license.
- b. **Special Hearing.** Unless waived in writing, within ten days after acting summarily, the license officer shall conduct a special hearing for such action before the City commission on the summary order. Notice of such hearing shall be given to the affected person in the manner prescribed in this Code.
5. **Right of Appeal.** Any person aggrieved by any decision of the license officer after hearing shall have the right to appeal to the City commission by filing a written appeal with the City clerk within ten days following the effective date of the action or decision complained of.
- Contents of Appeal.** Such appeal shall set out a copy of the order appealed from and shall include a statement of the facts relied upon to avoid such order.
 - Notification of License Officer.** At the time of filing any such appeal, a copy shall be filed by the appellant with the license officer.
 - Hearing.** The commission chairman shall fix a time and place for hearing the appeal and shall personally serve a written notice as provided herein upon the appellant. The commission chairman shall also give such notice to the license officer and such officer shall be entitled to appear and defend such order.
 - Effective Decision.** The findings of the City Council shall be final and conclusive and shall be personally served upon the appellant as required in this Section.
6. **Effect of Denial, Suspension or Revocation—Waiting Period.** No person who has been denied a license, or whose license has been suspended or revoked under the provisions of this Title, and no person associated with such person in the conduct of such business, shall be granted a license for the same purpose under the provisions of this Title for a period of six months after such denial, suspension, or revocation, unless otherwise specifically provided for herein. The City commission may, however, at its discretion, waive the prohibition against persons associated with an individual who has been denied a license.
7. **Soliciting or Canvassing Prohibited.** Notwithstanding any other provision in this Title, it is unlawful for any solicitor, peddler, hawker, itinerant merchant or transient vendor, or merchandiser who has not been invited to do so by the owner or occupant of any private residence to enter in or upon any private residential property within the limits of the City for the purpose of soliciting orders for goods, wares, or merchandise, or for the purpose of selling or disposing of or hawking or peddling the same for sale.
8. **Liability of Violator.**
- Unpaid Fee Constitutes Debt.** The amount of any unpaid fee, the payment of which is required under this Title, shall constitute a debt due the City.
 - Action by City Attorney.** The City attorney shall, at the direction of the license officer, institute civil suit in the name of the City to recover any such unpaid fee, or enjoin the operation of said business.

- c. **Civil Judgment No Bar.** No civil judgment, or any act by the City attorney, the license officer, or the violator, shall bar criminal prosecution as set forth below for each and every violation of this Title.

(Ord. 11-9; Ord. 98-0728-1)

5.01.15. Violation—Penalty.

1. **Fine and Imprisonment.** Any person, firm, or corporation violating any of the provisions of this Title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$1,000 or by imprisonment for a period not exceeding six months or by both such 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. **Additional Penalty for Doing Business Previously Without a License.** In addition to the above, in 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 City License Officer shall not issue a license to such person or applicant for the current year until said applicant pays to the City the license fee which would have been applicable for the business during the preceding years, together with a twenty-five dollar penalty.

(Ord. 11-9; Ord. 98-0728-1)

Chapter 5.02. Specific Business License Regulations.

Sections:

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5.02.01. Regulation of specific businesses—Required license and fees.

All businesses specifically set forth in this Chapter shall pay the fee required herein in lieu of the general license required in Section 5.01.07, unless otherwise set forth.

(Ord. 11-9; Ord. 98-0728-1)

5.02.02. Pawnbrokers, Swap Meets, Secondhand Dealers.

1. Pawnbrokers, swap meet operators, and dealers in secondhand merchandise shall pay the general license fee required by Section 5.01.07.
2. Any person engaged in the business of lending money upon deposit or pledge of personal property or other thing of value, other than securities and printed evidence of indebtedness, or in the business of purchasing personal property or things of value or selling or agreeing to sell the same back to the seller at a price higher than the original purchase price, or who deals in secondhand merchandise, or who operates a swap meet where booths or areas are leased out to peddlers or individuals wishing to sell items of personal property, either new or used, shall be aware of all merchandise purchased, received, sold, or otherwise, forming a part of the business transacted on the premises, and shall make reasonable investigation as to the origin of such merchandise to ensure that no stolen merchandise is the object of any transaction.
3. Swap meet operators shall keep a complete record of names, residences, and driver's license numbers of each person selling or displaying merchandise.

