**COPPERTON METRO TOWNSHIP COUNCIL**

ORDINANCE # \_\_\_\_\_\_\_\_\_\_

(Date)

***AN ORDINANCE AMENDING AND ENACTING BUSINESS REQUIREMENTS FOR THE COPPERTON METRO TOWNSHIP***

BE IT KNOWN AND REMEMBERED THAT, the Copperton Metro Township Council (the “Council”) met in a regular public meeting on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020.

WITNESS

1. WHEREAS, the Copperton Metro Township (“Copperton”) was established to give the residents of Copperton greater control over the affairs of their community; and
2. WHEREAS, Section 10-8-4 authorizes Copperton to “fix the amount, terms, and manner of issuing licenses;” and
3. WHEREAS, Utah Code Ann. § 10-2a-414(3) provides that until such time as the Council enacts Copperton-specific business licenses, the business license ordinances of Salt Lake County (the “**County**”), as set forth in Title 5 of the Salt Lake County Municipal Code,will regulate business licenses within Copperton; and
4. WHEREAS, the Council finds that the County’s ordinances regarding business licenses do not currently account for the creation of Copperton or the other metro townships; and
5. WHEREAS, to incentivize the creation and operation of business activity in Copperton, the Council has determined that it is in the best interests of Copperton and its residents: (a) not to charge a business license fee; and (b) to create a business registry; and
6. WHEREAS, Copperton staff has prepared the attached revised version of Title 5 to make the title a stand-alone, Copperton-specific ordinance; and
7. WHEREAS, the Council has reviewed the revised version of Title 5 and desires to adopt it as a stand-alone, Copperton-specific ordinance, pending reformatting to designate the ordinance as Title 1, Chapter 1 of the Copperton Metro Township Municipal Code; and
8. WHEREAS, the Council desires to review this ordinance after one year to determine if additional changes are needed to better address the needs and interests of Copperton and its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE COPPERTON METRO TOWNSHIP AS FOLLOWS:**

1. Pursuant to Section 10-8-4 of the Utah Code, the Council hereby adopts the attached, revised version of Title 5 of the Salt Lake County Municipal Code as a stand-alone, Copperton-specific ordinance.
2. This ordinance will become effective 20 days after publication pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.

APPROVED AND ADOPTED in the Copperton Metro Township, Salt Lake County, Utah this \_\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_, 2020.

 COPPERTON METRO TOWNSHIP COUNCIL

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Sean Clayton, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

METRO TOWNSHIP ATTORNEY

ATTEST

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sherrie Swensen, Clerk/Recorder

Voting

Council Member Bailey voting \_\_\_\_\_

Council Member Clayton voting \_\_\_\_\_

Council Member Pazell voting \_\_\_\_\_

Council Member Stitzer voting \_\_\_\_\_

Council Member Severson voting \_\_\_\_\_

(Complete as Applicable)

Summary of ordinance published in newspaper: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of publication:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Effective date of ordinance:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUMMARY OF**

**COPPERTON METRO TOWNSHIP ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 On the \_\_\_\_th day of \_\_\_\_\_\_\_\_\_\_\_, 2020, the Copperton Metro Township Council adopted Ordinance No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, repealing and replacing Title 5 of the Copperton Metro Township Code regarding the regulation of approvals for business to operate in Copperton.

 OPPERTON METRO TOWNSHIP COUNCIL

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Sean Clayton, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

METRO TOWNSHIP ATTORNEY

ATTEST

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sherrie Swensen, Clerk

Voting

Council Member Bailey voting \_\_\_\_\_

Council Member Clayton voting \_\_\_\_\_

Council Member Patrick voting \_\_\_\_\_

Council Member Pazell voting \_\_\_\_\_

Council Member Severson voting \_\_\_\_\_

A complete copy of Ordinance No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ is available in the office of the Copperton Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

Title 5 - BUSINESS REGULATIONS

**Chapters:**

Chapter 5.01 - BUSINESS REGISTRATION AND BUSINESS OFFICIAL

**Sections:**

5.01.010 - Definitions.

Whenever used in this title:

"Alcoholic beverages" means and includes beer and liquor, as they are defined herein.

"Beer" means and includes "light beer," "malt liquor," or "malted beverages," and all products that contain 63/100 of one percent of alcohol by volume or one-half of one percent of alcohol by weight, but not more than four percent of alcohol by volume or 3.2 percent by weight, and are obtained by fermentation, infusion or decoction of any malted grain. Beer may or may not contain hops or other vegetable products.

"Beer-only restaurant" means a place of business in connection with a bona fide restaurant wherein beer is sold for consumption on the premises in open containers in any size not to exceed two liters capacity and on draft, in conjunction with an order of food that is prepared, sold and served at the restaurant.

