

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2019

AMENDMENTS TO COUNTY ORDINANCE TITLE 5: BUSINESS LICENSES AND REGULATIONS

AN ORDINANCE AMENDING TITLE 5 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED "BUSINESS LICENSES AND REGULATIONS," BY REVISING THE PENALTIES FOR VIOLATION OF AN ORDINANCE; UPDATING THE MOBILE FOOD BUSINESSES CHAPTER AND TOBACCO SPECIALTY BUSINESSES CHAPTER TO COMPLY WITH RECENT CHANGES IN STATE LAW; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. The following sections are amended to comply with State law requirements that offenses shall be designated as a specified class of misdemeanor in County ordinance or shall become infractions. For context, Chapter 5.13 relates to check cashing businesses, Chapter 5.14 relates to excavation operations, Chapter 5.15 relates to alarm businesses, Chapter 5.16 relates to massage businesses, Chapter 5.17 relates to residential solicitation, and Chapter 5.21 relates to tobacco specialty businesses.

5.13.030 – Limitations

A. The total number of check cashers in the unincorporated county shall not exceed one check casher per ten thousand population of the unincorporated county.

B. Check cashers must provide to patrons a complete written description of the services provided by the check casher, which description is approved by the Utah State Department of

Financial Institutions. Any person who violates this provision shall be guilty of a Class B misdemeanor for each violation.

C. A business engaged in offering title loans is not subject to the provisions of this section unless it engages in a check casher business at the same location.

5.14.180 – ~~[Violation—Penalty—]~~Violation of stop work orders

~~[A.—Violating any provision of this chapter shall be deemed a misdemeanor and punished as set forth in Chapter 1.12 of this code.]~~

[B.] Any person violating the terms of a stop work order issued pursuant to this chapter shall be guilty of a separate offense for each and every day during which such violation is committed, continued or permitted by such person.

5.15.120 – Penalties

A. Knowingly providing false information to the alarm coordinator or failing to comply with the requirements of this chapter shall constitute a Class B misdemeanor and shall be punishable by law.

B. All fines assessed under this chapter shall be due and payable within thirty days after written notice is issued.

C. Any fine not paid within thirty days will be assessed a late fee of ten percent of the original fine. Such late fee will be assessed each thirty-day period that the fine remains unpaid.

D. If any fine is not paid within ninety days of the due date, lawful means as are available to collect such fines may be used, including suspension of the alarm user permit.

5.16.090 - Penalties

Any violation of this chapter constitutes a class B misdemeanor. Such violation shall be punished in accordance with the provisions of state statute which defines the fines, imprisonment

or other penalties which apply to a conviction of a class B misdemeanor. Nothing in this section shall be construed to limit, override or supersede any penalty established by applicable state or federal statute or regulation for misconduct that may also be considered a violation of a county ordinance.

5.17.190 – Penalties

A. Any person who violates any term or provision of this chapter shall be guilty of a Class B misdemeanor for each violation and shall be punished by a fine not to exceed one thousand dollars and/or a jail sentence not to exceed six months for each violation.

B. Any entity which violates any term or provision of this chapter shall be guilty of a Class B misdemeanor for each violation and shall be punished by a fine not to exceed [~~five~~] one thousand dollars for each violation.

5.21.080 – Penalties

Any violation of this chapter constitutes a class B misdemeanor. Such violation shall be punished in accordance with the provisions of state statute which defines the fines, imprisonment or other penalties which apply to a conviction of a class B misdemeanor. Nothing in this section shall be construed to limit, override or supersede any penalty established by applicable state or federal statute or regulation for misconduct that may also be considered a violation of a county ordinance.

SECTION III. Chapter 5.21 is amended to comply with recent changes in State law regarding regulation of retail tobacco specialty businesses, as follows.

Chapter 5.21 – RETAIL TOBACCO SPECIALTY BUSINESSES

5.21.010 – Definitions.

A. "Retail Tobacco specialty business" means the same as "retail tobacco specialty business" as defined in Utah Code Ann. § 17-50-333~~[(1)(b)]~~.