- a. All pawnbrokers shall keep a complete ledger containing an account of each and every transaction concerning both the pledging and redeeming of articles, and setting forth the transaction date, name, address, and the driver's license number of the pledger, a description of the goods, including serial number if any, the amount of money loaned or paid therefor, and the number of the pawn ticket.
 - b. A copy of said record shall be provided to the City weekly, to such person or location as directed in writing by the Business License Officer.
4. A pawnbroker shall not enter into a business transaction with a person who is incompetent or of minority. It is unlawful for any pawnbroker to transact business with any person other than the lawful owner of personal property.
5. Every person applying for a license as a pawnbroker shall be required to post a cash or corporate surety bond to the City in the amount of \$5,000 acceptable to the license officer conditioned upon faithful observance of all ordinances and laws respecting pawnbrokers.
6. No person shall be granted a pawnbroker's license unless they are of good moral character, over the age of twenty-one years, and a citizen of the United States, nor shall a pawnbroker's license be granted to anyone who has been convicted of a felony or a crime involving moral turpitude within the previous ten-year period. The license issued shall not permit the licensee to conduct the business of a merchant.

(Ord. 11-9; Ord. 98-0728-1)

5.02.03. Amusement Devices.

Any machine, device, electronic mechanism, or other contrivance which is legal under the laws of the state of Utah and the City and designed or intended to be operated or used for amusement in response to the payment of some charge or insertion of a coin or other object, shall be licensed under the general license fee required by Section 5.01.07.

(Ord. 11-9; Ord. 98-0728-1)

5.02.04. Exhibitions, Carnivals, and Performances.

1. Individuals or groups putting on any type of exhibition, carnival or performance, or such other activity for which an admission fee is charged, shall pay a license fee as follows:
 - a. **Exhibitions and Performances.** For exhibitions and performances, the license fee shall be \$100 for each twenty-four-hour period during which such performance or exhibition is presented.
 - b. **Carnival, Circus or Parts Thereof.**
 - i. The license fee for any type of carnival or circus shall be \$300 for each day's performance.
 - ii. The license fee for each operating mechanical or animal rides shall be \$75 for the first week in addition to any other fees required herein. Thereafter they shall be licensed in accordance with Section 5.01.07.

2. A license pursuant to this Section shall not be issued until arrangements are made to conduct such activity on property, and until liability insurance acceptable to the City in accordance with AM Best Rating is provided in the sum of \$1 million per occurrence, \$500,000 per person, and \$250,000 for property damage, which shows on its face the condition to protect and indemnify the City against any loss or liability arising from such activity.

(Ord. 11-9; Ord. 98-0728-1)

5.02.05. Bowling Alley.

A bowling alley is any establishment consisting of one or more bowling alleys open to the public. The license fee shall be assessed in accordance with Section 5.01.07.

(Ord. 11-9; Ord. 98-0728-1)

5.02.06. Dancehall.

A public dancehall is any public space open to public patronage in which a public dance is held and for which there is a charge. A license fee for a public dance shall be \$100 per year, or any part thereof, in addition to any other fee charge.

(Ord. 11-9; Ord. 98-0728-1)

5.02.07. Itinerant Merchandising of Goods or Services.

1. Itinerant businesses of any type, including merchants, peddlers, solicitors, auctioneers, operators of closing-out sales, hawkers, tradesman, repairman, home improvement contractors, or any others who are deemed by the City License Officer to be transients by reason of the nature or type of business in which they engage, or by the period of time in which they intend to engage in such business, shall pay the license fee of \$100 per year or any part thereof during which they engage in such business in the City.
 - a. In addition, they shall pay a license fee of \$35 for each employee more than one employed in said business.
 - b. This Section shall apply to salesman and order takers of all types including by telephone, except for salespersons, agents, or wholesalers who solicit orders from and sell for resale to retail dealers or to manufacturers, and except bids for public supplies.
2. Any person who the license officer deems to be an itinerant merchant by reason of transience shall provide upon request of the license officer at the time of application information relative to type and location of previous business experience, moral character and reputation, felony or misdemeanor convictions if any, and such additional information as may be reasonably required. In addition, the license officer may require

applicants to demonstrate origin of goods through bills of sale, purchase receipts, or otherwise.