“Business official" means the director of metro planning and development services, or a designated agent of the director.

“Metro Business Registry” means the Copperton Metro Township Business Registry.

“Director” means the director of the metro’s planning and development services, or a designated agent of the director.

“Department" means the office of the metro's planning and development services division of Public Works and Municipal Services.

“Liquor" means:

1. Alcohol, or an alcoholic, spirituous, vinous, fermented malt or other liquid, or combination of liquids, a part of which is spirituous, vinous or fermented, and all other drinks or drinkable liquids that contain more than one-half of one percent of alcohol by volume and are suitable to use for beverage purposes.

2 "Liquor" does not include any beverage defined as a beer, malt liquor or malted beverage that has an alcohol content of less than four percent alcohol by volume.

“Listing” means an entry in the Copperton Metro Township Business Registry that describes a business that is authorized to operate within the metro.

“Metro” means the Copperton Metro Township.

“Mayor” means the Mayor of the Copperton Metro Township.

“Metro council” means the Copperton Metro Township Council.

"On-premise beer tavern" means a tavern, beer bar, parlor, lounge, cabaret, or nightclub where only beer is sold for consumption on the premises in any size of open container not exceeding two liters, on draft, and where the revenue from the sale of beer exceeds the revenue of the sale of food, although food need not be sold in such establishments.

5.01.030 - Business official—Powers and duties.

The business official shall assess each business in accordance with the provisions of this title and applicable statutes of Utah, shall receive all inspection fees required herein to be paid, and shall keep and maintain a suitable index of businesses.

Chapter 1.02 - PROCEDURE FOR REGISTERING A BUSINESS

**Sections:**

5.02.010 - Registration—Required to carry on business.

A. Unless exempted by state or federal law, it is unlawful for any person to engage in or operate any business in the metro without registering the business with the business official. Independent contractors are required to register their own business.

B. A business must completed the registration process required by this title within ten calendar days of engaging or conducting business in Copperton. Businesses and applicants and responsible for ensuring that that their businesses comply with all applicable laws, regulations, and ordinances. Where possible, businesses and applicants are encouraged to consult with the business official first before engaging in or operating their business to ensure compliance with applicable laws and regulations. Businesses or applicants that engage in or conduct business before completing the registration process assume the risk that the business official may require the business or applicant to cease operations if the business violates applicable laws and regulations pursuant to 5.02.030.

C. This title shall not apply to lemonade stands and similar operations run by children.

5.02.020 - Persons subject to registration.

A. Any person or corporation engaged in a business or occupation, or which performs or attempts to perform a business or occupation in the metro, shall be subject to the requirements of this chapter if, either personally or through an agent, employee or partner, the person or corporation actively or passively solicits patronage therefor. Independent contractors are individually subject to this chapter.

B. For purposes of this section, a business includes rental of three or more residential dwellings at the same location.

C. For the purposes of this section, a business includes vending machine, video gamer, ATM machine, or any other machine or device that is capable of receiving payment.

5.02.030 - Registration—Application—Contents.

A. In the absence of clear provisions to the contrary in specific chapters of this title, all applications to register a business shall be made in writing to the business official. Each application shall provide all the following information:

1. The name of the business;

2. The name of the applicant;

3. The specific nature of the business;

4. The location to be used, if any;

5. The time covered;

6. The name and address of the business agent residing in Salt Lake County who is authorized to receive:

a. Service of process, and

b. Any communication regarding the application via certified mail, return receipt requested.

7. The business’ sales tax identification number or official documentation issued by the Utah State Tax Commission verifying that the business is not subject to sales tax.

8. Such additional information as may be needed to assist the business official in accurately

 registering the business, including but not limited to the business’ sales tax.

B. An application that does not include the information required in Section 5.02.030(A) is not complete for the purposes of this Chapter and the metro shall not have no obligation to process the application until such time as all of the required information has been provided. Business owners and applicants

C. Any change in the above information furnished by the applicant shall be forwarded, in writing, within ten calendar days of the change, to the business official.

D. Registration forms shall be prepared and kept on file by the business official.

E. A business may operate during the registration process, provided that the business official may, at any time during the registration process, require the business or applicant to cease operations if the business official has reason to believe that the business violates any applicable law, regulation, or ordinance. The business official may also require the business or applicant to cease operations if the business official determines that more time is needed to review the application to determine whether the business complies with applicable laws, regulations, and ordinances.

F. The metro shall not charge a fee to process a registration application.

5.02.070 - Investigation of applicant.

A. Subject to section (B), where ordinances of the metro require an inspection or investigation of a business, the business official shall conduct such investigation within seven calendar days of the applicant's filing of the application.