B. "Tobacco product" means the same as "tobacco product" ~~[any substance or product]~~ as defined in Utah Code Ann. § 17-50-333~~[(1)(e)]~~.

5.21.020 – License required.

It is unlawful for any person to operate, conduct, carry on or maintain a retail tobacco specialty business without first obtaining from the county a license to operate a retail tobacco specialty business.

5.21.030 – License—Fees.

The annual fee for a retail tobacco specialty business shall be as set forth in Section 5.08.040 of this code.

5.21.040 – Application and issuance restrictions.

Each individual applying for a retail tobacco specialty business license shall:

A. Identify the location, including the street, building and room number of the place where the applicant proposes to operate a retail tobacco specialty business.

~~[B.—Submit with the license application an affidavit ensuring that the tobacco specialty business complies with the proximity requirements of Utah law as of the date of the application.]~~

~~[C]~~B. The county license office shall review the application to determine compliance with county zoning ordinances ~~[and the proximity requirements set forth in Utah Code Annotated § 17-50-333(5)].~~

~~[D]~~C. In accordance with the procedures described in Sections 5.02.010 through 5.02.140 of this title, the license office shall then submit the application to the mayor for further review and a final determination on approval.

[E]D. The county license office shall not recommend issuance of a business license or retail tobacco specialty business license to any applicant who does not meet the proximity requirements prescribed by State law unless State law provides an exemption.

E. The county shall not issue or renew a license for a person to conduct business as a retail tobacco specialty business until the person provides the county with proof that the retail tobacco specialty business has:

1. a valid permit for a retail tobacco specialty business issued by the Salt Lake County Health Department; and

2. a valid license to sell tobacco products from the State Tax Commission.

F. A person that was licensed to conduct business as a retail tobacco specialty business in the county before July 1, 2018 shall obtain a permit from the Salt Lake County Health Department on or before January 1, 2019.

G. To promote cooperation between the Planning and Development Services Division and the Salt Lake County Health Department and to promote the enforcement of this chapter and State law, the County shall not issue a business license to an applicant that will sell any tobacco products until the applicant provides a valid permit from the Salt Lake County Health Department for a tobacco specialty business or a tobacco retailer.

[F]H. Any appeal of a licensing decision by the mayor shall be heard in accordance with the provisions of Sections 5.02.140 through 5.02.180 of this title.

5.21.050 – License—Display required.

Every retail tobacco specialty business licensed under this chapter shall display its retail tobacco specialty business license in a conspicuous place on the premises.

5.21.060 – Unlawful conduct and activities.

A. In addition to the restrictions and limitations contained in this chapter, and as set forth under state law, a licensee under this chapter may not:

1. Engage in a pattern of unlawful activity as set forth under Utah state law;

2. Violate the regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents issued by the United States Food and Drug Administration, 21 C.F.R. Part 1140; or

3. Engage in any act prohibited by the provisions of the Utah Controlled Substances Act, the Imitation Controlled Substances Act, the Utah Controlled Substance Precursor Act, the Clandestine Drug Lab Act, or any other provision of law, whether federal, state or local, providing for the prohibition or regulation of activities related to the sale or consumption of controlled substances or imitation controlled substances.

B. The county license section shall work with local law enforcement to enforce the provisions of this section.

5.21.070 – Revocation and suspension decisions—Appeals.

A. In addition to the grounds for suspension or revocation set forth in Chapter 5.07, every retail tobacco specialty business license issued by the county may be revoked or suspended for any violation of this chapter or upon the recommendation of the Salt Lake County Health Department.

B. Issues regarding revocation or suspension of a retail tobacco specialty license shall be heard and decided in accordance with the procedures established in Section 5.07.020 through 5.07.030 of this title.

C. Appeals of decisions to revoke or suspend a retail tobacco specialty license shall be heard by the county council in accordance with procedures established in Sections 5.02.140 through 5.02.180 of this title.

SECTION IV. The following sections in Chapter 5.22 are amended to comply with recent changes in State law regarding regulation of mobile food businesses, as follows.