(Ord. 11-9; Ord. 98-0728-1)

5.02.08. Junk Dealers and Junkyards.

1. Every person buying or selling junk or any person who maintains or operates a junkyard within the City shall pay a license fee of \$150 per year. Anyone who maintains a lot for purposes of storing used metal material, wood material, cement material, rock, plastic material, auto bodies or parts thereof, or refuse material of any kind for the purpose of reselling all or any part thereof to the public shall be considered to be a junk dealer or operator of a junkyard.
2. Every person applying for a license as a junk dealer shall be required to post a cash or corporate surety bond to the City in the amount of \$5,000 acceptable to the license officer conditioned upon faithful observance of all ordinances and laws respecting junk dealers or operators.
3. Any person who maintains or operates a junkyard shall keep a record containing a description of every article they purchase, including a serial number if available, the name, age, and residence of the vendor, the amount paid, and the date of purchase.

(Ord. 11-9; Ord. 98-0728-1)

5.02.09. Auctioneers.

1. The fee for an auctioneer's license shall be \$100 per year or \$25 per day.
2. For the purpose of this Section, an "auctioneer" is a person who conducts a public competitive sale of property to the highest bona fide bidder, and an "auction house" is defined as a place where personal property is sold at auction by an auctioneer.
3. The provisions of this Section shall not apply to auctions held for charitable purpose, church affair, festival or bazaar, the sale of animals or farm produce, judicial sales, sales by executors or administrators, or sales by the sheriff or constable.
4. Before any sale is made at auction, the licensee must attach to each article to be sold which has a retail value of five dollars or more a card with an identifying number endorsed thereon, and each licensee shall maintain a list of all articles sold at auction for a retail price of five dollars or more, giving any identifying numbers or marks which may be on the articles, indicating opposite the description of each article whether it is new or used, showing the identifying number assigned to the article, the name and address of the purchaser, and the date of sale. The licensee shall keep said list for a period of one year following the date of sale.

5. Each licensee shall at the time of selling an article at public auction give the purchaser a receipt which shall contain the name of licensee, date of sale, description of article sold, and identifying number assigned to the article.
6. No person shall act in any sale by auction as a “booster” to bid on behalf of the auctioneer or owner, or to run up the price of the articles to be sold or make any false bids.
 - a. The licensee, or if a corporation, one of the officers of the licensee, shall remain in continuous attendance during the auction.
 - b. All persons participating in sales must correctly represent at all times to the public the facts with respect to the quality of the merchandise being sold.
7. It shall be the duty of the licensed auctioneer to receive all articles which may be offered for sale at auction and give receipts therefor. At the close of any sale, the auctioneer shall deliver a fair account of such sales and pay the amount received for such articles to the person entitled thereto.
8. A licensee under the provisions of this Section shall post a corporate surety bond to the City surety in the sum of \$10,000 acceptable to the license officer conditioned upon faithful observance of all laws and ordinances of the City, honest performance of all duties required by this Title, and for the protection of all persons dealing with such auctioneer against fraud, deception, and imposition.

(Ord. 11-9; Ord. 98-0728-1)

5.02.10. Non-transient Peddlers.

1. The fee for a permit for a local peddler to carry on the business of peddling shall be in accordance with Section 5.01.07.
2. For the purpose of this Section, a “peddler” is defined as:
 - a. any person who goes from place to place to solicit for the sale of or offers to sell or exchange for retail in the City any garden or farm produce, fruit, butter, eggs, or any goods, wares, tickets, coupons or receipts representing value, works of art, or any merchandise whatsoever; or
 - b. any person keeping produce, goods, wares, or merchandise of any description in a private residence or soliciting trades therefore in person, by agent, or by telephone.
3. Nothing in this Section shall be construed to permit the peddling of fresh or cured meat or fish and the peddling of the same is prohibited. The provisions of this Section shall not apply to persons peddling or offering for sale at their residence or farm any butter, eggs, fruit, vegetables, or poultry raised or produced by such persons.
4. It is unlawful for any peddler to pursue the business of peddling within a one-block radius of any school property for that period of time fifteen minutes prior to when the

schools are in session and continuing through and until fifteen minutes after the school session has ended, or when student activities are in progress, or in public parks or playgrounds.

- a. For the purpose of this Section, “school property” is defined as that area within the official plat boundaries of property owned, leased, or otherwise utilized or maintained by a public or private school.
- b. Peddlers are prohibited from displaying their wares outside of their vehicle on public streets and sidewalks within the City.