B. Except as provided in subsection (B)(1) below, when adequate investigation requires correspondence with agencies or other sources of information outside the planning and development services division, or the applicant is not ready for inspection, such investigation shall be completed within fifteen calendar days of the applicant's filing of the application, or as soon as the applicant is ready for inspection.

1. When local law enforcement investigates the applicant, it shall complete its investigation within thirty calendar days of the applicant's filing of the application. For such investigations, the applicant shall provide a current copy of a criminal background check conducted by the Utah Bureau of Criminal Identification (BCI).

C. The agency charged with conducting the investigation or inspection shall report the findings and recommendations of the agency to the business official within seven calendar days after conducting the investigation or inspection.

5.02.080 - Application.

A. Applications to register a business shall be submitted to the business official, unless ordinances or policies of the metro require that the application be first referred to another agency, such as the local law enforcement agency, Salt Lake County Health Department, local fire agency, or other appropriate official or body for investigation.

B. The business official may within seven calendar days after receipt of the application submit the application for additional investigation to one or more of the agencies listed in (A), above, if, in the opinion of the business official, further investigation is warranted. Any such submittal shall include the business official's specific concerns warranting further investigation. The purpose(s) for the investigation may include but are not limited to:

1. The general reputation of the business owner, including whether the owner has any outstanding arrest warrants;
2. Whether such business is lawful;
3. The health and safety of the premises on which the business in conducted;
4. Other facts that the business official should know in acting upon the application; or
5. Investigation regarding specific concerns raised by the business official under Section 1.02.080(B).

5.02.090 - Compliance with building and zoning requirements.

A. No business shall be listed in the metro registry of businesses for the conduct of any business, and no listing shall be made for any activity if the premises and building to be used for the purposes do not fully comply with the requirements of the metro.

B. It shall be the applicant’s responsibility to establish that the business is in compliance with the building and zoning ordinances of the metro.

C. The applicant may establish compliance with the building code by either:

1. Submitting a certificate of code compliance from an independent certified building inspector stating that the premises on which the business shall be conducted complies with the applicable provisions of the International Building Code, or
2. Paying an inspection fee of $150.00 and receiving inspection and approval from the building official that the premises on which the business shall be conducted complies with the applicable provisions of the International Building Code.

5.02.100 - Report of investigations.

Upon being requested to do so by the business official, the local law enforcement agency, Salt Lake County Health Department, local fire agency, or any other official or department so requested shall, within the time required by Section 5.02.070, conduct the investigation and inspection provided for in this chapter and submit to the business official a report on such investigation and inspection, and may provide recommendations as to whether the registration should be made or denied.

5.02.110 – Business Registration —Action by business official.

A. After receipt of the report, and if applicable the recommendations of the local law enforcement agency, Salt Lake County Health Department, local fire agency or other official or body, the business official shall include the business on the metro registry of businesses as is just and proper, or may order further information or investigation if such appears necessary. After listing a business in the metro registry of businesses, the business official shall issue a certificate to the business confirming the business’ listing.

B. If the agency charged with conducting an investigation or inspection has not issued a report of its findings and recommendations to the business official within the timeframes required by this chapter, the business official may include the business on the metro registry of businesses without the report.

C. If necessary, the business official may impose conditions upon a business’ operations to ensure that the business complies with the metro’s ordinances and other applicable laws and regulations. If the business official imposes a condition upon a business, the business official shall notify the applicant of the condition in writing. An applicant may appeal a condition imposed by the business official pursuant to Sections 1.02.140 through 1.02.180

5.02.130 – Business License Requests (Optional).

In addition to a listing in the metro registry of businesses, a business owner whose business has been listed in the metro business registry may request a license by submitting a written request to the business official, who shall issue a license to the business owner if the business that has been approved for inclusion on the Metro registry of businesses. The business official may withhold issuing a license if the business is not in compliance with applicable laws and regulations, including but not limited to the ordinances of the metro.

* + 1. - Application—Denial conditions.

A. The business official may deny an application by a business owner if:

1. The business owner or applicant has been convicted of a felony or any crime involving moral turpitude;

2. The business owner or applicant obtained a listing and any related certificates or license (when requested) by fraud or deceit;

3. The business owner or applicant failed to pay personal property taxes, Utah state sales taxes, or other required fees;

4. The business owner or applicant has violated any applicable law or regulation, including but not limited to the ordinances of the metro; or

5. The business does not comply with any applicable law or regulation, including but not limited to the ordinances of the metro; or

6. The business owner or applicant has an outstanding warrant for their arrest.

B. The reason for denial shall be endorsed on the application and the business official shall return to the applicant, via certified mail and email, notice of the denial.

C. Notice shall be given that the applicant may appeal a denial within fifteen calendar days and appear before the metro council or a hearing examiner in accordance with Sections 1.02.140 through 1.02.180 to present reasons for setting aside a denial.

