

**VERNON TOWN
ORDINANCE NUMBER 2021-1.3**

**AN ORDINANCE ADOPTING BUSINESS LICENSE PROVISIONS IN VERNON
TOWN'S CODE**

BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL OF VERNON TOWN,
UTAH AS FOLLOWS:

SECTION ONE - PURPOSE: This ordinance is for the purpose regulating businesses that operate within Vernon Town. The Town, and its residents, have an interest in knowing the types of businesses that are being operated in Vernon Town and where they are being operated in the Town. This protects Vernon Town and its residents by ensuring that the businesses are legitimate and their sites of operation are safe. It also protects residents from being taken advantage of by illegitimate businesses. This ordinance is also to ensure the orderly administration of business licensing within the Town.

SECTION TWO – ENACTMENT OF TITLE 1A: This new Title will be worded as follows:

Chapter 1A-1 General Provisions

1A-1-1 Short Title

This Title shall be known and may be cited as the “Vernon Town Business Licensing Code.”

1A-1-2 Definitions

1. “Business” means and includes all activities engaged in within the corporate limits of Vernon carried on for the business of gain or economic profit, including professions, trades, occupations, and all and every kind of calling for a profit or livelihood and includes the rental or leasing of one or more residential rental units.
2. “Employee” means the operator, owner or manager of said business and any persons employed by such person in operation of said business in any capacity and also any salesman, agent or independent contractor engaged in the operation of said business in any capacity.
3. “Gross Revenue” means the gross receipts of the business, but shall not include: The amount of any federal tax, except excise taxes imposed upon or with respect to retail or wholesale sales, whether imposed upon the retailer, wholesaler, jobber or upon the consumer and regardless of whether or not the amount of federal tax is stated to customers as a separate charge; and the amount of net Utah State Sales Tax. The term "gross sales" includes the amount of any manufacturer's or importer's excise tax included

in the price of the property sold, even though the manufacturer or importer is also the wholesaler or retailer thereof, and whether or not the amount of such tax is stated as a separate charge.

4. "Home-Based Business" means an accessory land use conducted in a Dwelling Unit by the resident of the Dwelling Unit for monetary gain.
5. "Non-Home-Based Business" means any activity conducted for monetary gain that is not a "Home-Based Business."
6. "Person" means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co partnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise.
7. "Peddler" and "peddling" means any person who goes upon the premises of any private residence in the Town, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers. Peddler does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good, religion, or service that is offered for a resident to purchase or participate in at a location away from his/her residence or at a time different from the time of visit.
8. "Place of Business" as used in this chapter shall be deemed to include cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, fraternal organizations, clubs, and any other place where the general public is invited or admitted for business purpose. Multiple dining facilities located in one building and owned or leased and one "place of business" as herein defined. Occupied hotel and motel rooms are not open to the public and shall be exempt from this definition.
9. "Permanent Building" means any structure used or intended for supporting or sheltering any use or occupancy having footings and a foundation.
10. "Temporary Business" means engaging in a business on a lot without a permanent building or on a lot with a permanent building, but disassociated with any business located within said building.
11. "Residential Unit" means an apartment or place of residence and includes the appurtenances, grounds, and facilities held out for the use of a residential renter generally, and any other area or facility provided to the renter in a rental agreement. Residential rental unit also includes an apartment located in the home of the lessor. It does not include facilities contained in boarding, rooming house, or similar facility, mobile home lot, or recreational property rented on an occasional basis.

1A-1-3 License Requirement

1. Except for door-to-door solicitation, every business and every person engaged in business in the Town must annually procure a business license, plus any other license which may be required in this Code. A separate license is required for each separate business or location.
2. It is unlawful to engage in business without the current license or licenses required in this Code. Every day without a required license is a separate offense.
3. All licenses are non-transferable as to both the license holder and the location.
4. Violation: Any person or entity who continues to engage in Business after their Business License has been denied, modified, suspended, or revoked shall be guilty of a class C misdemeanor and shall be punishable by a fine not to exceed seven hundred fifty dollars (\$750) and/or a jail sentence not to exceed 90 days.

1A-1-4 License Supervisors

The Town Clerk/Recorder is hereby designated as the License Supervisor. The License Supervisor shall have the duty to receive applications for licenses, to review them for completeness, to collect license fees, and to issue or deny licenses as appropriate, or refer the applications to the Town Council as required.

1A-1-5 Application For License

1. Applications for a license shall be made in writing upon the forms provided by the Town.
2. An applicant must provide all information requested upon the application form. A license shall not be granted upon an incomplete form.
3. It is unlawful to give the Town an application for a license which contains false or misleading information. Any such application shall be denied.

1A-1-6 License Term And Fees

1. Unless otherwise provided in this Code, license terms shall run July 1st to June 30th. Licenses obtained after July 1st shall expire on the following June 30th. New licenses must be obtained every year.
2. Prior to the granting of any license, the applicant must pay the license fee. All license fees shall be set by resolution of the Town Council, unless otherwise specified in other chapters of this Title. The license fee for each business required to be licensed in Vernon Town is as follows: Home-Based Business, \$25.00 and Non-Home-Based Business, \$50.00.
3. License fees for businesses licensed for the previous year shall be double the normal fee if renewed on or after August 1st of the current year.
4. Real property units shall be charged an additional amount of \$5.00 per unit to be leased. This includes trailer park units, apartment units, multi residential units on a single property such as a duplex, triplex, etc.
5. A business that has failed to acquire a business license which has previously been issued a

license and has been in business continuously since that time, shall pay the minimum amount for each of the previously unlicensed years and shall pay an additional \$50.00 fee. The burden shall be on the Applicant to show that the business had ceased to operate.

6. A business that has been in operation for more than a year and has never applied or been issued a business license shall pay a fee in the amount of \$100.00 in addition to the fees required for a business to receive an initial business license as outlined herein. The burden shall be on the Applicant to show that the business has not previously been in operation.

1A-1-7 Display Of License

1. All licenses must be displayed on the business premises to which granted in a conspicuous place in view of the public.
2. The license or licenses of any business shall be exhibited upon request to a Town representative or any peace officer. It is unlawful to refuse to do so.

1A-1-8 Appeal Of License Denial

Any person whose license application has been denied by the License Supervisor has the right to appeal to the Town Council. Any such appeal shall be requested in writing within 30 days of the denial. An appeal shall be conducted as provided in this Chapter.