(Ord. 11-9; Ord. 98-0728-1)

5.02.11. Art and Craft Exhibits.

1. No fee shall be assessed for an art and craft exhibit if such exhibit is held on the property of an established business and sponsored by that business. In all other cases, the license fee for an art and craft exhibit shall be \$100 per exhibit, plus an annual fee of \$35, with a maximum fee of \$400.
2. This Section shall govern art and craft exhibits for which no entry fee to the public is charged.
3. For purposes of this Section, an art and craft exhibit shall include group exhibits of three or more, whether resident or nonresident, for which no exemption applies as defined in Section 5.01.04.

(Ord. 11-9; Ord. 98-0728-1)

5.02.12. Ambulances.

1. No license shall be issued for the operation an ambulance or related business within the City, until the operator submits evidence to the license officer that:
 - a. the vehicle and equipment comply with the ambulance design specifications and other requirements prescribed in the rules promulgated by the relevant state and City boards of health;
 - b. the vehicles and business operations are covered by the minimum amount of casualty insurance coverage prescribed by the rules and regulations of said boards of health; and
 - c. each ambulance vehicle is staffed by both an emergency medical technician or paramedic and a driver who is both an emergency medical technician and the holder of a valid commercial driver’s license (CDL).
2. No ambulance business shall charge rates in excess of those fixed and approved by the State Board of Health.

(Ord. 11-9; Ord. 98-0728-1)

5.02.13. Alarms.

1. No person shall engage in the business of selling, leasing, monitoring, maintaining, repairing, altering, replacing, removing, or installing an alarm system until, in addition to complying with other requirements of this Title, the applicant shall have provided to the license officer their I.D. card verifying compliance with rules adopted by the Division of Occupational and Professional Licensing pursuant to Utah Code § 58-1-106.
2. Both users of alarm systems and alarm companies shall comply with all guidelines established by the department of public safety. In addition, a service fee is assessed by the City to the user of said alarm system for response to false alarms as follows:
 - a. one false alarm per calendar year or any portion thereof: no charge;
 - b. second false alarm per calendar year or any portion thereof: \$25;
 - c. third false alarm per calendar year or any portion thereof: \$50; and
 - d. any response to subsequent false alarms shall be assessed at \$100 per response.
3. Any violations of the provisions hereof or any regulations promulgated by the department of public safety may result in a petition to revoke or suspend the right of an individual to use their I.D. card as set forth in Utah Code § 58-1-401.

(Ord. 11-9; Ord. 98-0728-1)

5.02.14. Restaurants.

1. No business license shall be issued or renewed to operate a food service establishment until the establishment has been inspected and the applicant issued a valid food service establishment permit as required by the Utah County Health Department.
2. "Food service establishment" means:
 - a. any fixed or mobile restaurant, coffee shop, cafeteria, cafe, grill, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, roadside stand, or industrial feeding establishment;
 - b. any private, public, or nonprofit organization or institution routinely serving food;
 - c. 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
 - d. any other eating or drinking establishment or operation where food is served or provided to the public with or without charge.

(Ord. 11-9; Ord. 98-0728-1)

5.02.15. Bonding Requirements.

1. In connection with the issuance of a license to any of those businesses in this Section for which the posting of a cash or corporate surety bond is required in addition to the regular license fee, said bond shall be deposited with the City Administrator.

- a. In the event of a surety bond, the bond shall run to the City with a surety acceptable and approved by the City License Officer.
 - b. Factors to be considered when determining bond requirements are the background of the applicant, the nature of the business, the regulatory duties imposed on City departments, the opportunity to defraud consumers inherent in the type of business, or any combination of these.
2. The bond shall be conditioned upon the applicant complying with all provisions of ordinance and statute concerning the business, and further will guarantee to any citizen of the City doing business with said entity that the property or services purchased will be delivered and of the quality as represented by the applicant.
 - a. Action on such bond may be brought in the name of the City for its own benefit or for the benefit an aggrieved citizen.
 - b. Proof or renewal of such bond, if other than cash, must be presented each time a license is renewed.
3. Upon surrender or expiration of a license, the bond shall be refunded or exonerated, provided there exist no violations of City or state law during the conduct of the business and there are no persons wishing to make a claim against the bond.
 - a. The City License Officer may delay refunding or exonerating of the bond for a period of up to ninety days in order to determine the existence of any violations or of any aggrieved persons.
 - b. In the event of revocation of the license, the license officer shall have the option of retaining all or any part of the bond for purposes herein.
 - c. Any licensee for whom a bond is required shall set forth on a form prescribed by the license officer the designation of agent for service of process, said agent to be a resident of the City.
4. "Place of business" as used in this Section means and includes cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, and any other place where the general public is invited for business.