D. If the applicant presents adequate justification, the metro council may, in its discretion, set aside the denial and approve the application.

1. Examples of "adequate justification" include but are not limited to:

a. The passage of a long period of time since the inappropriate or illegal act was committed;

b. Youth or immaturity of the applicant when the inappropriate or illegal act was committed;

c. Acts committed by others over whom the applicant lacked control;

d. Any error by the business official relating to taxes or other required fees or in determining that any law or ordinance has been violated;

e. A disaster or Act of God precluding timely payment of taxes or other required fees, or making compliance with any law or ordinance impossible; or

f. A good faith and reasonable dispute, not yet resolved, between the business owner or applicant and the business official regarding the imposition or amount of taxes or other required fees, or of the application of a particular law or ordinance.

5.02.150 - Appeals.

A. A business owner or applicant may appeal a decision by the business official to deny an application or to impose a condition upon a business by submitting an appeal in writing to the business official that explains in reasonable detail the reasons for the appeal. Upon receipt of an appeal, the business official shall forward the appeal to the metro council and the metro attorney.

B. Hearings on appeals to consider the revocation, suspension or denial of an application for registration of a business shall be held by or at the direction of the metro council. Notwithstanding the provisions of any other ordinance pertaining to hearings before the metro council regarding businesses, such hearings may be held either before the metro council or before any hearing examiner who has been appointed by the metro council pursuant to Section 5.02.160.

B. The applicant may appear in person, or through an officer, agent, or attorney, to introduce evidence in the applicant's behalf, and to confront and cross-examine witnesses. Any oral or documentary evidence may be received, but all privileged, irrelevant, immaterial or unduly repetitious evidence may be excluded.

C. An official record, which may be transcribed when necessary, shall be kept of each hearing.

5.02.160 - Hearings—Hearing examiner powers and duties.

A. The metro council may appoint one or more hearing examiners to hear appeals submitted under Section 5.020.150.

B. Any hearing examiner acting at the direction of the metro council shall have the power and authority to preside at and conduct hearings on appeal to consider the suspension, revocation or denial of applications for registration of businesses issued by the business official, including the power to examine witnesses and receive evidence, compel the attendance of witnesses, and compel the production of documents.

C. Hearing examiners acting at the direction of the metro council shall have the authority to recommend findings of fact, conclusions of law and orders, all based upon the evidence and testimony received, and shall transmit to the metro council for review and final approval such recommended findings, etc.

D. The hearing examiner shall provide to the metro council a certified record of the entire proceedings.

5.02.170 - Hearings—Orders by metro council.

A. After a hearing on appeal to consider the status of any business has been held by the metro council, the metro council shall enter such findings of fact and conclusions of law, based upon the record of the hearing.

B. If the hearing is held before a hearing examiner, the metro council, after review of the hearing record, shall:

1. Adopt and enter the hearing officer’s recommended findings of fact, conclusions of law and order; or

2. Hold another hearing with the applicant to review the hearing officer’s recommended findings of fact, conclusions of law, and order, after which the metro council may enter its own findings of fact, conclusions of law and order supported by the record.

 C. All orders entered by the metro council concerning the appeal shall be in writing and shall be final.

D. A business owner who seeks judicial review of the metro council's decision shall serve a copy of the complaint seeking judicial review with both the metro council and the appropriate court. The metro council shall promptly certify a copy of the record of hearing to the reviewing court.

5.02.180 - Effect of denial.

1. If at any time an application is denied under the provisions of this chapter, it shall thereafter be unlawful for any person to engage in or carry on or operate or use or permit to be operated or used, any property for any business with respect to which the application has been denied, until a listing is granted by the metro council upon appeal.
2. No person denied a listing under the provisions of this chapter, and no person associated or connected with such person in the conduct of such business, shall be granted a listing for the same purpose for a period of six months after the denial has occurred.

Chapter 1.04 - INSPECTIONS

5.04.010 - Officers authorized to examine and inspect businesses—Powers and duties.

A. The members of the local law enforcement agency, the business official, the members of the Salt Lake County Health Department, and the head of the local fire agency and designated representatives, are hereby appointed ex officio business deputies who, in addition to the duties of their respective offices, are hereby authorized to:

1. Inspect all businesses operated under the provisions of this title as their duty shall bring them into contact with same,
2. See that businesses are transacted in accordance with this title and all other applicable laws and regulations, including but not limited to the metro’s ordinances, and
3. Report to the business official the names of all persons doing business in violation of applicable ordinances.

5.04.020 - Inspections—Right of entry—Sampling of materials.

