

**Mayor's Office: Council Agenda Item Request Form**  
*This form and supporting documents (if applicable) are due the Wednesday  
before the COW meeting by noon.*

<b>Date Received</b> (office use)	28 Dec 2016
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<b>Date of Request</b>	December 14, 2016
<b>Requesting Staff Member</b>	Rick Graham
<b>Requested Council Date</b>	January 24, 2016
<b>Topic/Discussion Title</b>	Title 5 Revisions
<b>Description</b>	<ul style="list-style-type: none"> <li>• Clarifying the denial conditions and making them consistent for business licenses, alcohol registration cards and Sexually Oriented Business employee licenses by adding time frames.</li> <li>• At the request of UPD, removing the requirement for Health Department certificates for SOB employees that do not provide outcall services.</li> <li>• Changing timeline for appeals to 15 days to be consistent with other sections.</li> </ul>
<b>Requested Action<sup>1</sup></b>	Approval of 5.02.140, 5.10.080, 5.20.120, and 5.20.150
<b>Presenter(s)</b>	Brittany Allen
<b>Time Needed<sup>2</sup></b>	10 minutes
<b>Time Sensitive<sup>3</sup></b>	no
<b>Specific Time(s)<sup>4</sup></b>	none
<b>Contact Name &amp; Phone</b>	Brittany Allen – x86682
<b>Please attach the supporting documentation you plan to provide for the packets to this form. While not ideal, if supporting documents are not yet ready, you can still submit them by 10 am the Friday morning prior to the COW agenda. Items without documentation may be taken off for consideration at that COW meeting.</b>	Attached is request revision

**Mayor or Designee approval:**



<sup>1</sup> What you will ask the Council to do (e.g., discussion only, appropriate money, adopt policy/ordinance) – in specific terms.

<sup>2</sup> Assumed to be 10 minutes unless otherwise specified.

<sup>3</sup> Urgency that the topic to scheduled on the requested date.

<sup>4</sup> If important to schedule at a specific time, list a few preferred times.

## SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. \_\_\_\_\_

Date \_\_\_\_\_, 2016

### AMENDMENTS TO BUSINESS LICENSE ORDINANCES FOR CONSISTENCY WITH PRIOR PRACTICES

AN ORDINANCE AMENDING SECTIONS 5.02.140 AND 5.20.120 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, RELATED TO BUSINESS LICENSING APPLICATION REQUIREMENTS AND GROUNDS FOR DENIAL, IN ORDER TO BE CONSISTENT WITH PRIOR PRACTICES AND OTHER ORDINANCES, AND MAKING OTHER RELATED CHANGES.

The Salt Lake County Council of Salt Lake County, State of Utah, ordains as follows:

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

SECTION II. Section, 5.02.140 of the Salt Lake County Code of Ordinances 2001, is hereby amended, as follows:

#### **5.02.140 - License—Application—Denial conditions—Appeals.**

A. After receiving a recommendation from the license official, the mayor may deny a license or a license renewal if the applicant has within five years immediately preceding the date of application:

1. Been convicted of a felony or any crime involving moral turpitude;
2. Obtained a license by fraud or deceit;
3. Failed to pay personal property taxes, Utah state sales taxes, or other required fees; or
4. Violated the laws of the state, the United States Government, the ordinances of the county, or the rules and regulations of any Salt Lake County or Utah state agency governing operation of the business holding the license or permit; or
5. An outstanding warrant for his or her arrest.

B. The reason for denial shall be endorsed on the license or renewal application and the county shall

return to the applicant, via certified mail, any excess fees deposited with the application.

C. Notice shall be given that the applicant may appeal a denial within [~~fourteen~~] fifteen calendar days and appear before the council or a licensed hearing examiner in accordance with Section 5.02.140 through 5.02.180, below, to present reasons for setting aside denial of a license or renewal.

D. If the applicant presents adequate justification, the 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 county 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 licensee and the county regarding the imposition or amount of taxes or other required fees, or of the application of a particular law or ordinance.

SECTION III: Section, 5.10.080 of the Salt Lake County Code of Ordinances 2001, is hereby amended, as follows:

**5.10.080 - Denial conditions—Appeals.**

A. The local law enforcement agency may deny, on behalf of the county, a registration card if the applicant within five years immediately preceding the date of application:

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;]~~

3[4]. Has violated the laws of the state or the ordinances of the county 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.

4[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.

SECTION IV: Section, 5.20.120 of the Salt Lake County Code of Ordinances 2001, is hereby amended, as follows:

**5.20.120 - Employee license—Application—Disclosures required.**

Before any applicant may be licensed as a sexually oriented business employee pursuant to this chapter, the applicant shall submit in writing, on a form to be supplied by the local law enforcement agency, on behalf of the county, the following:

A. Basic Information.

1. The correct legal name of each applicant, including any other names, stage names or aliases used by the individual,
2. The age, date and place of birth,
3. Height,
4. Weight,
5. Color of hair,
6. Color of eyes,

7. Present business address and telephone number,
8. Present residence and telephone number,
9. Utah driver's license or identification number (together with production of the license or identification), and
10. Social security number.