1A-1-9 Grounds For Denial, Modification, Suspension Or Revocation

The License Supervisor may deny, and the Town Council may deny, modify, suspend, or revoke any license for any of the following reasons:

1. fraud or misrepresentation in the application or procurement of the license;
2. violation of, or failure to comply with, any provision of this Ordinance;
3. failure to pay any required fee when due;
4. failure to comply with current zoning ordinances or failure to perform any condition of a conditional use permit;
5. failure to perform any requirement of the Town made in the approval of a request to the Town for any license, permit, etc., such as off-street parking, site plan provisions, architectural review, landscaping, of any other such requirement;
6. failure to maintain qualifications for the license;
7. maintenance of an illegal sign;
8. conducting an illegal business upon the premises;
9. violating any statute or ordinance involving moral turpitude;
10. any conduct or act on the business premises, or any conduct, act or condition permitted, by the licensee or any employee which renders, or tends to render, such business or its premises a public nuisance or a menace to the health, peace, safety or general welfare of the Town;
11. failure to comply with any applicable provision of the Uniform Fire Code, Uniform Building Code, Uniform Electrical Code, or any other building code provision adopted in this Ordinance;

12. violation of any provision of the particular Chapter of this Ordinance applicable to the license in question; or
13. conducting business without any license required by State Law; or
14. conducting business in violation of any applicable State Law; or
15. for other good cause shown.
16. upon any revocation, an applicant whose license has been revoked or any third party acting on their behalf shall be prohibited from applying for a new license for a period of six (6) months.

1A-1-10 Procedure For Appeal, Denial, Modification, Suspension Or Revocation

1. Before the Town Council may deny, modify, suspend or revoke any license, it shall first afford the applicant or licensee an opportunity in a hearing to show cause why such license should not be denied, modified, suspended or revoked.
2. The applicant or licensee shall be given notice of such hearing, which notice contain the following:
 1. The time, place and date of the hearing;
 2. A statement of the purpose of the hearing;
 3. A reasonably definite statement setting forth the grounds alleged under Section 11-1-8 of this Code.
3. At the hearing, the applicant or licensee shall have the right to appear personally or by counsel, to be represented by counsel, to cross examine any witnesses, to produce evidence and witnesses in their own behalf, and to state their case to the Council.
4. After due deliberation, the Town Council shall announce its decision, and shall notify the applicant or licensee of its findings and determination.

1A-1-11 Records To Be Maintained

It is the duty of every person liable for the payment of a business license fee imposed by this Chapter, to keep and preserve for a period of four (4) years such books and records as will accurately reflect the amount of their gross annual sales of goods and services for any year, and the number of employees from which can be determined the amount of any license fee for which they may be liable under the provisions of this Chapter.

1A-1-12 Exemption To License

1. No license fee shall be imposed under this Chapter upon any person engaged in business for solely religious, charitable or other type of strictly non-profit purpose who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah.
2. A business license shall not be required for a business that is operated only occasionally or by an individual who is under 18 years of age. The Vernon Town Clerk/Recorder will evaluate the size, frequency, duration, visibility, and seasonality of the proposed business to determine whether the proposed business is considered occasional.

3. A business license shall not be required for a business that consists of selling crops or produce from crops as harvested, without any processing beyond washing, sorting, and/or shelling. Any crops or produce from crops that have been substantially processed or commercially bottled, packaged, or canned shall require a business license.
4. A business license shall not be required for the sales of livestock, horses, poultry, or nursery stock, provided that those sales are made directly by the producer, breeder, or trainer.

Chapter 1A-2 Peddlers, Solicitors And Event License

1A-2-1 Peddlers, Solicitors And Event License

1. Peddlers Prohibited - Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this chapter, the practice of being in or upon a private residence within the Town by a peddler or solicitor, for the purpose of home solicitation sales or to provide goods or services, is prohibited and is punishable as set forth in this chapter.
2. Registration of Peddlers - Unless otherwise exempt under this chapter, all persons desiring to engage in door-to-door solicitation or to enter in or upon a private residence within the Town for the purpose of home solicitation or peddling, must complete an application for peddlers license and register with the Town. A peddler license shall be remitted in the amount of \$10.00.
3. Identification Badge - The Town shall issue each registered solicitor or peddler an identification badge that shall be worn prominently on his or her person while soliciting or peddling in the Town. The identification badge shall bear the name of the Town and shall contain:
 1. The name of the registered solicitor/peddler;
 2. Address and phone number of the registered solicitor, or the name, address, and phone number of the responsible person or entity;
 3. A recent photograph of the registered solicitor; and
 4. The date on which the license expires.
4. Event License - For the business of selling, offering for sale, or taking orders for or soliciting the sale of any goods, wares, merchandise, or other personal property, the subject of sale or trade, whether for present or future delivery at any event, including sales by sample and also including the soliciting of orders for future delivery of photographs, portraits, prints, pictures, newspapers, magazines, clothing fixtures, machines, appliances and all other articles or thing to be made, produced, combined or manufactured, the license of things to be made, produced, combined or manufactured, the license shall be fifteen dollars (\$15.00) for an event in Vernon Town and shall expire the following June 30th. Any person or business who has purchased and can provide a copy of a current business license issued by Vernon Town, or Tooele County shall not be required to purchase an Event License.
5. Violation: Any person or entity who violates any term or provision of this chapter shall be guilty of a class C misdemeanor and shall be punishable by a fine not to exceed seven hundred fifty dollars (\$750) and/or a jail sentence not to exceed 90 days.

1A-2-2 Peddlers, Solicitors; Bond Required

Every person who operates, conducts, carries on or manages the business of soliciting or peddling as described in this chapter, shall first secure a license from the Town and shall post a surety bond as required by this chapter. If the licensee has a fixed place of business in the Town, the permit and bond requirements of this section shall not apply

Upon receipt of an application, under the provisions of this chapter, the Town Council shall designate an individual to conduct such investigation, as deemed proper for the business to be conducted. No peddlers license shall be issued to any person who has been convicted of a felony, petty theft or a crime involving moral turpitude. If the designated individual approves the granting of such license, the Town may issue the permit to such applicant, which license shall be serially numbered and shall include an expiration date.

1A-2-3 Revocation Of Permit

The Town may revoke any permit issued under the provisions of this chapter when the permitted is violating or attempting to violate any law of the State, any ordinance of the Town, any provision of the preceding sections or the rules and regulations issued by the Town governing the conduct or operations of the permitted. The Town Clerk/Recorder shall forward written notice of such revocation to the Town Attorney and the Mayor.

1A-2-4 Bond

At the time of filing with the Town an application for a peddlers license under the provisions of this chapter, each applicant shall file and thereafter maintain with the Town Clerk/Recorder, a good and sufficient bond in the aggregate sum of two hundred fifty dollars (\$250.00) payable to the Town for the use and benefit of interested person and parties, executed by the applicant and by two (2) or more responsible sureties, who are residents and householders of the Town or a surety company authorized to do business in the state, to be approved by the Town Any person who sustains any injury by such bond may in addition to any other remedy that they may have, bring an action in their own name upon such bond to the recovery of any damage sustained by them.

Upon such action being commenced, such bond shall not be void upon first recovery thereon, but may be sued upon from time to time until the whole of such penalty shall be exhausted. The Town Clerk/Recorder may in their discretion require the filing of a new bond. Such peddler or solicitor shall file a new bond and upon failure to file the same within ten (10) days in either case, the Clerk/Recorder shall forthwith suspend such peddlers license.

1A-2-5 Door To Door Soliciting Prohibited Where Notice Provided

Any occupant of a residence may give notice of a desire to refuse solicitations by displaying a sign stating "No Soliciting" or similar wording, which shall be posted on or near the main entrance door. The display of such a sign constitutes notice to any solicitor that the inhabitants of

the residence do not desire to receive and/or do not invite solicitors. It is the duty of the Solicitor to check each residence for the presence of any such sign or notice and to refrain from soliciting where present. It is a Class C Misdemeanor for any person to solicit a residence or a person at a residence where a "no soliciting" or similar notice has been given against soliciting as provided in this section.

Chapter 1A-3 Alcoholic Beverages

1A-3-1 Definitions

Unless the context clearly requires otherwise, as used in this Chapter, the terms shall have the definitions given in the Alcoholic Beverage Control Act of the Utah State Code.

Alcoholic beverage, beer, and liquor shall have the definitions given in the Alcoholic Beverage Control Act of the Utah State Code.

1A-3-2 License Required To Sell Beer

1. It shall be unlawful for any person to engage in the business or sale of light beer at retail, and/or permit the consumption of beer on any business premises without a current beer license from the Town, without a current license required by State law.
2. A separate license is required for each separate place of business.

1A-3-3 Qualification For License

1. Applicants for licenses and the premises proposed to be licensed under this Chapter must meet the following qualifications:
 - a. Each licensee must be over 21 years of age, and a citizen of the United States, or a lawful resident alien, or is otherwise lawfully residing within the United States.
 - b. Each licensee must possess the qualifications required under the Alcoholic Beverage Control Act and other pertinent statutes;
 - c. Each licensee, or in the case of a partnership, each partner, or in the case of a corporation each director or officer, shall not have been convicted of or forfeited bail on a charge of having committed a misdemeanor involving moral turpitude or a felony or any violation of any law or ordinance relating to intoxicating liquors or drunken driving or keeping a gambling or disorderly house;
 - d. Each licensee shall not be delinquent in his financial obligations to the Town;
 - e. The licensed premises shall comply with the regulations issued by the Board of Health;
 - f. No license shall be granted to allow on-premise consumption of alcoholic beverages:
 - i. within 600 feet of any public or private school, church, public library, public playground, or park, as measured by the method established by State law, or
 - ii. for any location with a vehicle entrance or exit within 200 feet of any public or private school, church, public library, public playground, or park, as measured in a straight line from the nearest entrance/exit of the proposed

establishment to the nearest property boundary of the public or private school, church, public library, public playground, or park.

iii. with respect to the establishment of an on-premise beer retailer license that does not operate as a tavern (as defined by State law) the Town Council may authorize a variance to the proximity requirements of this subsection if:

1. the State also grants a variance;
 2. a public hearing has been held by the Town Council after notice published twice in a locally distributed newspaper five to twenty-one days prior to the hearing; and
 3. the Town Council determines that establishing a license would not be detrimental to the public health, peace, safety, and welfare of the community, after considering relevant facts, including the following: the location of the beer retailer relative to the location of the school, church, library, or park, whether and what kind of street is between them, the pedestrian flow of the area, the location of sidewalks, other geographical considerations, the respective hours of operation, the nature of the neighborhood, and other factors that may exist.
2. The governing body reserves, for implementation at a future time, the right to require of establishments licensed under this Chapter, a bond to guarantee compliance with all laws and ordinances and which may be forfeited to the Town upon such conditions as the governing body may, at a future time, adopt and specify by ordinance.
 3. The governing body reserves, for implementation at a future time, the right to restrict the number of establishments licensed under this Chapter and to adopt a system providing for the allocation of such licenses in the future.
 4. The license required by this Chapter shall be in addition to any other business or regulatory license or licenses required by the Town or other regulatory authority.

1A-3-4 Applications For License

All applications for licenses required by this Chapter shall be filed with the Town Clerk/Recorder and must state the applicant's name in full and contain all necessary information required to show that they have complied with the requirements and possesses the qualifications specified in the Alcohol Beverage Control Act and this Chapter. The Clerk/Recorder or the Mayor may require the applicant to furnish other information to insure compliance with this Chapter. If the applicant is a partnership, association, or corporation, the same information must be obtained with respect to each partner, association member, corporate director or officer. All applications by individuals must be subscribed by such persons and state under oath that the facts set forth therein are true. Each applicant shall provide with his initial application a site plan and layout review, indicating all security measures and plans for ingress and egress to a public street.

1A-3-5 Referral To Town Officials

1. The Town Clerk/Recorder shall refer all applications for a license under this Chapter to the Fire Marshal.
2. The Town Clerk/Recorder or the Fire Marshal may conduct a background investigation as to the applicant and report their findings within 10 days after receiving said application and their recommendation as to whether or not the application should be granted.

1A-3-6 Issuance Of License

1. Upon receipt of the reports from the Town Clerk/Recorder and other officials, the governing body may consider the application for license.
2. The governing body has the sole discretion to grant or to refuse to grant a license under this Chapter.
3. If the applicant has complied with all applicable laws, ordinances and regulations, the governing body may direct the Town Clerk/Recorder to issue a license to the applicant for the licensed premises.
4. The issuance of a license pursuant to this Chapter shall grant only a revocable privilege as provided hereunder and under the laws of the State of Utah and shall not confer any vested rights of any kind or nature upon a licensee.
5. If the license application is denied by the governing body, no new application shall be made for the premises until after the expiration of one year following the denial of the initial application.

1A-3-7 Licenses

1. A Class A retail beer license entitles the licensee to sell beer on the licensed premises only in original containers for off the premises consumption only, in accordance with the Alcoholic Beverage Control Act and Ordinances of the Town.
2. A Class B retail license entitles the licensee to sell beer on the licensed premises only in original containers for consumption on the premises with food, in accordance with the Alcoholic Beverage Control Act and Ordinances of the Town.
3. A Class C retail beer license entitles the licensee to sell beer on the licensed premises on draft and in original containers for on the premises consumption only, in accordance with the Alcoholic Beverage Control Act and Ordinances of the Town.
4. A Class D retail beer license entitles the licensee to sell beer at special events or at public owned facilities in accordance with the Alcoholic Beverage Control Act and Ordinances of the Town.

1A-3-8 License Expiration And Renewal

1. All licenses issued under this Chapter shall expire on the 30th day of June of each year unless sooner canceled or revoked, except seasonal licenses which may be issued for a period of less than one year as may be determined by the governing body. No license shall be issued for a period longer than one year.

2. Licenses may be renewed by making application for and paying the appropriate fee. All applications to renew licenses shall be filed by the licensee with the Town Recorder at least 30 days, but no earlier than 90 days, prior to the expiration date of the license. The renewal application shall state whether or not the business is presently operating and if not, the date when it ceased daily operation, together with such other information as the Town Clerk/Recorder may reasonably require to verify or to determine the status of the business. Any person who fails to file such application within the time limit shall, upon expiration of the license, cease the operations licensed under this Chapter on the premises and shall not resume such operations until a new license is issued upon order of the governing body. A licensee may apply for renewal of his license annually until suspended or revoked for cause or until said license is no longer current and actively used to operate a business authorized by the license; provided, however, the license may be renewed after termination of the authorized business activity during a licensing period for one additional year, if the licensee makes application within 45 days after the expiration of said license and if the licensee certifies under oath that he is not holding the license for speculative reasons and he is actively seeking a purchaser for his business premises and assets as provided above, or is actively seeking a new business location for which he will seek a transfer of said license as provided herein. No license renewal may be granted beyond one year of inactive status as provided above.

1A-3-9 License Conditions

1. All licensed premises shall be subject to inspection by any police officer or any official designated in writing by the Mayor.
2. All employees handling and selling liquor must be at least twenty-one years of age.

1A-3-10 Unlawful Acts

1. It is unlawful for any licensee, by themselves or through their agent or employee, to violate or to fail to comply with any of the provisions of this Chapter or of the Alcoholic Beverage Control Act.
2. It is unlawful for any person, by himself or through his agent or employee, to expose, keep for sale, or directly or indirectly or upon any pretense or upon any device, to sell or offer to sell any alcoholic beverages, except as provided in this Chapter and the Alcoholic Beverage Control Act.
3. It is unlawful for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution any beer except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Alcoholic Beverage Control Act.
4. It is unlawful for any person in charge of any place of business knowingly to permit or allow customers, guests or any other person to possess liquor upon which the seal has been broken at the place of business unless the premises have been licensed under the Alcoholic Beverage Control Act.
5. It is unlawful for any person to store any liquor in or on premises licensed under this Chapter unless appropriately licensed by the State of Utah to do so.
6. It is unlawful for any licensee or any operator or employee of a licensee to hold, store or

possess liquor on the premises licensed under this Chapter unless appropriately licensed by the State of Utah.

7. It is unlawful for any person in charge of any place of business knowingly to permit or allow customers, guests, or any other person to consume alcoholic beverages at the place of business unless the premises have been licensed under this Chapter or the Alcoholic Beverage Control Act.
8. It is unlawful for any person to consume alcoholic beverages in any place of business whose premises are not licensed under this Chapter or the Alcoholic Beverage Control Act.
9. It is unlawful for any person to sell, possess or consume alcoholic beverages on premises licensed hereunder between the hours of 1:00 a.m. and 6:00 a.m.
10. It is unlawful for any licensee by himself or his agent or employee to permit any customer, guest, or any other person to possess or consume any alcoholic beverages on the licensed premises between the hours of 1:00 a.m. and 6:00 a.m.
11. It is unlawful for any person to sell or supply any alcoholic beverages or permit alcoholic beverages to be sold or supplied to any person under or apparently under the influence of liquor.
12. It is unlawful for any person to sell any alcoholic beverages at any public dance.
13. It is unlawful for any person to advertise the sale of alcoholic beverages except under such regulation as is made by the Utah Liquor Control Commission, except that a simple designation of the fact that beer is sold may be placed in or upon the window or front of the licensed premises.
14. It is unlawful for any employee at licensed premises, while on duty, to consume an alcoholic beverage or be under the influence of alcohol.

1A-3-11 Bond Required

No on premise beer retail license shall be granted by the Town Council until such time as the applicant has presented evidence to the Town, that the bond required by Section 32B-6-705 of the Utah Code is in effect, or as it is there updated. Failure of the licensee to maintain said bond during the entire time that the licensee operates in Vernon Town as an on-premise beer retailer may result in a suspension or termination of said beer license by the Town.

1A-3-12 Violations and Penalties

Any person or entity who violates any term or provision of this chapter shall be guilty of a class C misdemeanor and shall be punishable by a fine not to exceed seven hundred fifty dollars (\$750) and/or a jail sentence not to exceed 90 days.

Chapter 1A-4 Pawn Brokers

1A-4-1 Pawn Broker Defined

Any person within the limits of Vernon Town who loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property in his possession is hereby declared to be a pawn broker.

1A-4-2 Pawn Broker License

It is unlawful for a person to engage in the business of a pawn broker without a current pawn broker license from the Town.

1A-4-3 Records To Be Kept

Every pawn broker shall comply with all applicable State law, and shall keep records containing a description of all articles received by them, the amounts paid for or advanced thereon, a general description of the person from whom received, together with his name and address and the date of the transaction. Such records shall at all reasonable times be accessible to any peace officer who demands an inspection thereof, and any further information regarding such transaction that he may require shall be given by pawn brokers and second-hand dealers to the best of the ability. At the close of each day's business pawn brokers shall mail a copy of such records to the Town Clerk/Recorder. It is unlawful to fail to keep this required information, or to provide false information.

1A-4-4 Dealing With Minors Prohibited

It is unlawful for any pawn broker business to permit persons under eighteen years of age to pawn, pledge, or deposit items of any kind.

1A-4-4 Unlawful To Pawn Items Not Owned Or To Give False Information

1. It is unlawful for anyone to pawn items with a pawn broker when that person does not own those items.
2. It is unlawful for anyone to give false information concerning property to a pawn broker.

Chapter 1A-5 Swap Meets And Flea Markets

1A-5-1 Swap Meets And Flea Markets Defined

For the purposes of this chapter:

1. Flea Market: means and shall be considered a swap meet.
2. One month swap meet seller: shall mean a seller who has written permission from a swap meet licensee to barter, exchange or sell goods on swap meet licensee's property and who has been issued a one calendar month swap meet license by the Town.
3. Swap Meet: means property where the owner or lessee rents, lends, or leases the premises to persons for use as a marketplace to barter, exchange or sell goods. Yard sales and garage sales are not swap meets. The term "swap meet" does not include any events that area organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated exclusively for religious, educational, or charitable purposes or an event at which all of the personal property offered for sale or displayed is new and unused property, and all persons selling, exchanging, offering, or displaying the personal property are manufacturer's or distributor's representatives.
4. Swap Meet License: means any person who rents, lends or leases his premises to temporary sellers for use as a marketplace to barter, exchange or sell goods.

1A-5-2 License Required

It is unlawful for a swap meet licensee to hold a swap meet or flea market without having first obtained a Town business license therefore and obtaining any zoning approvals as may be required by this Code or by the Land Use Management and Development Code of the Town. The Town Clerk/Recorder may issue multiple one calendar month swap meet licenses upon application and payments of the applicable fees.

1A-5-3 One Day Swap Meet License And License Fee

Persons desiring to barter, exchange or sell goods at a Town licensed swap meet, shall first obtain at least a one calendar month swap meet license from the Town Recorder. A calendar month fee for a swap meet license is \$5.00. The application shall include the following information and it shall be signed under oath by applicant:

1. Name of applicant;
2. A copy of picture identification;
3. Permanent address and telephone number of applicant;
4. Local address and telephone number of applicant;
5. Applicant's date of birth and age;
6. Applicant's social security number or federal employer's identification number;
7. Type of merchandise offered for sale and itemized list of goods including serial or identification numbers if applicable. For used merchandise with no ID marks, where

the value of the goods is under \$50.00, the licensee may simply note that the seller is selling the following types of items: clothing, books, dishes, artwork, bedding, toys, produce, bottles, or other types of household items.

8. Where items to be sold were purchased or acquired.
9. Place where business is to be conducted and written approval from the property owner of such location.
10. Day or dates to be in business and total number of days to be in business.
11. Hours in which the business will be conducted;
12. List of cities where business has been conducted by the applicant within the past twelve (12) months.
13. Statement as to whether or not applicant has been convicted of a felony or the offenses of theft or receiving stolen property within the past ten (10) years and the details of any such conviction including the date and location of the offense. No applicant for a one month swap meet license shall be issued a license if he or she has been convicted of a felony or an offense of theft or receiving stolen property within the past ten years.

1A-5-4 Pawnbroker And Secondhand Dealer Restrictions

No swap meet licensee or one month swap meet licensee shall conduct the business of a pawn broker under these licenses.

1A-5-5 Items Not Allowed To Be Sold Or Exchanged At Swap Meet

1. Unless a person is a manufacturer's or distributor's representative, he or she may not sell or offer for sale or exchange at a swap meet any food product which is manufactured and packaged specifically for consumption by a child under two years of age, nonprescription or over-the-counter drug or medication other than herbal products, dietary supplements, botanical extracts, or vitamins or cosmetic or personal care product which has an expiration date.
2. No sales of firearms, pyrotechnics, ammunition, explosives or alcoholic beverages or medicines shall be made at a swap meet.

1A-5-6 License Revocation

In addition to other penalties provided by law, any swap meet licensee violating the provisions of this Chapter or of Title 11 of the Town Code may have his or her license revoked or suspended.

1A-5-7 Receipts And Transaction Records

1. Every swap meet licensee shall maintain receipts or a permanent record book for the acquisition of new and unused property which shall contain:
 - a. The date of the transaction on which the property was acquired;
 - b. The name and address of the person from whom the property was acquired;
 - c. An identification and description of the property acquired;
 - d. The price paid for such property; and

- e. The signatures of the person selling the property and the vendor.
- f. The receipt or record for each transaction required by Subsection (A) shall be maintained by the licensee for a period of not less than one year following the date of transaction.

1A-5-8 Sanitation And Cleanliness

Every swap meet licensee shall provide and maintain adequate toilet facilities for the one month swap meet licensees and the patrons of the swap meet. The swap meet licensee shall also ensure that garbage is cleaned up from the premises at the end of each business day and that weeds on the premises are not more than six inches in height.

1A-5-9 Liability Of Principal

The holder of a swap meet license is liable for any and all acts of his employees, and for any violation by them of the provisions of this chapter.

1A-5-10 Lists Of Lost Or Stolen Property

Reserved.

1A-5-11 Report Of Suspected Lost Or Stolen Goods

It shall be the duty of every swap meet licensee to report to the sheriff's department any article he or she has reason to believe was stolen, or lost and found by the person attempting to sell it.

1A-5-12 Business License To Be Kept And Displayed At Swap Meet Location

The holder of a swap meet license shall keep a copy of their license available for inspection at the swap meet site at all times when they are at the swap meet premises and shall display the license to any patron, Town agent or employee, immediately upon request.

1A-5-13 Violations And Penalties

In addition to any other penalties provided by law, any person violating the provisions of this Chapter shall be guilty of a Class C Misdemeanor.

Chapter 1A-6 Sexually Oriented Business

1A-6-1 Title For Citation

This Chapter shall be known and may be referred as the Sexually Oriented Business Licensing Ordinance.

1A-6-2 Purpose

It is the purpose and object of this Chapter that the Town establish reasonable and uniform regulations governing the time, place and manner of operations of Sexually Oriented business and their employees in Vernon Town. This Chapter shall be construed to protect governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by United States and Utah Constitutions.

1A-6-3 Definitions

For the Purpose of this Chapter, the following words shall have the following:

1. Adult Business: means an Adult Theater, Adult Motion Picture Theater, Adult Bookstore or Adult Video store.
2. Adult Bookstore or Adult Video Store: means a commercial establishment which:
 - a. Holds itself out to be such a business; or
 - b. Excludes minors from more than 30% of the retail floor or shelf space of the premises; or
 - c. Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following; books, magazines, periodicals or other printed matter, of photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas", or instruments, devices or paraphernalia which are designated for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.
3. Adult Motion Picture Theater: means a commercial establishment which;
 - a. Holds itself out as such a business; or
 - b. Excludes minors from the showing of two consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or
 - c. As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities", or "specified anatomical areas."

4. Adult Theater: means a commercial establishment which:
 - a. Holds itself out as such a business; or
 - b. Excludes minors from the showing of two consecutive exhibitions (repeated performances or the same presentation shall not be considered a consecutive exhibition); or
 - c. As its principal business, features persons who appear in live performance in a state of semi-nudity or which are characterized by the exposure of "specified anatomical areas", or by "specified sexual activities."
5. Nudity or State of Nudity: means a state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.
6. Operator: means the manager or other natural person principally in charge of a Sexually Oriented Business.
7. Semi-nude: means a state of dress in which a person wears opaque clothing covering.
 - a. Only the male or female genitals, pubic region, anus, or;
 - b. The nipple and areola of the female breast, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point.
8. Semi-Nude Dancing Agency: means any person, agency, firm corporation, partnership, or any other entity or individual which furnishes books, or otherwise engages or offers to furnish, book or otherwise engage the service of a professional dance for performance or appearance at a business licensed pursuant to Town Ordinances.
9. Semi-Nude Entertainment Business: means a business, including an Adult Theater, where employees perform or appear in the presence of patrons of the business in a state of semi- nudity. A business shall also be presumed to be a semi-nude entertainment business if the business holds itself out as such a business.
10. Sexually Oriented Business: means semi-nude entertainment businesses, adult business, and semi-nude dancing agencies as defined by this Chapter.
11. Specified anatomical areas: means the human male or female pubic area or anus with less than a full opaque covering or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.
12. Specified Sexual Activities: means;
 - a. Acts of:
 - i. masturbation;
 - ii. human sexual intercourse; or
 - iii. sodomy
 - b. Manipulating, caressing or fondling by any person of:
 - i. the genitals of a human;
 - ii. the pubic area of a human; or
 - iii. the breast or breasts of a human female.
 - c. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of be fettered, bound or otherwise physically restrained on the part of one so clothed.

1A-6-4 Obscenity And Lewdness - Statutory Provisions

Notwithstanding, anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow the showing or display of any matter, which is contrary to applicable federal or state statutes prohibiting obscenity.

Notwithstanding, anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow conduct or the showing or display of any matter, which is contrary to the provisions of the Utah Criminal Code, concerning "Lewdness".

1A-6-5 Location And Zoning Restrictions

It shall be unlawful for any Sexually Oriented Business to do business at any location within the Town not zoned for such business. Sexually Oriented Business licensed pursuant to this Chapter shall only be allowed in areas zoned for their use pursuant to the Land Use Development and Management Code of Vernon Town.

1A-6-6 Business License Required

It shall be unlawful for any person to operate a sexually oriented business, as specified herein, without first obtaining a Sexually Oriented Business License from the Town Clerk/Recorder, with the approval by the Mayor. The business license shall specify the type of Sexually Oriented Business for which it is obtained.

1A-6-7 Exemptions From License Requirements

The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the State of Utah to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State of Utah for activities in the classroom.

1A-6-8 Artistic Modeling

The Town does not intend to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the first Amendment or similar state protections.

1A-6-9 Business Categories; Single License

It is unlawful for any business premises to operate or be licensed for more than one category of Sexually Oriented Business. The categories of Sexually Oriented Businesses are:

1. Adult businesses.
2. Semi-Nude entertainment businesses.
3. Semi-Nude dancing agency.

1A-6-10 License Application; Disclosure

Before any applicant may be licensed to operate a Sexually Oriented Business pursuant to this Chapter, the applicant shall submit, on a form to be supplied by the Town Clerk/Recorder, the following:

1. The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.
2. If the applicant is a corporation, partnership or limited partnership or entity doing business under an assumed name the information required below for individual applicants shall be submitted for each partner and each principal of an applicant and for each officer or director. Any holding company, or any entity holding more than ten percent of an applicant, shall be considered an applicant for purposes of disclosure under this Chapter.
3. All corporations, partnerships or non-corporate entities included on the applications shall also identify each individual authorized by the corporations, partnership or non-corporate entity to sign the checks for such corporation, partnership or non-corporate entity.
4. For all applicants the application must also state:
 - a. any other names or aliases used by the individual;
 - b. present business address and telephone number;
 - c. present residence and telephone number;
 - d. Utah driver license or identification number; and
 - e. social security number.
5. Acceptable written proof that any individual is at least 21 years of age;
6. The applicants' fingerprints on a form provided by the Sheriff's Department. For persons not residing in the Town, the fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for the fingerprints shall be paid by the applicant directly to the issuing agency.
7. A statement detailing the license or permit history of the applicant for the five-year period immediately preceding the date of the filing of the application, including whether such applicant possesses or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated a Sexually Oriented Business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked, or suspended in this or any other county, Town, state, or territory. In the event of any such denial, revocation or suspension, state the date, the name of issuing or denying jurisdiction and state in full the reasons for denial, revocation or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
8. All criminal convictions or pleas of no contest, except those, which have been expunged and the disposition of all such arrests for the applicant, individual or entity subject to disclosure under this Chapter for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony or Class A misdemeanor shall not be construed as a minor traffic offense); stating the date, place, and nature of each conviction and plea of no contest and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a Sexually Oriented Business shall constitute a waiver of disclosure of any criminal conviction or plea of no contest for the purposes of any proceeding involving the business or employee license;

9. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by the notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.
10. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations or employment guidelines under or by which the Sexually Oriented Business intends to operate. This description shall also include:
 - a. the hours that the business or service will be open to the public and the methods of promoting the health and safety of employees and patrons and preventing them from engaging in illegal activity;
 - b. the methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities;
 - c. the methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Chapter or other statutes or ordinances;
 - d. the methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease and prevent the commission of acts of prostitution or other criminal activity.
11. It is unlawful to knowingly submit false or materially misleading information on or with a Sexually Oriented Business license application or to fail to disclose or omit information for the purpose of obtaining a Sexually Oriented Business License.

1A-6-11 License Fees

Each applicant for a Sexually Oriented Business License shall be required to pay a license fee pursuant to the schedule established by resolution or ordinance of the Town Council.

1A-6-12 Single Location And Name

1. It is unlawful to conduct business under a license issued pursuant to this Chapter at any location other than the licensed premises.
2. It is unlawful for any Sexually Oriented Business to do business under any name other than the business name specified in the application.