A. Whenever inspections of the premises used for or in connection with the operation of a business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision, or to detect violations thereof, it shall be the duty of the business owner, or the person in charge of the premises to be inspected, to admit onto the premises any authorized officer, employee or agent of the business office for the purpose of making the necessary inspection, at any reasonable time that admission is requested.

B. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with ordinance provisions, or to detect violations thereof, it shall be the duty of the business owner whose business is governed by such provision to give to any authorized officer or employee requesting the same sufficient samples of such material or commodity as are necessary for analysis.

5.04.030 - Complaints and citations for violations.

In the discharge of their official duties, the business official and authorized deputies shall have the power to issue citations for the violation of any of the provisions of the business ordinances. The business official shall further have the duty of cooperating with the metro attorney to cause complaints to be filed against all persons violating any of the provisions of the business ordinances.

Chapter 1.05 - CERTIFICATES AND REGULATIONS

5.05.010 - Business rules and regulations.

Rules and regulations covering the health, safety, morals, peace, good order, comfort and convenience of the general public with respect to any business covered under this title shall be adopted by the metro council, and copies of such rules and regulations shall be made available to and displayed by the business affected thereby in a conspicuous place upon the premises.

5.05.020 - Businesses that require additional regulation.

The nature and operations of some business types may require additional regulation. Business owners may be notified by the business official of the need for applications and additional fees with other agencies, including but not limited to the Unified Fire Authority, local law enforcement agencies, the Salt Lake County Health Department, Planning and Development Services, the Department of Agriculture, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

5.05.040 - Certificate to be shown to officials.

It shall be the duty of each and every person who receives a listing and related certificate pursuant to Section 5.02.110 to show the same at any proper time when requested to do so by the business official, local fire agency official, Salt Lake County Health Department, or local law enforcement officer.

5.05.050 - Unlawful uses of certificates.

A. It is unlawful to:

1. Counterfeit a listing certificate or license;

2. Deface, mutilate, remove or attempt to remove a certificate while it is posted in a listed premises;

3. Use or permit to be used a certificate at any place other than that designated on the certificate; or

4. Place or permit the certificate to be placed or be in any place of business after it has been prohibited or declared to be unlawful by this title or any other ordinance or law.

Chapter 5.06 - TRANSFERABILITY OF BUSINESSES

5.06.010 - Transfer limitations.

A. No listing, certificate, license (when requested) or other approval granted under the provisions of the ordinances of the metro shall:

1. Be assignable or transferable,

2. Authorize any person other than the person therein mentioned or named to do business, or

3. Authorize any other business than the business mentioned in the listing or otherwise named in a certificate or license (when requested) to be done or transacted.

Chapter 5.07 - ENFORCEMENT

5.07.010 - Enforcement powers.

A. The business official may, on the official's own initiative, or in response to complaints referred from the general public, state agencies, local law enforcement, or local government agencies, investigate and gather evidence of violations of the provisions of this title.

B. The business official, shall be responsible for the enforcement of this title.

5.07.020 - Grounds for suspension or removal from the metro registry of businesses.

In addition to any fine imposed, every listing and any related certificates or licenses (when requested) in the metro registry of businesses issued by the business official or metro council may be revoked or suspended by the business official if it is determined that the business owner or applicant:

1. has been convicted of a felony or any crime involving moral turpitude;
2. has obtained, or aided another to obtain, a listing in the metro business registry by fraud or deceit;
3. has failed to pay personal property taxes, Utah state sales taxes, or other required fees;
4. has refused to permit authorized officers or employees to make an inspection or to take a sample of a commodity, or has interfered with such officer or employee while making such inspection;
5. has filed or encouraged another to file false information with the business official, the local law enforcement agency or any other agency as part of the business’ operations;
6. has contracted with two or more independent contractors whose business licenses or other applicable authorizations were subsequently revoked in final unappealable decisions during a twelve-month period for engaging in unlawful conduct under the Utah Massage Therapy Practice Act or Prostitution under the Utah Criminal Code on the Business owner or applicant's leased or owned premises;
7. has engaged in any conduct or acts on the business premises, or has allowed its employees, agents, or patrons to engage in conduct or acts that render or tend to render such business or its premises: (a) a public or private nuisance, as defined by applicable law, regulation, or ordinance; or (b) a menace to the health, peace, safety, morals, or general welfare of the metro or its residents;
8. has engaged in activities on the business premises that are contrary to the laws of the United States, the State of Utah, the ordinances of the metro, or the rules and regulations of any agency or another governmental entity governing the operation of the business holding the listing;
9. has permitted its employees, agents, or patrons to engage in activities that are contrary to the laws of the United States, the State of Utah, the ordinances of the metro, or the rules and regulations of any agency or another governmental entity governing the operation of the business holding the listing;
10. has conducted business activities on the premises or maintained the premises in an illegal, disorderly, unsanitary, hazardous, or ill-governed manner;
11. has failed to comply with any condition or requirement under local, state, or federal law; or
12. has engaged in any other behavior not arbitrary or capricious and permitted by law under the metro’s police power that justifies suspension or revocation of the business’ listing.