(Ord. 11-9; Ord. 98-0728-1)

Chapter 5.03. Liquor License.

Sections:

- 5.03.01. License—Required.**
- 5.03.02. License Application, Fee, and Issuance.**
- 5.03.03. Storage, Possession, or Consumption of Liquor.**
- 5.03.04. Consumption or Possession of Liquor by Persons Under Twenty-One Years of Age.**

5.03.01. License—Required.

It is unlawful for any place of business to permit or allow customers or any other person to possess liquor of which the seal has been broken, or to consume liquor in such place of business without first obtaining a license. It is unlawful for any person to consume liquor in an unlicensed place of business.

(Ord. 11-9; Ord. 98-0728-1)

5.03.02. License Application, Fee, and Issuance.

1. Each application for an annual license provided for by this Section shall be accompanied with a fee of \$100.
 - a. Applications for this license shall be an affidavit and shall be sworn to by the applicant.
 - b. Such affidavit required under Subsection (1)(a) shall show applicant's age, citizenship, moral character and reputation, and shall show any conviction of a felony or misdemeanor involving moral turpitude.
 - c. If the applicant is a partnership, association, or corporation, the same information required under Subsection (1)(b) shall be obtained with respect to each partner, association member, corporate officer, or director.
2. Each licensee must be over twenty-one years of age, of good moral character, and a citizen of the United States.
 - a. No license shall be granted to any applicant who has been convicted of a felony or misdemeanor involving moral turpitude.
 - b. If the applicant is a partnership, association, or corporation, each partner, association member, corporate director, or officer shall meet all of the foregoing qualifications.
3. The Police Chief shall make an examination of all applicants and shall make recommendations in writing as to whether said applicant shall be granted a license. No license shall be issued until such time as the Chief has completed an examination and rendered a satisfactory appraisal.

(Ord. 11-9; Ord. 98-0728-1)

5.03.03. Storage, Possession, or Consumption of Liquor.

It is unlawful for any person to store any liquor in or on any place of business licensed by this Section. It is unlawful for any licensee, operator, or employee of the licensee to hold, store, or possess liquor on the premises as licensed by this Section. Persons other than the licensee, operator, or employee of the licensee may, with consent of the owner, operator, or employee, possess and consume liquor on the licensed premises.

(Ord. 11-9; Ord. 98-0728-1)

5.03.04. Consumption or Possession of Liquor by Persons Under Twenty-One Years of Age.

1. No place of business governed by this Section shall permit the consumption of liquor on the premises by a person under the age of twenty-one years of age; nor shall any place of business permit any person on the premises under twenty-one years of age to have liquor in their possession.
2. It shall be the affirmative duty of the place of business to ask the age of each and every person consuming liquor or having liquor in their possession on said premises.
3. In the event of prosecution for allowing violation of this Section by a person under twenty-one years of age, said place of business shall be deemed prima facia to have allowed the consumption or possession of liquor as prohibited by this Section by a person under the age of twenty-one, unless said place of business has on file a liquor permit identification card as set forth by state law.

(Ord. 11-9; Ord. 98-0728-1)

Chapter 5.04. Single Event Permits.

Sections:

5.04.01. City Council Power to Grant; Proximity Limitations.

5.04.02. Application Requirements.

5.04.03. Qualifications.

5.04.04. Bond.

5.04.05. Operational Restrictions.

5.04.01. City Council Power to Grant; Proximity Limitations.

1. The City Council may issue a single event permit to a bona fide corporation, church, political organization, or incorporated association, or to a recognized subordinate lodge, chapter, or other local unit thereof that is conducting a convention, civic, or community enterprise.
2. The single event permit shall authorize, for a period not to exceed seventy-two consecutive hours, the storage, sale, service, and consumption of beer at an event at which this would otherwise be prohibited.
3. The City Council may not issue more than two single event permits in any one calendar year to the same organization.
4. The 600-foot and 200-foot proximity limitations to educational, religious, and recreational facilities that are applicable to state stores, package agencies, and licensees, do not apply to single event permits. Nothing in this Chapter however prevents the City Council from considering the proximity of any such facility, or any other relevant factor in deciding whether to grant a single event permit.

(Ord. 11-9; Ord. 98-0728-1)

5.04.02. Application Requirements.

1. A qualified applicant for a single event permit shall file a written application as prescribed by the City.
2. The application shall be accompanied by:
 - a. a single event permit fee of \$50 which is refundable if a permit is not granted;
 - b. a bond as specified in this Chapter;
 - c. the times, dates, location, nature, and purpose of the event;
 - d. a description of the floor plan designating:
 - i. the area in which the applicant proposes that beer be stored,
 - ii. the site from which the applicant proposes that beer be sold or served; and
 - iii. the area in which the applicant proposes that beer be allowed to be consumed;

- e. a statement of the purpose of the organization holding the event;
- f. a statement that the person signing the application or an authorized agent will be present at all times during the single event;
- g. a signed consent form stating that City officials will have unrestricted right to enter the premises during the event for purposes of enforcement;
- h. verification evidencing that the person signing the application is authorized to act on behalf of the association or organization; and
- i. any other information that the City may direct.

(Ord. 11-9; Ord. 98-0728-1)

5.04.03. Qualifications.

1. In order to qualify for a single event permit, the applicant:
 - a. may not be the holder of or be affiliated with the holder of any other type of beer license issued pursuant to Chapter 5.03; and
 - b. shall have been in existence as a bona fide organization for at least one year prior to the date of application.
2. The City Council may not grant a single event permit to any person who has been:
 - a. convicted of a felony under any federal or state laws;
 - b. convicted of any violation of any federal or state law, or local ordinance concerning the sale, manufacturing, distribution, warehousing, adulteration, or transportation of alcoholic beverages; or
 - c. convicted of any crime involving moral turpitude.
3. In the case of a partnership or corporation, the proscription under Subsection (2)(a) of this Section applies if any partner, managing agent, officer, director, or stockholder who holds at least twenty percent of the total issued and outstanding stock of an applicant corporation has been convicted of any offense as provided in this Subsection.
4. Upon the arrest of any single event permittee on any charge set forth in Subsection (2) of this Section, the City may take emergency action by immediately revoking the permit according to procedures set forth in Utah Code § 32B-1-304.
5. The City may not grant a single event permit to any person or organization who has had any type of beer license or permit revoked within the last three years. For purposes of a partnership or corporation, the proscription under this Subsection applies to any partner, managing agent, officer, director, or stockholder who holds at least twenty percent of the total issued and outstanding stock of an applicant corporation.
6. A minor may not be granted a single event permit or be employed by a single event permittee to handle alcoholic beverages.

(Ord. 11-9; Ord. 98-0728-1)

5.04.04. Bond.

1. Any applicant for a single event permit shall post a cash or corporate surety bond in the penal sum of \$1,000 payable to the City which the applicant has procured and must maintain for so long as the permit is in effect.
2. The bond shall be in a form approved by the City, conditioned upon permittee's faithful compliance with this Title.
3. No part of any cash or corporate bond so posted may be withdrawn during the period the permit is in effect. A bond filed by the permittee may be forfeited if the permit is revoked.

(Ord. 11-9; Ord. 98-0728-1)

5.04.05. Operational Restrictions.

1. Any organization granted a single event permit shall abide by this Title and the special conditions set forth in this Chapter. Failure to do so may result in immediate revocation of the permit, forfeiture of the surety bond, immediate seizure of all beer present, and disqualifies the organization from applying for a single event permit for a period of three years from the date of revocation of the permit. Any beer seized under this Section shall be returned to the organization after the event if forfeiture proceedings are not instituted under Utah Code § 32B-4-206.
2. Special conditions and requirements for single event permittee include, but are not limited to, the following:
 - a. The applicant or an authorized agent shall be present at all times during the single event to ensure compliance with all requirements set forth in this Chapter.
 - b. All persons involved in the storage, sale, or service of alcoholic beverage at the event do so under the supervision and direction of the permittee.
 - c. All beer stored, sold, served, and consumed at the event shall be purchased by the permittee as required by law, and is considered under the control of permittee during the event. Attendees of the event may not bring any alcoholic beverage other than that furnished by the permittee onto the premises of the event.
 - d. A permittee may not charge more than the maximum amount set forth in the permit for any alcoholic beverage.
 - e. Each permittee shall post in a prominent place in the area in which beer is being sold, served, and consumed, a copy of the permit, together with a list of the operational restrictions and requirements of a single event permittee set forth in this Chapter.
 - f. Beer purchased for the event may not be stored in any place other than that described in the application and designated on the permit.
 - g. Beer purchased for the event may not be sold or served in any place other than that described in the application and designated on the permit.