5.22.035 – Reciprocal Business Licenses

A. A reciprocal business license shall be granted for a mobile food business when the business is currently licensed as a mobile food business in another political subdivision within the state if the applicant submits to the County:

1. a current business license from the other political subdivision within the state;
2. a current health department food truck permit from a local health department within the state; and
3. a current approval of a political subdivision within the state that shows that the mobile food business passed a fire safety inspection that the other political subdivision conducted in accordance with the Utah Food Truck Licensing and Regulation Act (known hereafter in this chapter as the “Act”).

B. The reciprocal business license shall have the same expiration date as the business license issued by the other political subdivision.

5.22.040 – Application for a business license.

Application for all mobile food businesses shall be made prior to the commencement of operation. The applicant shall submit the following information:

- A. Name and address of applicant.

B. Name and address of the approved commercial supply source and primary licensed food establishment, if applicable.

~~[C.]~~ Verification of a completed background check on owner/driver(s).]

~~[D.]~~C. License plate number.

~~[E.]~~D. A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.

~~[F.]~~E. A description of the vehicle to be used in conducting business, and a description of any method to display food or products to be offered for sale.

~~[G.]~~F. The anticipated volume of food to be stored, prepared, and sold.

~~[H.]~~G. A valid copy of all necessary licenses or permits required by state or local health and transportation authorities.

~~[I.]~~H. A certificate of insurance produced by an insurance company or association authorized to sell insurance in Utah, on standard ACORD forms or forms approved as to form by the District Attorney, evidencing that the applicant has active insurance policies as required herein in full force and effect at the time of the application. Applicants shall purchase and maintain commercial auto insurance and commercial general liability insurance, or a business owners policy (BOP) that includes auto liability, with coverage limits not less than the amounts required by Utah law. Such policy(s) shall include coverage of all motor vehicles used in connection with applicant's business. A current certificate of insurance shall be kept on file with the county at all times that applicant is licensed by the county, verifying such continuing coverage and naming the county as an additional insured. The certificate shall contain a statement that the county will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage, without reservation of non-liability for failure to so notify the county. Cancellation shall constitute

grounds for revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.

[J]. A signed statement that the licensee shall hold the county and its officers and employees harmless from any and all liability and shall indemnify the county and its officers and employees for any claims for damage to property or injury to persons arising from any activity carried on under the business license or health or transportation permit.

~~[K. The written consent of the property or business owner to operate at the proposed location.]~~

5.22.060 – Fees; annual operation.

No license shall be issued or renewed unless the holder thereof has paid an annual business regulatory fee as set forth in Section 5.08.040 of this title, or its successor section, for each mobile food business.

A. A per-employee fee shall not be charged, in accordance with the Act.

B. A fee shall not be charged for a reciprocal business license issued under section 5.22.035.

SECTION V. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this _____ day of _____, 2019.

SALT LAKE COUNTY COUNCIL

By: _____
RICHARD SNELGROVE, Chairman

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

Zach Shaw
9-4-19

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Burdick voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Jensen voting	_____
Councilmember Snelgrove voting	_____
Councilmember Ghorbani voting	_____

Vetoed and dated this _____ day of _____, 2019.

By: _____
MAYOR JENNIFER WILSON
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes ___ No ___ Date _____

Ordinance Published in Newspaper: Date _____

Effective Date of Ordinance: _____

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SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2019, the County Council of Salt Lake County adopted Ordinance No. _____, which amends Title 5 of the Salt Lake County Code of Ordinances, 2001, entitled "Business Licenses and Regulations," by revising the penalties for violation of an ordinance; updating the mobile food businesses chapter and tobacco specialty businesses chapter to comply with recent changes in State law; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: _____
RICHARD SNELGROVE, Chairman

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

Zach Straw

9-4-19

- Councilmember Bradley voting _____
- Councilmember Bradshaw voting _____
- Councilmember Burdick voting _____
- Councilmember DeBry voting _____
- Councilmember Granato voting _____
- Councilmember Winder Newton voting _____
- Councilmember Jensen voting _____
- Councilmember Snelgrove voting _____
- Councilmember Ghorbani voting _____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.