5.07.030 - Suspension or revocation—Procedure.

1. If the business official has good cause to believe that a listing and any related certificates or licenses (when requested) should be suspended or revoked, the official shall schedule a hearing before the metro council by providing notice to the business owner or which notice shall contain the following:
	1. The time, place, and date of the hearing;
	2. A statement of the purpose of the hearing; and
	3. A reasonably definite statement setting forth the alleged grounds under Section 5.07.020 justifying suspension or revocation of the listing.
2. The hearing shall take place at least fifteen (15) days and not more than thirty (30) days from the date written notice is sent.
3. At the hearing, the business owner or applicant shall have the right: (a) to appear personally or by counsel; (b) to hear the evidence against them; (c) to confront and cross examine any witnesses; (d) to present evidence and witnesses on their behalf; and (e) to state his case as to why the listing should not be suspended or revoked.
4. After conducting a hearing pursuant to this section, the metro council may suspend or revoke any listing if the business owner or applicant fails to show cause by a preponderance of the evidence why the listing should not be suspended or revoked.
5. If the business owner or applicant fails, neglects, or refuses to appear at the hour and date set for such hearing, the metro council may proceed to determine the matter in the absence of the business owner or applicant, or may, in its sole discretion, continue the date of such hearing to some later date, and at the later date proceed to act on the matter without further notice to the business owner or applicant.
6. After due deliberation, the metro council shall announce its decision, and shall issue a written decision notifying the business owner or applicant of its findings and determination and an explanation of how the business owner or applicant may appeal the metro council’s decision.

 5.07.040 - Appeals.

1. A business owner or applicant may appeal any decision rendered by the metro council under this chapter by requesting an administrative hearing with the metro’s administrative law judge pursuant to the process set forth in chapter 1.16, which shall govern appeals filed under this chapter.
2. In addition to the provisions of chapter 1.16, the administrative law judge shall:
	1. Review the record, and may not accept or consider any evidence outside the record unless the evidence was offered to and was excluded by the metro council, the business official or business official’s designee and the administrative law judge determines that it was improperly excluded;
	2. Review the metro council’s or the business official’s actions to determine whether the metro council’s decision was arbitrary, capricious, or illegal; and
	3. After reviewing the record and written and oral argument on both sides, affirm, reverse, alter, or remand the metro council’s decision for further review and consideration.
3. The filing of an appeal does not automatically stay the metro council’s decision; however, the administrative law judge has the authority to stay the decision while the appeal is pending.
4. A decision issued by the administrative law judge pursuant to this section is a final administrative order that is appealable to the district court pursuant to section 1.15.130.

5.07.050 - Effect of revocation.

1. If a listing is suspended or revoked, it shall thereafter be unlawful for any person to engage in or use, or permit to be used, any property for any business with respect to which the listing has been suspended or revoked.
2. In the event of suspension or revocation as provided in this chapter, there shall be no refund or rebate of any part of any fee, if any, paid by the business owner or applicant.

5.07.060 - Waiting period.

A. No person denied a listing in the metro business registry under the provisions of Chapter 5.02, or whose listing and any related certificate or license (when requested) has been suspended or revoked without or after appeal under the provisions of this chapter, and no person associated or connected with such person in the conduct of such business, shall be listed in the metro business registry or issued a related certificate or license (when requested) for the same purpose for a period of six months after the denial, suspension or revocation has occurred.

B. The metro council may, for good cause, waive the prohibition against persons formerly associated or connected with an individual who has had a listing revoked.

Chapter 5.09 - TEMPORARY AND SEASONAL BUSINESSES

5.09.010 - License—Required.

A. It is unlawful for any person to conduct a sale for or to operate a temporary or seasonal business without first making application pursuant to the provisions of this chapter or other applicable provisions of this title and receiving a license, including the procedures established in Sections 5.02.010 through 5.02.140 of this title.

B. A temporary or seasonal business is subject to suspension or revocation for any violation of this title, or for any of the reasons contained in Section 5.07.020 in accordance with the procedures outlined in Sections 5.07.010 through 5.07.030 of this title.

C. Appeals of any decision to deny, suspend or revoke a temporary or seasonal business shall be heard and decided in accordance with the procedures established in Sections 5.02.140 through 5.02.180 of this title.

5.09.020 - Seasonal Business—Period of validity—Number issued per year.