- B. Attached to the form as provided above, a color photograph of the applicant clearly showing the individual's face, and the individual's fingerprints on a form provided by the local law enforcement agency;
- C. A statement of the business, occupation or employment history of the applicant for three years immediately preceding the date of the filing of the application;
- D. A statement as to whether or not the applicant or individual has ever had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the acting jurisdiction, and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application;
- E. A current copy of a criminal background check of the applicant performed by BCI.
- F. For any individual applicant required to obtain a sexually oriented business employee license for outcall services as a model, dancer or other similar employee or escort, [~~or as a nude or seminude entertainer employed by any other sexually oriented business,~~] a certificate from the Salt Lake County Health Department, stating that the individual has, within thirty days immediately preceding the date of the application, been examined and found to be free of the following contagious diseases: gonorrhea, syphilis, and chlamydia, and is negative for the AIDS antibody. Said certificate shall be updated quarterly during the license term by the applicant and submitted to the county license manager. Said certificate shall also be required for the renewal of such

license.

SECTION V: Section, 5.20.150 of the Salt Lake County Code of Ordinances 2001, is hereby amended, as follows:

**5.20.150 - Employee license—Denial conditions—Appeals.**

A. The local law enforcement agency may deny, on the county's behalf, an employee license for one or more of the following:

1. The applicant is under eighteen years of age or any higher age if the license sought requires a higher age;
2. The applicant has provided materially false information in the application;
3. The applicant has been convicted of a violation of a provision of this chapter within two years immediately preceding the date the application is submitted to the local law enforcement agency (the fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this section);
- ~~4. An applicant is in violation of any provision of this chapter;~~
5. Within five years immediately preceding the date of application, [A]an applicant has been convicted of or pled nolo contendere or no contest to:
  - a. A felony under the laws of the state of Utah;
  - b. Any crime involving moral turpitude, as defined by Utah Administrative Rule R708-2-3;
  - c. Any of the following listed crimes, whether or not constituting a felony or a crime of moral turpitude:
    - i. Prostitution;
    - ii. Exploitation of prostitution;
    - iii. Aggravated promotion of prostitution;
    - iv. Aggravated exploitation of prostitution;

- v. Solicitation of sex acts;
- vi. Sex acts for hire;
- vii. Compelling prostitution;
- viii. Aiding prostitution;
- ix. Sale, distribution or display of material harmful to minors;
- x. Sexual performance by minors;
- xi. Possession of child pornography;
- xii. Public lewdness;
- xiii. Indecent exposure;
- xiv. Any crime involving sexual abuse or exploitation of a child;
- xv. Sexual assault or aggravated sexual assault;
- xvi. Rape;
- xvii. Forcible sodomy;
- xviii. Forcible sexual abuse;
- xix. Incest;
- xx. Harboring a runaway child;
- xxi. Criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses  
or
- xxii. Offenses involving similar elements from any jurisdiction regardless of the exact  
title of the offense [~~for which:~~
  - (1) ~~Less than two years have elapsed from the date of conviction if the conviction is  
of a misdemeanor offense or less than five years if the convictions are of two or  
more misdemeanors within the five years, or~~
  - (2) ~~Less than five years have elapsed from the date of conviction, if the offense is of~~

~~a felony;~~

- d. Appeal of a conviction shall have no effect on the disqualification pursuant to this section.
- 6. An applicant has an outstanding warrant for his or her arrest.
- B. Any person who is denied an employee license may appeal within fifteen days from the date of denial to the county council for a hearing regarding issuance of the employee license. The council shall then schedule a hearing in conformance with general business license denial proceedings, as set forth in this title, as amended.

SECTION VI: This ordinance shall take effect 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.

IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

SALT LAKE COUNTY COUNCIL

\_\_\_\_\_  
Max Burdick, Chair

ATTESTED:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

APPROVED AS TO FORM

By Zach Shaw Zach Shaw  
Deputy District Attorney

Date : 12-13-16



Voting:

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Newton voting	_____
Council Member Snelgrove voting	_____
Council Member Wilson voting	_____

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor Ben McAdams or Designee

(Complete as Applicable)

Veto override: Yes \_\_ No \_\_ Date: \_\_\_\_\_

Ordinance published in newspaper: Date: \_\_\_\_\_

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

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, an ordinance amending sections 5.02.140 and 5.20.120 of the Salt Lake County Code of Ordinances, 2001, related to business licensing application requirements and grounds for denial, in order to be consistent with prior practices and other ordinances, and making other related changes.

SALT LAKE COUNTY COUNCIL:

By \_\_\_\_\_  
MAX BURDICK, Chair

ATTESTED:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

Approved as to Form:

\_\_\_\_\_

Voting:

Councilman Bradley	_____
Councilman Bradshaw	_____
Councilman Burdick	_____
Councilman DeBry	_____
Councilman Granato	_____
Councilman Jensen	_____
Councilman Newton	_____
Councilman Snelgrove	_____
Councilman Wilson	_____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2100A, Salt Lake City, Utah.