- h. Beer purchased for the event may not be consumed in any area other than that described in the application and designated on the permit.
 - i. Hours of sale, service, and consumption shall be in accordance with any local ordinance restrictions.
 - j. Beer may not be sold, served, delivered or furnished by or to any:
 - i. minors;
 - ii. person actually, apparently, or obviously drunk;
 - iii. known habitual drunkard; or
 - iv. known interdicted person.
 - k. Minors may not sell, serve, dispense, or handle any alcoholic beverage at the event.
 - l. Public advertising of the event may not include reference to the availability of any alcoholic beverage at the event.
3. The permittee shall maintain an expense and revenue ledger or record showing:
- a. expenditures made for alcoholic beverages; and
 - b. the revenue from sale of alcoholic beverages.
4. Single event permits are not transferable.

(Ord. 11-9; Ord. 98-0728-1)

Chapter 5.05. Food and Beverage Control

Sections:

- 5.05.01. Definitions.**
- 5.05.02. Permit Required.**
- 5.05.03. Categories of Permits.**
- 5.05.04. Non-Transferrable.**
- 5.05.05. Fees.**
- 5.05.06. Revocation—Hearing Examine.**
- 5.05.07. Duties.**
- 5.05.08. Inspections.**
- 5.05.09. Violations.**

5.05.01. Definitions.

The words and phrases used in this Chapter shall have the meanings specified in the Utah Alcoholic Beverage Control Act unless a different meaning is clearly evident. Said definition are adopted and incorporated by reference. The provisions of the Alcoholic Beverage Control Act, Utah Code Title 32B, shall govern the selling and dispensing of alcoholic beverages within the city, except where otherwise allowed by said act and set forth herein.

(Ord. 11-9; Ord. 02-723-002)

5.05.02. Permit Required.

1. It shall be unlawful for any person to sell, offer to sell, or provide to the public any type of alcoholic beverages without first obtaining a permit to do so from the City.
 - a. An applicant must first obtain a permit from the Department of Alcoholic Beverage control before applying for a permit from the City.
 - b. All licensees shall comply with the Alcoholic Beverage Control Act, Utah Code Title 32B, and the rules and regulations promulgated thereunder by the Department of Alcoholic Beverage Control.
 - c. An alcoholic beverage permit shall be in addition to the business license required by the City of Saratoga Springs.
 - d. The permit granted hereunder shall expire one year from the date of issuance.
 - i. A new permit is required each year.
 - ii. A new permit must be obtained thirty days prior to the expiration of any prior permit.
 - e. No permit shall be granted for the sale of alcoholic beverages within proximity to a school or church.
2. Applications shall be made available at the city offices and permits may be issued by the City Recorder's office upon a showing of meeting all of the requirements set forth herein and in the Alcoholic Beverage Control Act.

(Ord. 11-9; Ord. 02-723-002)

5.05.03. Categories of Permits.

Permits shall be issued as follows:

1. “Class A” permits shall entitle the holder thereof to sell beer, light beer, malt liquor, or malted beverages for consumption off the premises in accordance with the Alcoholic Beverage Control Act.
2. “Class B” permits shall entitle the holder thereof to sell beer, light beer, malt liquor, or malted beverages for consumption on the premises in accordance with the Alcohol Beverage Control Act. Such permit will also allow consumers to consume beverages off premises in those instances where it is permitted by the Alcoholic Beverage Control Act.
3. “Class C” permits shall entitle the holder thereof to sell alcoholic beverages in conjunction with the operation of a private club in accordance with the Alcoholic Beverage Control Act.
4. “Class D” permits shall entitle the holder thereof to sell alcoholic beverages in conjunction with the operation of a restaurant in accordance with the Alcoholic Beverage Control Act.
5. “Class E” permits shall entitle the holder thereof to sell alcoholic beverages of the type specified in the application for a single event in accordance with the Alcoholic Beverage Control Act, and with such restrictions as may be imposed in the permit. The city shall have the discretion to grant or deny such a permit, taking into account the type of event, the type of persons expected to attend such event, the location of the event, the time of the event, and the proximity to residential areas, public areas, schools, and churches.