A seasonal business may conduct a sale for up to one hundred eighty consecutive calendar days. Only one seasonal business may be conducted per year to any seller or anyone associated with seller. The application for seasonal business shall specify the location at which the sale may be conducted, and no sales may be conducted at a location other than that specified in the seasonal license. If the business official approves an application for a seasonal business, the business official shall issue a certificate to the business describing the conditions governing the business’ operation, including but not limited to the period of validity for the certificate. No listing in the metro business registry is required for a seasonal business.

5.09.030 - Temporary Business —Period of validity.

A temporary business may conduct a sale for up to ten consecutive calendar days. The application for temporary business shall specify the location at which the sale may be conducted, and no sales may be conducted at a location other than that specified in the temporary license. If the business official approves an application for a temporary business, the business official shall issue a license to the business describing the conditions governing the business’ operation, including but not limited to the period of validity for the certificate. No listing in the metro business registry is required for a temporary business.

5.09.040 - Inspection of merchandise.

The local law enforcement agency may inspect all merchandise to be sold by a temporary or seasonal business during all normal business hours.

5.09.050 - Compliance with laws.

Seasonal and temporary businesses shall comply with all applicable laws and ordinances of the metro and the state governing the operation of their business.

Chapter 5.10 - ALCOHOL REGISTRATION CARDS

5.10.010 - Definitions.

As used in this chapter:

A. "Employed" means performing any type of work or assistance for or on behalf of any establishment covered by this chapter, at any establishment covered by this chapter, during hours such establishment is open to its members or to the public, whether or not pecuniary compensation is provided or offered therefor.

B. "Employee" means any person who is employed, as defined in this section, by any establishment covered by this chapter, whether the person is employed on a contractual basis, by fixed salary, or by any other means.

C. "Employer" means any establishment, or the principals thereof, covered by this chapter.

5.10.020 - Persons and establishments which require registration cards.

The persons and establishments covered by this chapter and required to obtain a registration card shall be as follows:

A. All employees of on-premises beer tavern and resort establishments;

B. Beer-only restaurants which provide live entertainment on the premises;

C. Equity, fraternal, dining, and social clubs which sell, serve and dispense alcoholic beverages, including those employed as bartenders, waiters, waitresses, and managers; and

D. Those engaged in security, or the checking of identification to ensure that no person, including performers, enters the establishment who is not twenty-one years of age.

5.10.030 - Procedure for obtaining card.

A. An employee applying for an alcohol registration card must apply at the local law enforcement agency's office, provide proof of employment, and be photographed.

B. All applicants shall be required to furnish satisfactory proof of age via a valid form of identification as determined by the local law enforcement agency.

C. All applicants shall be required to furnish a current copy of a criminal background check conducted by the Utah Bureau of Criminal Identification (BCI).

D. The applicant shall pay to local law enforcement such fees as set forth in the consolidated fee schedule approved by the metro council and on file with the business official.

5.10.040 - Card numbers to be registered by employer.

All registration card numbers obtained under the provisions of this chapter are to be registered by the employer personnel or payroll section, and kept as a part of the record of the employee.

5.10.050 - Examination of employees' cards.

A. The person or persons designated by each establishment as the agent(s) responsible for hiring and/or checking employees under the provisions of this chapter shall examine each employee's or prospective employee's registration card to determine the validity of the card for use in the particular establishment concerned.

B. If the prospective employee's card is found to be invalid as described above, the employee shall be issued a new signed application form, which must be completed and presented along with the registration card to the local law enforcement agency's office for validation prior to commencing employment.

5.10.060 - Period of validity.

Unless revoked or suspended, each registration card issued pursuant to this chapter shall remain valid for a period of one year from the date of original issuance.

5.10.070 - Possession of card required—Cards not transferable.

A. All persons employed by an establishment governed by this chapter must have in their possession a valid registration card during times of employment with the establishment.

B. Registration cards are not transferable.

5.10.080 - Denial conditions—Appeals.

A. The local law enforcement agency may deny, on behalf of the metro, a registration card if the applicant:

1. Has been convicted of a felony, or any crime involving moral turpitude as defined by Utah Administrative Rule R708-2-3;

2. Has obtained a registration card by fraud or deceit;

3. Has failed to pay required fees;

4. Has violated the laws of the state or the ordinances of the metro regulating the sale or distribution of alcoholic beverages, or a controlled substance as defined in Section 58-37-1, et seq., Utah Code Annotated (1953), as amended;

5. Has an outstanding warrant for his or her arrest.

B. Any appeal of the denial of a registration card subject to the provisions of this chapter shall be heard and decided in accordance with the provisions of Sections 5.02.140 through 5.02.180 of this title.

5.10.090 - Suspension and revocation conditions and procedures.

A. In accordance with Chapter 1.07, the business official may revoke or suspend registration cards if the holder has committed any of the offenses outlined in Section 1.10.080(A), or has utilized a registration card for the purpose of obtaining credit, or as identification for cashing checks.