1A-6-12 License - Issuance Conditions

The Town Council shall approve the issuance of a license to the applicant within thirty days of receipt of a completed application, unless the official finds one or more of the following:

1. the applicant is under twenty-one years of age;
2. the applicant is overdue in payment to the Town of taxes, fees, fines, or penalties assessed against the applicant or imposed upon the applicant in relation to a Sexually Oriented Business;
3. the applicant has falsely answered a material question or request for information as authorized by this Chapter;
4. the applicant has violated a provision of this Chapter or similar provisions found in statutes or ordinances from any jurisdiction within two years immediately preceding the application; a criminal conviction for a violation of a provision of this Chapter or similar provisions from any jurisdiction, whether or not being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;
5. the premises to be used for the business have been disapproved by the Tooele County Health Department, the Fire Department, the Sheriff's Department, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinances of the Town. If any of the foregoing reviewing agencies cannot complete their review within the thirty-day approval or denial period, the agency or department may obtain an extension of time of not more than fifteen days for their review. The total time for the Town to approve or deny a license shall not exceed forty-five days from the receipt of a completed application and payment of all fees.
6. the required license fees have not been paid;
7. all applicable sales and use taxes have not been paid;
8. and applicant for the proposed business is in violation of or not in compliance with this Chapter or similar provisions found in State statutes or ordinances from any jurisdiction;
9. An applicant has been convicted of a crime involving:
 - a. Prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:
 - i. less than two years have elapsed from the date of conviction, if the conviction is of misdemeanor offense, or less than five years if the convictions are of two or more misdemeanors within the five years; or
 - ii. less than five years have elapsed from the date of conviction if the offense is a felony;
10. the fact that conviction is being appealed shall have no effect on the disqualification pursuant to this Chapter.

1A-6-13 Changes In Information

Any change in information required to be submitted under this Chapter for a Sexually Oriented Business License shall be given, in writing, to the Town Clerk/Recorder, within fourteen days after such change.

1A-6-14 Transfer Limitations

Sexually Oriented Business Licenses granted under this Chapter are not transferable. It is unlawful for an individual to transfer a Sexually Oriented Business License. It shall be unlawful for a Sexually Oriented Business License held by a corporation, partnership or other non-corporate entity to transfer any part in excess of 10% thereof, without filing a new application and obtaining prior Town approval. If any transfer of the controlling interest in a Sexually Oriented Business License occurs, the license is immediately null and void and the Sexually Oriented Business shall not operate until a separate new license has been properly issued by the Town as herein provided.

1A-6-15 General Regulations

It is unlawful for any Sexually Oriented Business to:

1. Allow persons under the age of eighteen years on the licensed premises, except that in Adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas;
2. Allow, offer to agree to allow any alcohol being stored, used or consumed on or in the licensed premises;
3. Allow the outside door to the premises to be locked while any customer is in the premises;
4. Allow, offer or agree to gamble on the licensed premise;
5. Allow, offer or agree to any employee of a Sexually Oriented Business touching any patron or customer;
6. Allow, offer or agree to illegal procession, use, sale or distribution of controlled substances on the licensed premises;
7. Allow Sexually Oriented Business employees to possess, use, sell or distribute controlled substances, while engaged in the activities of the business;
8. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the licensed premises;
9. Allow, offer, commit or agree to any specified sexual activity as validly defined by the Town ordinances or State statute in the presence of any customer or patron;
10. Allow, offer or agree to allow a patron or customer to masturbate in the presence of an employee or on the premises of a Sexually Oriented Business;
11. Allow, offer or agree to commit an act of lewdness as defined in the Utah Code; or
12. Not permit the Sheriff's Department or other Town official to have access at all times to all premises licensed or applying for a license under this Chapter, or to make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

1A-6-16 Adult Business, Design Of Premises

1. In addition to the general requirements of disclosure for a Sexually Oriented Business, any applicant for a license as an Adult business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business shall conform to the following:
 - a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;
 - b. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom per stall and only one person in any stall at a time and requiring that patrons shall not be allowed access to manager's station areas;
 - c. For business which exclude minors from the entire premises all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded.
 - d. The diagram required shall not necessarily be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.
2. It shall be the duty of license and licensee's employees to insure that the views from the manager's station of all areas specified in section (a) above remain unobstructed by any doors, walls, merchandise, display racks or any other material, at all times that any patron is present in the premise, and to insure that no patron is permitted to any area of the premise which has been designated as an area in which patrons will not be permitted.
3. The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle measured at floor level. It shall be the duty of licensee and licensee's employee present on the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

1A-6-17 Semi-Nude Entertainment Business; Interior Design (Reserved)

1A-6-18 Alcohol Prohibited

It is unlawful for any business licensed pursuant to this Chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the premises. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any Sexually Oriented Business.

1A-6-19 Semi-Nude Dancing Agency

1. It is unlawful for any individual or entity to furnish, book, or otherwise engage the services of a professional dance, model, or performer to appear in a state of semi-nudity for pecuniary compensation in, or for, any Semi-Nude Entertainment Business or Adult Theater Licensed pursuant to this Chapter unless such agency is licensed pursuant to this Chapter.
2. It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dance, model, or performer in a state of semi-nudity either gratuitously or for compensation, in, or for, any business licensed pursuant to this Chapter unless such person is employed by a Semi-Nude Dancing Agency licensed pursuant to this Chapter.

1A-6-20 Nudity-Defense To Prosecution

It is a defense to prosecution or violation under this Chapter that a person appearing in a state of nudity did so in a modeling class operated:

3. By a proprietary school licensed by the State of Utah or a college, junior college or university supported entirely or partly by taxation;
4. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

1A-6-21 Violations And Penalties

In addition to any other penalties provided by law, any person violating the provisions of this Chapter shall be guilty of a Class C Misdemeanor

Chapter 1A-7 Cabarets

1A-7-1 Defined

Establishments which permit their patrons to dance, or which entertain their patrons with music or entertainers who sing or dance, shall be deemed to be a "cabaret" and shall be licensed as such.

1A-7-2 License--Required

No person shall maintain a cabaret within the Town until they shall have first been duly licensed for that purpose.

1A-7-3 License--Application--Town Council Action

Application for a cabaret license shall be made to the Town council who, after investigation of the character of the applicant and the place where the public dances are to be held, shall act on such application in regard to granting or denying the same as it shall deem just and proper.

1A-7-4 License--Fee

The license fees required for a cabaret license shall be as set forth in Chapter 1.

1A-7-5 License--Contents

Every license issued pursuant to this chapter shall specify the location of the cabaret thereby licensed.

1A-7-6 Operation Regulations

The Town council may establish rules and regulations governing the operation of cabarets. All applications for cabaret licenses shall be referred to the council which shall determine whether the rules and regulations pertaining thereto have been complied with before it approves issuance of a license.

1A-7-7 License--Sale Of Beer

Establishments licensed as cabarets may also obtain licenses to sell beer on the premises as provided in Section 11-3-1, et. seq.

Chapter 1A-8 Mobile Food Business

1A-8-1 Definitions

A. **MOBILE FOOD VENDOR:** Means to conduct business that serves food or beverages from self-contained unit, either motorized or in a trailer on wheels, and is readily transportable, without disassembly, for transport to another location. The term mobile food vendor includes, but not limited to, mobile food trucks, mobile food trailers, ice cream trucks, and stationary food vendors from which food and beverages are sold or offered for sale on a temporary basis.

B. **MOBILE FOOD TRUCK:** A fully encased food service establishment on a motor vehicle and from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells or serves food or non-alcoholic beverages for immediate human consumption. The term "food truck" shall not include a sidewalk vendor cart, mobile food cart or mobile ice cream trucks.

C. **MOBILE FOOD TRAILER:** A fully encased food service establishment on a trailer, that a motor vehicle pulls to transport, and from which a food vendor, standing within the frame of the trailer, prepares, cooks, sells, or serves food and non-alcoholic beverages for immediate human consumption.

D. **STATIONARY FOOD VENDOR:** A food vendor that operates from a structure which is non permanently affixed to the property, and is located in one location during the duration of the temporary use. A stationary food vendor shall be subject to Town licensing and operational costs.

E. **ICE CREAM TRUCK:** A fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport; from which a vendor, from within the frame of the vehicle, serves ice cream, shaved ice, or like desserts; that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including playing music; and that may stop to serve ice cream, shaved ice or like desserts at the signal of a patron.

F. **VENDING CART:** A non-motorized mobile device or pushcart smaller than 3 feet in width and 8 feet in length from which limited types of products are sold directly from the cart.

1A-8-2 Business License Application

1. All applications for a license under this chapter shall be made to and upon forms provided by the Town, and shall require that the applicant have a current state sales tax number.

2. A complete application for a license shall be submitted at least 15 days prior to the date of operation. Incomplete or late applications may be rejected. Applicant revisions or modifications to the original application may extend the date of approval.

(a) The application for a mobile food vendor shall include the address of the location where the mobile food vendor is to be cleaned, restocked, and stored overnight (Commissary).

3. Upon approval of the mobile food vendor application, the Town Recorder shall issue a business license. The license shall show the name of the licensee, the business or occupation to be carried on thereunder, and the date of expiration of such license.

4. The Town shall issue a business license at no cost for a mobile food vendor upon the presentation of a current business license from another political subdivision within the State of Utah, a mobile food vendor permit from a local health department within the State of Utah, and current approval from another political subdivision within the State of Utah that show the mobile food vendor passed a fire safety inspection conducted in accordance with Utah Code 11-56-104(4)(a).

5. The fee and length for the mobile food vendor business license shall be the same as other business licenses stated in Vernon Town Code 11-1-5.

1A-8-3 Responsible Party

1. Each applicant, whether a partnership, sole proprietorship, or other entity shall designate an individual that shall be responsible for the business, and this individual shall provide valid driver's license number, date of birth, and vehicle information.

1A-8-4 Conditions And Requirements

1. Each mobile food vendor shall abide by the following conditions and requirements:

- a. The food truck or trailer shall be inspected and approved by the Tooele County Health Department on an annual basis. The presentation of the Town of a current health department permit from another local health department within the State of Utah will suffice to meet this requirement.
- b. The food truck or trailer shall be inspected by the Vernon Town Volunteer Fire Department for safety, appearance, and accessibility. The presentation to the Town of a current fire safety approval conducted by another political subdivision within the State of Utah will suffice to meet this requirement.

- c. A mobile food vendor may operate between the hours of 7:00 a.m. and 10:00 p.m. On a temporary basis, extended hours may be approved by the Town Clerk/Recorder, upon application by the merchant showing substantial justification why extended hours on a temporary basis are appropriate.
- d. Ice cream trucks shall not sell food or beverages on public streets where the speed limit exceeds 25 miles per hour. Food or beverages shall only be sold or offered for sale when the ice cream truck is completely stopped and lawfully parked, and only from the rear or side of the vehicle nearest to the curb or edge of the roadway. The operator of the ice cream truck shall not sell to any person standing in the roadway.
- e. All signs are limited to those that are permanently attached to the truck or trailer;
- f. The vendor shall provide trash containers which shall be removed from the site when the truck or trailer leaves.

1A-8-5 Locations

Mobile Food Vendors are permitted in all Residential and Commercial Districts, as those areas are defined in the Vernon Town Land Use and Development Code, so long as the Mobile Food Vendor does not pose a risk to the health, safety, or welfare of Vernon Town and is not a nuisance.

1A-8-6 Sale On Public Property

For those mobile food vendors operating on public property, the applicant shall submit evidence of insurance.

1A-8-7 Sale On Private Property

Each mobile food vendor conducting business on private property, in addition to the other requirements of this Chapter, shall provide written permission from the property owner upon request documenting proof of access and availability to restroom facilities within 300 feet of the operating location.

1A-8-8 Review And Approval Process

1. Applications shall be subject to review by code authorities, including those for public works, planning and zoning, building, fire, police, and others as required.
2. Approvals shall be based on a combination of code compliance in all applicable areas.
3. The applicant must obtain and maintain proper business and sales tax registration for all aspects of the operation prior to operating.
4. Approvals shall be based on any factor or circumstance that review authorities consider necessary to protect the public and enhance the community, such as:
 - a. Pedestrian traffic and site compatibility with proposed operation; and
 - b. Ability of the applicant to manage the operation and maintain compliance with all laws and local codes.
5. Based on recommendations from the different review entities, the license administrator may issue the license with any operation limitations specified.

1A-8-9 Enforcement

1. Any person violating the provisions of this Chapter shall be guilty of a Class C Misdemeanor, unless the specific violation has another classification. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Additionally, violators shall be subject to civil fines and penalties for any and all damage or injury causes as a result of the violation.
2. Violators of this Chapter shall also be prohibited from continued operation of a Mobile Food business within the Town unless granted a new license by the Town.

SECTION THREE – REPEAL OF CONTRADICTORY LAWS: Any pertinent portion of the Vernon Town Code, The Land Use Development and Management Code, or any other law adopted by Vernon Town that is inconsistent with this new ordinance is hereby repealed, limited only to inconsistencies, if any, and is hereby replaced, limited only to inconsistencies, if any, with the provisions of Title 1A of the Vernon Town Code.

SECTION FOUR - EFFECTIVE DATE: This ordinance shall take effect fifteen days after the posting of complete copies of this Ordinance in three public places within Vernon Town, Utah as provided for by law.

PASSED AND ADOPTED by the Vernon Town Council in Vernon, Utah, this 2nd day of December, 2021.

BY ORDER OF THE VERNON TOWN
COUNCIL OF VERNON, UTAH

By: Mayor John Olson

ATTEST

Melinda Johnson, Town Clerk