(Ord. 11-9; Ord. 02-723-002)

5.05.04. Non-Transferable.

Permits issued pursuant to this Chapter shall be non-transferable.

(Ord. 11-9; Ord. 02-723-002)

5.05.05. Fees.

Prior to the issuance of any permit hereunder, the applicant shall pay an annual fee in the amount of \$300.00. Said fee must be paid each year before the permit may be renewed. An initial permit obtained during the first quarter of the calendar year shall be the full \$300.00. An initial permit obtained during the second quarter of the calendar year shall be \$225.00, one obtained during the third quarter of the calendar year shall be \$150.00, and one obtained during the fourth quarter of the calendar year shall be \$75.00. A single event permit shall be \$100.00 per permit.

(Ord. 11-9; Ord. 02-723-002)

5.05.06. Revocation—Hearing Examiner.

1. Any permit issued hereunder may be revoked following notice and a hearing before a hearing examiner.
 - a. The City Manager is hereby appointed to act as hearing examiner.
 - b. Appeals from the decision of the hearing examiner shall be filed, in writing, within ten days of the decision of the hearing examiner.
 - c. A filing fee of \$150.00 shall accompany the notice of appeal.
 - d. Appeals shall be heard before the City Council. Decisions by the City Council are final and non-appealable.
2. Permits may be revoked for any violation of this Chapter, any violation of the Alcoholic Beverage Control Act, or upon losing a State issued license.
3. The City Council shall follow these criteria when holding revocation hearings:
 - a. The City license shall be revoked if the State license has been revoked.
 - b. The permit holder shall receive a warning for a first violation of this Chapter or of the Alcoholic Beverage Control Act.
 - c. The permit holder shall have the permit revoked for a period of six months if the violation is a second violation within three years of the first violation.
 - d. The permit holder shall have the permit revoked indefinitely if the violation is the third violation within three years of two prior violations. The permit holder will not be allowed to reapply for a permit for a period of one year. The City is not required to grant a permit upon re-application.
4. For purposes of revoking a permit, the permit holder is responsible for the acts of its employees, agents, or others acting under the permit issued.

(Ord. 11-9; Ord. 02-723-002)

5.05.07. Duties.

1. **Generally.** No permit holder shall permit beer, light beer, malt liquor, malted beverages, or other type of alcoholic beverage to be sold from drive up windows. In addition, each person or entity granted a permit under this Chapter shall abide by the following:
 - a. **A Class A permit holder** shall comply with all applicable provisions of the Alcoholic Beverage Control Act;
 - b. **A Class B permit holder:**
 - i. shall comply with all applicable provisions of the Alcoholic Beverage Control Act; and
 - ii. shall not permit or allow acts or conduct set forth in Utah Code § 32A-10-206(10);
 - c. **A Class C permit holder:**
 - i. shall comply with all applicable provisions of the Alcoholic Beverage Control Act;

- ii. shall not allow any person under the age of 21 years on the premises; and
 - iii. shall keep a daily register showing the names of members, visitors, and guests entering the premises on that day, together with the member or visitor card number; and in the event of guests, the sponsoring member or visitor card number.
- d. **A Class D permit holder:** shall comply with all applicable provisions of the Alcoholic Beverage Control Act; and
- e. **A Class E permit holder:**
- i. shall comply with all applicable provisions of the Alcoholic Beverage Control Act;
 - ii. shall comply with all of the restrictions imposed by his or her single event permit as granted by the City; and
 - iii. shall not permit any person under the age of 21 years to remain in or about the club premises or facilities.

(Ord. 11-9; Ord. 02-723-002)

5.05.08. Inspections.

All permittees under this Chapter shall allow access, at reasonable hours, to the premises and business records to verify compliance with this Chapter and with the Alcoholic Beverage Control Act. Such access shall be allowed to any police officer of the City. Failure to allow an inspection when requested shall result in revocation of the permit in addition to any sanctions authorized by the Alcoholic Beverage Control Act.

(Ord. 11-9; Ord. 02-723-002)

5.05.09. Violations.

Unless otherwise set forth in the Alcoholic Beverage Control Act, each violation of this Chapter is a Class B Misdemeanor.

(Ord. 11-9; Ord. 02-723-002)