B. Any appeal of the suspension or revocation of a registration card subject to the provisions of this chapter shall be heard and decided in accordance with the provisions of Sections 1.02.140 through 1.02.180 of this title.

5.10.100 - Violation—Penalty.

Violation of this chapter or any part thereof shall be punishable as a Class B misdemeanor.

Chapter 5.11 - SPECIAL BUSINESS TYPES

The following special business types are subject to the regulations found in chapters 5.13 through 5.22 of the Salt Lake County Code: Check Cashers, Excavation Operations, Alarm Businesses, Massage Establishments, Residential Solicitation, Taxicabs, Sexually Oriented Businesses, Tobacco Specialty Businesses, and Mobile Food Businesses

Chapter 5.19 - SHORT-TERM RENTALS

5.19.010 - Short-term rental defined.

"Short-term rental" means any dwelling or condominium or portion thereof that is available for use or is actually used for accommodations or lodging of guests for a period of less than thirty consecutive days, wherein guests pay a fee or other compensation for said use.

5.19.020 - Registration—Required.

It is unlawful to conduct or operate a short-term rental without filing an application with the business official and securing a listing the metro business registry.

5.19.030 - Application—Contents.

A. Applications shall contain the following information:

1. The location of the short-term rental,

2. The number of rooms therein contained,

3. The number of persons the short-term rental shall accommodate,

4. The name of a property manager,

5. A sales tax collection and accounting number,

6. The name, address and telephone number of a local responsible party who is available by telephone twenty-four hours per day, and

7. Such other information as the business official shall from time to time require.

B. The application shall include a statement by the applicant affirming that the applicant is currently in compliance with all legal requirements and has paid all applicable taxes, fees and other charges, including but not limited to the transient room tax.

5.19.040 - Application—Investigation.

A. Applications shall be referred by the business official to the local fire agency and Salt Lake County Health Department or such other agency as the business official may deem appropriate to make or cause to be made an investigation of the short-term rental premises, the applicant and other relevant matters. Agency recommendation as to the registration of the business, based on the above inspections, shall then be referred to the business official for approval or denial in accordance with the provisions of Sections 5.02.010 through 5.02.140 of this title.

B. A listing and any related certificate or license (when requested) that has been granted may be suspended or revoked for any violation of the provisions of this chapter, or for any of the reasons as contained in Section 5.07.020 of this title.

C. Any appeal of a decision to deny, suspend or revoke a listing and any related certificate or license (when requested) shall be heard in accordance with those procedures established by Sections 1.02.140 through 1.02.180 of this title.

5.19.060 - Inspections for compliance.

After an application has been granted and the short-term rental is listed in the metro business registry, the business official may make periodic inspections of a short-term rental to ensure compliance with this chapter and all other applicable law.

5.19.070 - Maintenance—Structures and grounds—Other requirements and limitations.

A. A short-term rental shall be maintained to the following minimum standards:

1. Periodic housekeeping service shall be provided by the owner, including removal of trash to the nearest collection point, on at least a weekly basis.

2. Short-term rentals may not be used for any of the following:

a. Commercial purposes not otherwise permitted in the zone;

b. Distribution of retail products or personal services to invitees for marketing or similar purposes; or

c. The outdoor display of goods and merchandise for sale.

B. The access to the short-term rental unit and the layout of the short-term rental shall be designed so that noise and physical trespass from the short-term rental unit is not likely to be a substantial intrusion on adjoining properties. If the short-term rental unit is a single-family home, duplex, condominium or other dwelling place and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.

C. Responsible Party.

1. The owner of the short-term rental must designate a responsible party who is an individual or property management company residing or maintaining an office in Salt Lake County.

2. The responsible party is personally liable for failure to properly manage the short-term rental.

3. The responsible party must be available by telephone, or otherwise, twenty-four hours per day and must be able to respond to inquiries within twenty minutes of receipt of an inquiry.

D. The business or applicant must have a sales tax collection and sales tax accounting number for the rental operation and the sales tax number must be included on the short-term rental application. All applicable taxes, charges and fees, including the transient room tax, must be paid in full during the period of licensure.

5.19.080 - Nameplate sign.

A. One nameplate sign shall be permanently attached to the building in a conspicuous location near the front entrance of the short-term rental. The nameplate sign shall:

1. Provide the name and telephone number of at least one responsible individual located within Salt Lake County that can be contacted twenty-four hours a day,

2. Contain the occupant load of the building as allowed by the International Building Code,

3. Be made of durable, weather resistant material,

4. Not exceed three inches by five inches in dimension, and

5. Contain no advertising.

5.19.090 - Separate violations.

For purposes of prosecution of violations of this chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation.