

Title 11

BUSINESS LICENSES AND REGULATIONS

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Chapter 11.01

GENERAL LICENSING.

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Section 11.01.01 **Applicability.**

The general provisions of this Chapter shall apply to all County business licensing activities and to all licenses issued under this Title. Where the general provisions of this Chapter conflict with specific provisions relating to specific business types, the more specific provisions of this Title shall control.

Section 11.01.02 **Definitions.**

For the purposes of this Title:

- (1) **“business”** means and includes all activities engaged in within the corporate limits of the County carried on for the business of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed.
- (2) **“County Manager”** means the duly appointed Wasatch County Manager, or his or her designee.
- (3) **“engaging in business”** means, but is not limited to, the sale of tangible personal property at retail or wholesale; the manufacturing of goods or property; and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling except the rendering of personal services by an employee to an employer under any contract of personal employment.
- (4) **“gross sales”** means the sum total of all monies received from the sale of goods, wares, merchandise or services rendered within a given calendar year, excluding the net Utah State sales tax and any direct federal tax levied on goods or services sold. The term “gross sales” is synonymous with gross receipts.
- (5) **“Officer”** means the Business Licensing Officer of Wasatch County.
- (6) **“person”** means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, corporation, association, society, or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise.

(7) **“place of business”** means a location within the County in or from which a person is engaging in business or conducting or transacting business.

(8) **“temporary place of business”** means a location within the County in or from which a person is engaging in business or conducting or transacting business for less than three months at a time, whether or not the location is delineated by a kiosk, tables, markings, or signs. A temporary place of business does not include a yard sale.

(9) **“yard sale”** means an offering for sale of multiple goods or merchandise within the curtilage of residential property.

Section 11.01.03 Prohibited Conduct Generally.

It shall be unlawful and punishable as a class C misdemeanor:

(1) to engage in any activity regulated or licensed under the provisions of this Title without a valid current license therefore;

(2) to engage in any activity regulated or licensed under the provisions of this Title if a license therefore has been suspended or revoked; or

(3) to otherwise violate any provisions of this Title.

Each day that a violation of this Title occurs or is permitted, is hereby deemed to constitute a separate offense.

Section 11.01.04 Index of Licenses.

The Officer shall maintain an alphabetical and numerical index of all licenses issued, stating the number, names to whom issued, the type of license issued, time of issuance and the period covered, the place of business, the kind of business to be transacted, conditions of licensure, the amount paid and such other information as may be considered necessary.

Section 11.01.05 Application and Issuance Generally.

Applicants for a license shall submit a properly completed application form and the appropriate fee, if any, to the Officer. Unless otherwise provided, if issuance of the requested license is consistent with applicable law, the Officer shall approve the application and a license shall be issued, otherwise the Officer shall disapprove the application and a license shall not be issued.

Section 11.01.06 Application for License.

(1) An application for a license shall be in writing on a form approved by the Officer. The application shall show the following with respect to all persons (excluding shareholders or their equivalent) having a legal or equitable ownership interest in the subject business or activity:

(a) name, address, date of birth and both home and business telephone numbers, including the same information with respect to all partners, officers or directors;

(b) a description of the business, trade, profession, occupation or activity for which a license is requested, including any assumed or fictitious names which may be used;

(c) the address of the property where the subject business, trade, profession, occupation or activity is to be carried on;

(d) the state tax number of the subject business, trade, profession, occupation or activity;

(e) a statement of all facts necessary to calculate applicable fees; and

(f) any other information required by this Title, by statute, or as reasonably required by the Officer.

(2) No person shall intentionally or knowingly misrepresent any fact as part of applying for or renewing any license or as part of providing facts upon which the calculation of a fee will be based. Intentional or knowing misrepresentations in applying for or renewing a license shall be grounds for revocation of the license, in addition to any other civil or criminal remedy available.

Section 11.01.07 Inspections.

As a condition of the issuance, continuation, or renewal of a license, the applicant shall, upon demand, permit continuing inspections of the place of business or other activity to ensure compliance with all applicable business, zoning, health or safety regulations, and conditions of licensure. The Officer may refuse to issue a license or may suspend or revoke a license if the applicant or licensee should, for any reason, fail or refuse to cooperate with such an inspection.

Section 11.01.08 License Required for Each Location and Activity.

A separate license must be obtained and a separate fee paid for each location in or from which a person engages in business. Each license shall authorize the licensee to engage in only that activity described in such license and only at the location indicated thereon.

Section 11.01.09 Term of License, Certificate Form, Transfer Prohibited.

Unless otherwise expressly provided, the following shall apply to all licenses issued pursuant to this Title:

(1) Licenses shall be issued for a period of one year.

(2) Every certificate of license shall specify by name the person to whom it is issued, and shall designate the particular business licensed and the place at which the business shall be conducted.

(3) No license shall be in any manner assignable or transferable, neither shall it authorize any licensee to do business at any other place than indicated in such license, or authorize any other business than is therein stated.

Section 11.01.10 License Fees.

(1) The County Legislative Body shall by ordinance fix the amount of license fees and the terms and conditions thereof.

(2) License fees shall be paid in advance for the term of the license. License fees shall not be refunded because the business or activity for which the same was obtained has been for any reason discontinued.

(3) No rebate shall be allowed upon any license, unless the licensee has been injured by an unavoidable accident or condition or except in case of serious affliction or poverty as determined by the County Legislative Body. The licensee bears the burden of proving that the circumstances justifying a rebate upon a license exist. The County Legislative Body shall have discretion as to what license fee amounts, if any, shall be rebated.

(4) If any person shall neglect, fail or refuse to pay the amount assessed when it becomes due on any license for a period of 45 days after the due date, a penalty fee shall be imposed equal to 25% of the original license fee. Any license fee which is delinquent for a period in excess of 90 days shall be subject to an additional penalty fee equal to 50% of the original license fee.

(5) The Officer shall collect license fees and penalties and forward them to the County Treasurer.

(6) This Section shall not imply the right of a licensee to continue a licensed activity without a license or

the payment of required license fees. In addition to any criminal action, the County may bring a civil action to collect the amount of any delinquent or unpaid fee. In the event legal action is filed to collect delinquent or unpaid fees, the delinquent licensee shall pay reasonable attorney fees and costs incurred by the County to collect the delinquent or unpaid fee.

(7) Any person engaging in business or in any activity for which a license is required, and who does so without a valid current business license shall pay all applicable fees as though a license had been issued during the period of unlicensed activity, in addition to any other applicable civil or criminal penalties.

Section 11.01.11 Multiple Licenses.

(1) If a person desires to engage in a business which may include two or more businesses as classified herein, the Officer shall determine whether the person shall obtain a license for each type of business or only for that class of business which includes the person's principal business.

(2) In the event that one business does both wholesaling and retailing on the same premises, the business shall only be required to pay the highest license fee.

Section 11.01.12 Reciprocal Licenses.

(1) Wherever any person engaging in business in Wasatch County but having no office, building, place of business or temporary place of business in Wasatch County shall have obtained a license in another city or county, such license shall be recognized as valid in Wasatch County, provided that such other county also recognizes as valid like licenses issued by Wasatch County.

(2) If a person engages in business in Wasatch County but has no office, building, place of business or temporary place of business within the County, and the city or county in which the business is located does not have a reciprocal agreement with Wasatch County, then the Officer shall require a license and license fee from said person on the same basis and at the same rate as charged to like businesses located within Wasatch County.

Section 11.01.13 Licensed Business Subject to Other Provisions of Code.

(1) Issuance of a business license or any other regulatory license does not excuse a licensee from compliance with applicable zoning codes, building codes, plumbing codes, mechanical codes, electric codes, fire codes, and other regulatory requirements. No license shall be issued without first obtaining written preliminary approval of the business location from the Planning Department and written preliminary approval as to regulatory code compliance from the building inspector and fire marshal.

(2) The following shall be printed in large type on the face of each license: **NOTICE**
To engage in the business for which this license is issued, you must comply with all County health and safety codes, including those relating to zoning, building, health and fire safety. If now, or in the future, you do not comply with these codes, this license does not authorize you to engage in business.

Section 11.01.14 Exemptions.

(1) The provisions of this Title shall not be deemed or construed to require the payment of a license fee by any person or organization for the following activities: (a) an activity which is conducted, managed or carried on wholly for charitable or religious purposes from which profit is not derived, directly or indirectly by any individual, firm or profit corporation;

(b) an activity specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah;

(c) yard sales, provided that no residence may hold more than four yard sales per year, and each yard sale may not last longer than two days.

(2) With respect to exemptions claimed, the person claiming the exemption shall have the burden of establishing entitlement to the exemption.

(3) The Officer may demand that any person engaging in business in Wasatch County obtain a license as required by this Title. Such person shall immediately obtain a license or establish entitlement to an exemption.

Section 11.01.15 Suspension and Revocation.

(1) A license issued pursuant to this Title or any other provision of the Wasatch County Code may be suspended or revoked for the following reasons:

(a) when the license was issued in error;

(b) failing or refusing to permit or cooperate with an inspection;

(c) failing to pay a required fee;

(d) when continuing operation of the licensed activity would constitute a nuisance or present a danger to health, safety, general welfare or morals of the community;

(e) the licensee's violation of this Title or any condition of licensure; or (f) the licensee's commission of crime involving moral turpitude, dishonesty, or controlled substances, whether or not the crime occurs at the place of business.

(2) No license issued under this Title shall be suspended or revoked until a hearing is held before the County Legislative Body. Written notice of such hearing shall be served at least ten days prior to the date thereof upon the licensee. Such notice shall state the ground(s) for suspension or revocation, and the time and place of the hearing. The decision of the County Legislative Body shall be final. No part of the license fee shall be refunded in cases of suspension or revocation.

Section 11.01.16 Displaying License.

A person to whom a license is issued under this Title shall display the certificate of license in a conspicuous place easily viewed by the public, in which the licensed business, trade, profession, occupation or activity is carried on. When such certificate of license has expired it shall be removed from public view. A licensee without a fixed place of business shall carry his or her certificates of license while engaging in business. It shall be the duty of each licensee, agent, or employee to show the certificate of license upon demand by the Officer.

Section 11.01.17 New License Following Revocation.

No person whose license to engage in business has been suspended or revoked, and no person associated or connected with such a person in the conduct of that business, shall be granted a new license to engage in that business until a period of six months after such revocation has elapsed.

Section 11.01.18 Outside Storage and Display of Merchandise.

(1) It shall be unlawful for any person engaging in business in the County to display or cause to be displayed outside, its goods and merchandise held for sale, lease or repair in a manner that constitutes a

safety hazard or that obstructs a public right-of-way or sidewalk.

(2) This section shall not apply to:

- (a) licensed used car, trailer, or other vehicle sales lots;
- (b) machinery and equipment storage yards, which businesses are otherwise in compliance with all other applicable laws; or
- (c) yard sales.

(3) Businesses shall be permitted to conduct up to two sidewalk or parking lot sales per year, which sales shall not last more than three days, provided that the conduct of the sale does not create a nuisance.

Chapter 11.02

ALCOHOLIC BEVERAGES.

Sections:

- 11.02.01** **Definitions.**
- 11.02.02** **License Required to Sell Alcoholic Beverages.**
- 11.02.03** **Prohibited Conduct.**
- 11.02.04** **Alcohol Training Seminar**
- 11.02.05** **Licenses for Beer Sales Classified.**
- 11.02.06** **Application for License.**
- 11.02.07** **Employment or Presence of Minors.**
- 11.02.08** **Compliance With State Law and Administrative Rules.**
- 11.02.09** **Time, Place and Conditions of Business Operation.**

Section 11.02.01 Definitions.

(1) **“Place of Business”** means and includes cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, and any other place where the general public is invited or admitted for business purposes. Multiple dining facilities located in one building and owned or leased and operated by one licensee shall be deemed to be only one place of business as herein defined. Premises owned or leased and operated by non-profit corporations bonded, regulated, and operated in compliance with the provisions of Utah law and the Alcoholic Beverage Control Act, are not places of business and shall be exempt from this Chapter. Occupied hotel and motel rooms are not open to the public and shall be exempt from this Chapter, provided that non-profit clubs shall be required to pay the applicable licensing fee to engage in the sale of alcoholic beverages.

(2) For purposes of this Chapter, the definitions of the terms “alcoholic beverages,” “beer,” “liquor,” “retailer,” “sell,” “sale,” “to sell,” and “wholesaler” in Title 32A of the Utah Code, Alcoholic Beverage Control Act, as amended, shall apply.

Section 11.02.02 License Required to Sell Alcoholic Beverages.

(1) Any retailer or wholesaler of alcoholic beverages in Wasatch County shall apply for and obtain a license under this Chapter.

(2) As a condition of licensure under this Chapter, all licensees shall demonstrate compliance with Title 32A of the Utah Code, Alcoholic Beverage Control Act, as amended, and with any other applicable provision of law, including regulations set forth in the Utah Administrative Code.

Section 11.02.03 Prohibited Conduct.

(1) It shall be unlawful for any place of business intentionally or knowingly to permit or allow customers, guests or any other person to consume or possess alcoholic beverages on which the seal has been broken, at said place of business without first obtaining a license under this Chapter.

(2) It shall unlawful for any person intentionally or knowingly to consume alcoholic beverages in an unlicensed place of business.

Section 11.02.04 Alcohol Training Seminar

(1) No person shall be granted a license under this Chapter unless he provides proof that each employee who (a) manages operations at the premises of the licensee; (b) supervises the serving of alcoholic beverages to a customer for consumption on the premises of the licensee; or (c) serves alcoholic beverages to a customer for consumption on the premises of the licensee; has completed an alcohol training and education seminar as required by state law.

(2) Failure of any employee described in subpart (1) of this section to complete an alcohol training and education seminar shall be grounds for denial or revocation of a license issued under this Chapter.

Section 11.02.05 Licenses for Beer Sales Classified.

(1) Licenses issued hereunder for the retail sale of beer shall be of the following kinds, and shall carry the following privileges:

(a) Class A retail license shall entitle the licensee to sell beer on the premises of the licensee in the original containers for consumption off the premises.

(b) Class B retail license shall entitle the licensee to sell beer in the original containers, for consumption on or off the premises of the licensee.

(c) Class C retail license shall entitle the licensee to sell beer on draft, or keg beer for consumption on or off the premises, and to all the privileges granted to the holders of Class A and Class B retail licenses.

(2) Wholesale licenses shall entitle the licensee to sell either bottled or keg beer to retailers for resale.

Section 11.02.06 Application for License.

(1) Application for a license to engage in the business of a wholesale or retailer of alcoholic beverages shall be made to the Officer, and shall include the license fee.

(2) Application for a license under this Chapter shall be upon a form furnished by the Officer and signed under oath by the applicant, accompanied by the license fee. The form shall require information showing the applicant's age, citizenship, felony convictions, and misdemeanor convictions involving moral turpitude, and shall require three character references. If the applicant is a partnership, association or corporation, the information required in this section shall be provided for each partner, association member, or corporate director and officer.

(3) Each annual license applied for under this Chapter shall expire one year from the date of issuance. Each licensee must be 21 years of age or older, of good moral character and a citizen of the United States. No license shall be granted to any applicant who has been convicted of a felony or of a misdemeanor involving moral turpitude.

Section 11.02.07 Employment or Presence of Minors.

(1) No person under the age of 21 shall be employed or permitted to dispense or sell alcoholic beverages, except persons 16 years or older who are employed by retail food or convenience stores and who are under the direct supervision of an employee who is 21 years or older.

(2) No person under the age of 21 years shall sell or serve beer under a Class C retail license.

(3) It shall be unlawful for any licensee, or operator, agent or employee of such licensee to permit any person under the age of 21 years to enter or be in or about any premises licensed under a Class C retail license.

(4) A licensee who intentionally or knowingly employs a minor or permits a minor to violate the provisions of this Section on the licensed premises shall be guilty of a class B misdemeanor.

Section 11.02.08 Compliance With State Law and Administrative Rules.

Licenses under this Chapter shall remain subject to all of the requirements of Title 32A of the Utah Code, Alcoholic Beverage Control Act, as amended, and any applicable regulations in the Utah Administrative Code. Failure to comply with state law shall be grounds for revocation of a license issued under this Chapter.

Section 11.02.09 Time, Place and Conditions of Business Operation.

(1) Businesses licensed hereunder shall maintain throughout the premises and during business hours a minimum of one candle power light measured at a level five feet above the floor.

(2) A license may not be issued to sell alcoholic beverages for consumption on the premises in any dance hall, theater, or within 600 feet of the main entrance of any school or church.

(3) It shall be a class C misdemeanor for any licensee, or any of his agents or employees, to give away, sell or deliver alcoholic beverages or to permit the consumption thereof on the licensed premises between the hours of 1 a.m. and 7 a.m. of any day. However, during the time when daylight savings is in effect in the County, the hour for closing may be extended to 2 a.m. and the hour for closing may be extended one hour on New Year's Eve.

Chapter 11.03

SEXUALLY ORIENTED BUSINESSES

Sections:

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- 11.03.02 Definitions.**
- 11.03.03 Sexually Oriented Business License Required.**
- 11.03.04 Application for Sexually Oriented Business License.**
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- 11.03.17 Nudity, Sexual Activity, Live Entertainment and Performances.**
- 11.03.18 Dressing Rooms.**
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- 11.03.22 Minors Prohibited.**
- 11.03.23 Inspection of External Boundaries and Reporting of Specified Criminal Activity.**
- 11.03.24 Penalties.**
- 11.03.25 Severability.**

Section 11.03.01 Purpose and Findings.

(1) That the purpose of this Chapter is to establish reasonable and uniform regulations to minimize and control the negative secondary effects of sexually oriented business within the County in order to promote the health, safety, and welfare of the citizens of the County. The provisions of this Chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials or communications, including sexually oriented entertainment. Similarly, it is not the purpose or effect of this Chapter to restrict or deny access by adults to sexually oriented entertainment protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Furthermore, it is not the intent or effect of this Chapter to condone or legitimize the distribution or exhibition of entertainment that is obscene.

(2) Based on evidence concerning the adverse secondary effects of sexually oriented businesses on the community presented in hearing before the County Commission; on findings incorporated in the cases of *City of Renton v. Playtime theaters, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theaters*, 426 U.S. 50 (1976); *California v. LaRue*, 409 U.S. 109 (1972); *O' Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *Dodger' s Bar & Grill, Inc. v. Johnson County*, 98 F.3d 1262 (10th Cir. 1996); *Connection Distrib. Co. v. Reno*, 154 F.3d 281 (6th Cir. 1998); *Sundance Assocs. v. Reno*, 139 F.3d 804 (10th Cir. 1998); *American Library*

Association v. Reno, 33 F.3d 78 (D.C. Cir. 1994); *Dodger' s Bar & Grill, Inc. v. Johnson County*, 32 F.3d 1436 (10th Cir. 1994); *American Target Advertising, Inc. v. Giani*, 199 F.3d 1241; *MS News Co. v. Casado*, 721 F.2d 1281 (10th Cir. 1983); *Cortese v. Black*, No. 95-1429, 1996 U.S. App. LEXIS 15311 (10th Cir., June 25, 1996); *Salt Lake City v. Wood*, 1999 Utah App. 323, 991 P.2d 595 (Utah Ct. App. 1999); *United States v. Freedberg*, 724 F.Supp. 851 (D. Utah 1989); and on studies and findings in other cities and counties contained in the record before the County Planning Commission, the County Commission finds as follows:

- (a)** Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities.
- (b)** Sexual acts, including masturbation and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or rooms for viewing films, videos, or live sexually oriented entertainment. Such activities may result in spreading communicable diseases, such as syphilis, gonorrhea, and human immunodeficiency virus (HIV).
- (c)** Offering sexually oriented entertainment under conditions that encourage such activities creates unhealthy conditions.
- (d)** Sanitary conditions in some sexually oriented businesses are unhealthy, in part because of the failure of owners and operators to regulate those activities and maintain their facilities.
- (e)** Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view sexually oriented films.
- (f)** The findings noted in paragraphs number (a) through (e) raise substantial governmental concerns.
- (g)** Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (h)** A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and operators of sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on operators to see that sexually oriented businesses are run in a manner consistent with the health, safety and welfare of patrons and employees, as well as the citizens of the County. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, and fully in possession and control of the premises and activities occurring therein.
- (i)** The regulation of nudity in sexually oriented businesses will further the substantial governmental interests in preventing prostitution and other sex-related crimes, including illegal sex acts, and protecting the public health, safety, and welfare.
- (j)** Removal of doors on viewing booths in sexually oriented businesses and requiring sufficient lighting on premises with viewing booths will advance the substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult arcades and theaters and will facilitate enforcement of the provisions of this Chapter and other federal, state and local laws, thereby furthering the substantial governmental interest in protecting the public health, safety, and welfare.
- (k)** Requiring sufficient lighting in all sexually oriented businesses will advance the substantial governmental interest in curbing illegal sexual activity on the premises of sexually oriented businesses, and will facilitate enforcement of the provisions of this Chapter and other federal, state and local laws, thereby furthering the substantial governmental interest in protecting the public health, safety, and welfare.
- (l)** The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of sexually oriented businesses, and by employees of such businesses, will facilitate the enforcement of the provision of this Chapter and other federal, state and local laws, and will thereby further the substantial governmental interest in protecting the public health, safety, and welfare.
- (m)** A person who recently has been convicted of a sexually related crime is not an appropriate individual to operate or be employed in a sexually oriented business.
- (n)** Barring such individuals from the management of and employment in sexually oriented businesses for a period of years serves as a deterrent to and prevents the commission of sexually related criminal acts, including conduct which leads to the transmission of sexually transmitted diseases.

Section 11.03.02 Definitions.

For purposes of this Chapter,

- (1) **“Adult Arcade”** means any place to which the public is permitted or invited where either (a) motion picture machines, projectors, video or laser disc players, or (b) other video or image-producing devices, run via coin, token, or any form of consideration, and regularly show images to five or fewer persons at one time; and where the images regularly shown are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (2) **“Adult Bookstore, Adult Novelty Store, or Adult Video Store”** means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:
 - (a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by the display of “specified sexual activities” or “specified anatomical areas”; or
 - (b) instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
- (3) **“Adult Cabaret”** means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - (a) persons who appear in a state of semi-nudity;
 - (b) live entertainment characterized by the depiction or description of specified anatomical areas or specified sexual activities; or
 - (c) films, motion pictures, video cassettes, compact discs, slides or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (4) **“Adult Motion Picture Theater”** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides, or other visual representations are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (5) **“Adult Theater”** means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of semi-nudity, or live performances which are characterized by the depiction or description of specified anatomical areas, or specified sexual activities.
- (6) **“Covering”** means any opaque clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
- (7) **“Employee”** means a person who performs any service or work on the premises of a sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing support function, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- (8) **“Employee Station”** means an area on the premises of a sexually oriented business designated for occupancy exclusively by one or more employees whose duties include assuring compliance with the provisions of this Chapter.
- (9) **“Health Director”** means the Wasatch County Health Director or his authorized representative.
- (10) **“Licensee”** means, with respect to a sexually oriented business license issued under this Chapter, a person in whose name a license to operate a sexually oriented business has been issued. With respect to a sexually oriented employee license issued under this Chapter, licensee means a person in whose name a license has been issued authorizing employment in a sexually oriented business.

(11) **“Licenses”** means both sexually oriented business licenses and sexually oriented business employee licenses.

(12) **“Live Viewing Booth”** means any private or semi-private booth or any viewing room of less than one hundred fifty (150) square feet of floor space or area to which the public may gain admittance, wherein the following are regularly featured:

(a) persons who appear in a state of semi-nudity;

(b) live entertainment characterized by the depiction or description of specified anatomical areas or specified sexual activities.

(13) **“Nude Model Studio”** means any place where a person who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include:

(a) a proprietary school licensed by the State of Utah, or a college, junior college or university supported entirely or in part by public taxation;

(b) a private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(c) an establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.

(14) **“Nudity” or “Nude”** means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

(15) **“Operate” or “Cause to be Operated”** shall mean to cause to function or to put or keep in operation. Operator means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control or hold primary responsibility for the operation of a sexually oriented business or who caused to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(16) **“Person”** means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(17) **“Regularly features” or “Regularly shown”** means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the sexually oriented business.

(18) **“Semi-nudity” or “Semi-nude”** means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

(19) **“Sexual Encounter Center”** means a business or commercial enterprise that, as one of its principal business purposes, regularly features or offers for any form of consideration:

(a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.

(20) **“Sexually Oriented Business”** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.

(21) **“Specified Anatomical Areas”** means:

(a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(b) less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

(22) **“Specified Criminal Activity”** means any of the following offenses:

(a) Prostitution offenses defined in Title 76, Chapter 10, Part 13 of the Utah Code, as amended, or in local ordinances; Pornographic and Harmful Materials and Performances offenses defined in Title 76, Chapter 10, Part 12, as amended, or in local ordinances; Lewdness, Sexual Battery, Public Urination, or Lewdness Involving a Child, as defined in Title 76, Chapter 9, Part 7 of the Utah Code, as amended, or in local ordinances; Sexual Offenses defined in Title 76, Chapter 5, Part 4 of the Utah Code, as amended, or any other offense committed in another jurisdiction that, had the predicate acts been committed in Utah, would constitute one of the foregoing offenses.

(b) For which:

(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or

(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.

(c) The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

(23) **“Specified Sexual Activities”** means any of the following:

(a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

(c) excretory functions as a part of or in connection with any of the activities set forth in (a) or (b) above.

(24) **“Video Booth”** means any private or semi-private booth or any viewing room of less than one hundred fifty (150) square feet of floor space or area to which the public may gain admittance, wherein a still or motion picture machine, projector, video monitor, or similar equipment is maintained for the purpose of regularly showing still or motion pictures, films, video cassettes, compact discs, or similar images or visual representations that are characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities to five (5) or fewer persons at any one time.

(25) **“Transfer of Ownership or Control”** of a sexually oriented business shall mean any of the following:

(a) the sale, lease, or sublease of the business;

(b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Section 11.03.03 Sexually Oriented Business License Required.

(1) Businesses subject to sexually oriented business licensing are classified as follows:

(a) adult arcades;

(b) adult bookstores, adult novelty stores, or adult video stores;

(c) adult cabarets;

(d) adult motion picture theaters;

(e) adult theaters;

(f) nude model studios;

(g) sexual encounter centers; and

(h) any combination of classifications set forth in paragraphs (a) through (g) above, each of which shall be separately licensed.

(2) No person shall:

(a) Operate a sexually oriented business without a valid sexually oriented business license issued by the County Executive pursuant to this Chapter

(b) In connection with operating a sexually oriented business, retain the services of a person as an employee, as defined in this Chapter, who is not licensed as a sexually oriented business employee by the County Executive pursuant to this Chapter.

(3) Any person who violates this section shall be guilty of class B misdemeanor.

Section 11.03.04 Application for Sexually Oriented Business License.

(1) An application for a sexually oriented business license shall be submitted to the County Clerk on a form provided by the County and shall include all information required by this Chapter.

(2) An application for a sexually oriented business license shall identify and be signed by the following persons:

(a) If the business entity is owned by an individual, that individual.

(b) If the business entity is owned by a corporation each officer or Director of the corporation and each individual with a 20 percent or greater ownership interest in the corporation.

(c) If the business entity is owned by a partnership, each partner and each individual with a 20 percent or greater ownership.

(3) An application for a sexually oriented business license must designate one or more individuals who are to be principally responsible for the operations of the proposed sexually oriented business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed sexually oriented business on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this Chapter, and shall be considered a licensee if a license is granted.

(4) An application for a sexually oriented business license shall be deemed complete provided it contains the following:

(a) If the applicant is:

(i) an individual, state that legal name and any aliases of such individual;

(ii) a partnership, state the complete name of the partnership and all of its partners;

(iii) a corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacity of all officers and Directors, the name of the registered corporate agent, and the address of the registered office for service of process.

(b) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.

(c) State whether any applicant has been convicted of a specified criminal activity, and if so, the specified criminal activity involved and the date, place, and jurisdiction of each such conviction.

(d) State whether any applicant has had a previous license under this Chapter or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, Director or 20 percent or greater owner of a corporation licensed under this Chapter or other similar regulation of another jurisdiction whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(e) State whether any applicant holds any other licenses under this Chapter or other similar regulation from another jurisdiction and, if so, the names and locations of other such licensed businesses.

(f) State the classification of license for which the applicant is filing.

- (g) State the location of the proposed sexually oriented business, including a legal description of the property (i.e., block and lot), street address, and telephone number(s), if any.
- (h) State the mailing address of each applicant and each person signing the application.
- (i) Submit a recent photograph of each applicant who is a natural person, taken by the Wasatch County Sheriff's Department which clearly shows the applicant's face.
- (j) State the driver's license number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.
- (k) Submit proof that each applicant who is a natural person is at least eighteen (18) years old.
- (l) Submit a sketch or diagram showing the configuration of the premises of the sexually oriented business, including the locations of all stages and customer seating and a statement of total floor space occupied by the business. The diagram shall also designate the place at which the adult business license will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- (m) If an applicant wishes to operate a sexually oriented business featuring one or more video booths, the applicant shall comply with the additional application requirements set forth in this Chapter.

Section 11.03.05 Issuance of Sexually Oriented Business License.

- (1) Within thirty (30) days of receipt of a completed application for a sexually oriented business license, the County Executive shall (1) investigate the information provided in the application; and (2) notify the Fire Marshall, the Building Inspector, and the Health Director of such application.
- (2) The Fire Marshall and Health Director shall provide to the County Executive a written certification of whether the premises are in compliance with the fire code and health statutes and health regulations.
- (3) The Building Inspector shall complete a written certification of whether the premises are in compliance with the Building Code and the provisions of this Chapter related to physical characteristics of the premises.
- (4) Within thirty (30) days after receipt of a completed sexually oriented business license application, the County Executive shall approve or deny the issuance of a license. The County Executive shall approve the issuance of a license to an applicant unless it is determined that one or more of the following findings are true:
 - (a) An applicant who is a natural person is under eighteen (18) years of age.
 - (b) An applicant has failed to provide information required by this Chapter, or has falsely answered a question or request for information on the application form.
 - (c) An applicant has been denied an adult business license or has had a license to operate a sexually oriented business suspended or revoked within the preceding twelve (12) months by any jurisdiction for unlawful conduct.
 - (d) An applicant has been convicted of a specified criminal activity as defined in this Chapter.
 - (e) The proposed sexually oriented business would violate or fail to be in compliance with any provisions of this Chapter, the Fire Code, state and local Health Department statutes and regulations, the Building Code, the Planning and Zoning Code, or any other applicable state statute or local ordinance.
 - (f) The application and investigation fee required by this Chapter has not been paid.
 - (g) An applicant is overdue in payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any sexually oriented business, which are not the subject of a pending appeal or other legal challenge.
- (5) Where a sexually oriented business license is denied because of (1) failure to pay fees; (2) failure to pay taxes, fees, fines, or penalties assessed against a sexually oriented business; (3) unintentional failure to provide information required by this Chapter, or (4) the premises fail to comply with this Chapter, the Fire Code, state and local Health Department statutes and regulations, the Building Code, the Planning

and Zoning Code, or any other applicable state statute or local ordinance, the applicant shall have 90 days within which to cure these deficiencies, amend the denied application, and resubmit it to the County Clerk.

(6) If the County determines that no other grounds for denial of a license exist under Subparagraph (4) of this section, the County shall not delay approval of the application past the end of the 30 day period provided in this section solely because the Fire Chief, the Health Director, or the Building Inspector have not issued to the County Executive the written certifications required in this section. Absent a showing that the applicant obstructed the required inspections by the Fire Marshall, the Health Director, or the Building Inspector, the failure to obtain the required certifications timely is not, standing alone, a ground for denial of a sexually oriented business license application.

(7) A sexually oriented business license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the licensed sexually oriented business, and the classification for which the license is issued. All sexually oriented business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(8) The County Executive shall advise the applicant in writing of the reasons for any license denial or revocation.

Section 11.03.06 Sexually Oriented Business Employee License Required.

(1) No person shall act as an employee, as defined in this Chapter, on the premises of a sexually oriented business without having secured a sexually oriented business employee license pursuant to this Chapter.

(2) Any person who violates this section shall be guilty of class B misdemeanor.

Section 11.03.07 Application for Sexually Oriented Business Employee License.

(1) An application for a sexually oriented business employee license shall be submitted to the County Clerk on a form provided by the County and shall include all information required by this Chapter.

(2) An application for a sexually oriented business employee license shall be completed according to the instructions of the application form, which shall require the following:

(a) State the applicant's name and any other names (including "stage" names) or aliases used by the applicant.

(b) State the applicant's date and place of birth.

(c) State the applicant's height, weight, and hair and eye color.

(d) Submit a recent photograph of the applicant, taken by the Wasatch County Sheriff's Department, which clearly shows the applicant's face.

(e) Submit the applicant's fingerprints, recorded by the Wasatch County Sheriff's Department.

(f) State the applicant's present residence address and telephone number.

(g) State the applicant's present or intended business address and telephone number.

(h) State the applicant's driver's license number.

(i) Submit a birth certificate demonstrating that the applicant is at least eighteen (18) years old.

(j) Provide a statement detailing the sexually oriented business-related license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate a sexually oriented business, in this or any other jurisdiction, and whether the applicant has ever had a sexually oriented business-related license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation, or suspension. Attach a copy of any order of denial, revocation, or suspension.

(k) State whether the applicant has been convicted of a specified criminal activity and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction.

Section 11.03.08 Issuance of Sexually Oriented Business Employee License.

- (1) Upon the filing of a completed application for a sexually oriented business employee license, the County Executive shall issue a temporary license to said applicant immediately, which license shall expire in 30 days.
- (2) Within five (5) days of receipt of a completed application for a sexually oriented business employee license, the County Executive shall commence investigation of the information provided in the application.
- (3) Within 30 days of the issuance of the temporary sexually oriented business employee license, the County Executive shall approve or deny the issuance of a permanent license. The County Executive shall approve issuance of a permanent sexually oriented business employee license unless it finds one or more of the following:
 - (a) The applicant has failed to provide information requested on the application form, or has falsely answered a question or request for information on the application form.
 - (b) The applicant is under eighteen (18) years of age.
 - (c) The applicant has been convicted of a specified criminal activity.
 - (d) The sexually oriented business employee license is to be used for employment in a business prohibited by local, state, or federal law, statute, rule or regulation.
 - (e) The applicant has been denied a sexually oriented business employee license or has had a sexually oriented business employee license suspended or revoked within the preceding twelve (12) months by any jurisdiction for unlawful conduct.
- (4) If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. The County Executive shall advise the applicant in writing of the reason(s) for any such denial.
- (5) Where a sexually oriented business employee license is denied because of the applicant's unintentional failure to provide information required by this Chapter, the applicant shall have 90 days within which to cure these deficiencies, amend the denied application, and resubmit it to the County Clerk.

Section 11.03.09 Fees.

- (1) Every application for a new sexually oriented business license shall be accompanied by a non-refundable application and investigation fee as determined by the County Commission.
- (2) Every application for renewal of a sexually oriented business license shall be accompanied by a non-refundable application and investigation fee as determined by the County Commission.
- (3) Every application for a new sexually oriented business employee license shall be accompanied by an annual, non-refundable application, investigation, and license fee as determined by the County Commission.
- (4) Every application for renewal of a sexually oriented business employee license shall be accompanied by an annual, non-refundable application, investigation, and license fee as determined by the County Commission.

Section 11.03.10 Inspections.

- (1) An applicant, operator or licensee of a sexually oriented business shall permit law enforcement

officers, and any other federal, state, county, or city agency in the performance of any function connected with the enforcement of this Chapter and regularly conducted by such agencies, to inspect those portions of the premises of a sexually-oriented business occupied by patrons for purposes of ensuring compliance with this Chapter, at any time the business is occupied or open for business.

(2) An applicant, operator, or licensee who operates a sexually oriented business or his agent or employee, who knowingly refuses to allow the inspection of the premises required by this section shall be guilty of a class B misdemeanor.

Section 11.03.11 Expiration and Renewal of Licenses.

(1) Each license issued pursuant to this Chapter shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than sixty (60) days and no less than thirty (30) days before the expiration date. If application is made less than thirty (30) days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(2) An application for renewal of a sexually oriented business license shall be submitted to the County Clerk on a form provided by the County. The renewal application may request and the applicant shall provide the information required by this Chapter. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application. The completed renewal applications shall be accompanied by copies of any document or materials submitted in connection with the initial license application that have been revised or require revisions to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an initial sexually oriented business license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.

(3) The County Executive shall make determinations concerning the approval of license renewals based on the same criteria used to evaluate applications for new licenses under this Chapter. (4) The County Executive shall advise the applicant in writing of the reason(s) for any denial of a license renewal.

Section 11.03.12 Suspension of Licenses.

(1) The County Executive shall suspend a sexually oriented business license or a sexually oriented business employee license for a period not to exceed forty-five (45) days if it determines that a licensee:

- (a) has violated or is not in compliance with any section of this Chapter; or
- (b) has knowingly allowed an employee to violate or fail to comply with any section of this Chapter.

(2) The County Executive shall suspend a sexually oriented business license for a period not to exceed forty-five (45) days if it determines that a licensee has knowingly refused to allow an inspection of the licensed sexually oriented business premises as authorized by this Chapter, or has knowingly directed an employee to refuse such an inspection.

(3) The County Executive shall suspend a sexually oriented business employee license for a period not to exceed forty-five (45) days if it determines that a licensee has violated or is not in compliance with any section of this Chapter.

(4) Before suspending any sexually oriented business license, the County Executive shall hold a hearing. The County Executive shall give not less than 10 days written notice of the date, time and place of the hearing to the licensee. The notice shall inform the licensee of the alleged grounds for suspension of the license. Notice shall be deemed given and effective when placed in the United States mail, first-class, postage prepaid and directed to the licensee at the mailing address given in the original application for license. If, following the hearing, the County Executive finds by a preponderance of the evidence that the alleged grounds for suspension exist, the County Executive shall suspend the license. The County

Executive shall advise the licensee in writing of the reason(s) for any suspension.

(5) For the purposes of this section an act by any employee that constitutes grounds for suspension or revocation of that employee's license shall also be imputed to the sexually oriented business for purposes of suspension or revocation proceedings if the County Executive determines by a preponderance of the evidence that an officer, director, or general partner, or an employee who managed, supervised, or exercised control over the business or business premises, knowingly allowed such act to occur on the premises.

Section 11.03.13 Revocation of Licenses.

(1) The County Executive shall revoke a sexually oriented business license or sexually oriented business employee license if grounds for suspension under section 11.04.120 are found to exist, and the license in question has been suspended once within the preceding eighteen(18) months.

(2) The County Executive shall revoke a sexually oriented business license if it determines by a preponderance of the evidence that:

(a) a licensee gave false or misleading information in the material submitted during the application process;

(b) the licensee(s) failed to comply timely with any requirement or condition placed on the license at the time of issuance;

(c) a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(d) a licensee has knowingly allowed prostitution, solicitation, or the commission of a felony on the premises;

(e) a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(f) a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises;

(g) a licensee has been convicted of a specified criminal activity, during the term of the license;

(h) a licensee is delinquent in payment to the County or State for any taxes, penalties or fees past due that were assessed or imposed in relation to any sexually oriented business; or

(i) a licensee has transferred a sexually oriented business license from one licensee to another or from one location to another in violation of this Chapter.

(3) The County Executive shall revoke a sexually oriented business employee license if it determines by a preponderance of the evidence that:

(a) the licensee gave false or misleading information in the material submitted during the application process;

(b) the licensee has knowingly acted as an employee on the premises of a sexually oriented business during a period of time when the licensee's license was suspended;

(c) the licensee has been convicted of a specified criminal activity during the term of the license; or

(d) the licensee has transferred the sexually oriented business employee license from one licensee to another in violation of this Chapter.

(4) Before revoking any sexually oriented business license or sexually oriented business employee license, the County Executive shall hold a hearing. The County Executive shall give not less than 10 days written notice of the date, time and place of the hearing to the licensee, and shall inform the licensee of the alleged grounds for revocation of the license. Notice shall be deemed given and effective when placed in the United States mail, first-class, postage prepaid and directed to the licensee at the mailing address given in the original application for license. If, following the hearing, the County Executive finds by a preponderance of the evidence that the alleged grounds for revocation exist, the County Executive shall revoke the license. The County Executive shall advise the licensee in writing of the reason(s) for any revocation.

(5) When the County Executive revokes a license, the licensee shall not be issued another license for one

(1) year from the date the revocation became effective.

(6) For the purposes of this section an act by any employee that constitutes grounds for suspension or revocation of that employee's license shall also be imputed to the sexually oriented business for purposes of suspension or revocation proceedings if the County Executive determines by a preponderance of the evidence that an officer, director, or general partner, or an employee who managed, supervised, or exercised control over the business or business premises, knowingly allowed such act to occur on the premises.

Section 11.03.14 Right to Appeal.

(1) Any denial, suspension, or revocation of a new or renewal license under this Chapter may be appealed to the County Legislative Body by written notice within thirty days (30) days of such denial, suspension, or revocation.

(2) Any person adversely affected by a final decision of the County Legislative Body may petition the district court for review.

(3) Any licensee lawfully operating a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal to the County Legislative Body or to the district court, provided that the County Legislative Body finds by a preponderance of the evidence that continued operation by the licensee or employment of the licensee pending appeal will not adversely affect the public health, safety, or general welfare.

(4) Any licensee lawfully acting as an employee in a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to be employed in such capacity during the pendency of an appeal to County legislative body or to the district court, provided that the County Legislative Body finds by a preponderance of the evidence that continued employment of the licensee in a sexually oriented business will not adversely effect the public health, safety, or general welfare of the public.

(5) In the event that an applicant for a new sexually oriented business license or a new sexually oriented business employee license seeks review of the denial of a new license, either before the County Legislative Body or the district court, and such review does not result in a final judicial decision within ninety(90) days of the date the appeal was filed, the County Executive shall upon application issue such applicant a provisional sexually oriented business license or sexually oriented business employee license. However, no provisional license shall issue if the County Legislative Body determines that operation of the sexually oriented business or licensing of the sexually oriented business employee will adversely affect the health, safety, or general welfare of the public. The provisional license:

(a) will allow an applicant for a sexually oriented business license to operate the sexually oriented business named in the license application under the same terms as a sexually oriented business operating under a regularly issued license under this Chapter, provided that the provisional license is subject to expiration as set forth in this section;

(b) will allow an applicant for a sexually oriented business employee license to act as an employee of the premises of a sexually oriented business under the same terms as a sexually oriented business employee license issued pursuant to this Chapter, provided that the provisional license is subject to expiration as set forth in this section; and

(c) will be subject to the same terms, conditions, and requirements as a sexually oriented business licensee or sexually oriented business employee licensee regularly licensed under this Chapter.

(6) A provisional license will expire on whichever of the following three dates is earliest:

(a) the date that a judicial decision is issued upholding the license denial;

(b) the date on which a non-provisional sexually oriented business license or sexually oriented business employee license is issued to the applicant following a judicial decision overturning the license denial; or

(c) the date one year from the issuance of the provisional license.

(7) In the event that judicial review of the denial of a new license application is still pending sixty (60) days before the expiration date of a provisional license, the provisional licensee may file a renewal license application with the County Clerk pursuant to the terms of this Chapter. The County Executive shall grant an application for renewal of a provisional license unless the County Executive determines that new grounds exist for denial of a license application under this Chapter, which grounds did not exist at the time of the provisional license was first issued. In the event that an application for renewal of a provisional license is denied and the applicant seeks judicial review of that denial, the County has the right to consolidate such review with the pending judicial appeal of the previous license denial.

Section 11.03.15 Transfer of Licenses Not Permitted.

- (1) A sexually oriented business license is not transferable from one licensee to another or from one location to another.
- (2) A sexually oriented business employee license is not transferable from one licensee to another, but the use of the license by the individual to whom it was issued may be transferred from one licensed sexually oriented business to another such licensed establishment during the term of the license, provided that the licensee gives written notice of such transfer to the County Clerk within fifteen (15) days of such transfer.

Section 11.03.16 Live Viewing Booths Prohibited; Exhibition of Sexually Explicit Films, Videos, Compact Discs, or Visual Representations in Viewing Booths.

- (1) No person may operate or cause to be operated a sexually oriented business which contains one or more live viewing booths.
- (2) No person may operate or cause to be operated a sexually oriented business which contains one or more video booths unless the following requirements are met:
 - (a) The sexually oriented business license application required under this Chapter shall be accompanied by a diagram of the premises showing a plan thereof which specifies the location of one or more employee' s stations and the location of all overhead lighting fixtures, and which designates any portion of the premises in which patrons will not be permitted. The diagram shall also designate the place at which the sexually oriented business license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer' s or architect' s blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches.
 - (b) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an employee' s station of every area of the premises to which any patron is permitted access for any purpose, including the interior of all viewing booths and excluding restrooms. Restrooms may not contain video reproduction equipment, and no entertainment of any kind may be offered in restrooms. If the premises has two or more employee stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the employee stations. The view required in this subsection must be by direct line of sight from the employee station.
 - (c) No alteration in the configuration or location of an employee station shall be made without the prior approval of the County Executive.
 - (d) At least one employee shall be on duty and situated in each employee station at all times that any patron is present inside the premises.
 - (e) An employee station shall not exceed thirty-two (32) square feet of floor area, and no single dimension of any employee station shall exceed eight (8) feet.
 - (f) The view from each employee station(s) shall remain unobstructed by any doors, curtains, partition,

walls, merchandise, display racks or other materials.

(g) No patron may at any time be permitted access to any area of the premises which has been designated in the license application filed pursuant to this Chapter as an area in which patrons will not be permitted.

(h) No video booth may be occupied by more than one person at a time.

(i) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including both the interior of video booths and restrooms, at an illumination level of not less than five (5.0) foot candles as measured at floor level.

(j) The illumination described above shall be maintained at all times that any patron is present in the premises. In the event of a power failure, the business shall stop operating immediately and all patrons shall be cleared from the premises. The premises shall not be reopened until the minimum illumination level can be assured.

(k) No openings of any kind shall be permitted to exist in between video booths or in any wall of a video booth.

(l) No person shall make or attempt to make an opening of any kind between video booths or in any wall of a video booth.

(m) The walls of each video booth shall be inspected regularly during each business day to determine if any openings or holes exist.

(n) All floor coverings in video booths shall nonporous; easily cleanable surfaces, with no rugs or carpeting.

(o) All wall surfaces, ceiling surfaces and seating surfaces in video booths shall be constructed of, or permanently covered by, nonporous, easily cleanable material.

(3) A person who operates a sexually oriented business or his agent or employee shall be guilty of a Class B Misdemeanor if he operates a sexually oriented business in violation of this section.

Section 11.03.17 Nudity, Sexual Activity, Live Entertainment and Performances.

(1) It shall be unlawful for a person to knowingly and intentionally, in a sexually oriented business, to appear in a state of nudity, or to engage in specified sexual activities. Violation of this subsection (1) shall constitute a Class B misdemeanor.

(2) Any employee appearing on the premises of a sexually oriented business in a state of semi-nudity, as defined in this Chapter, must be on a stage that is at least 36 inches from the floor, and at a distance at least 72 inches from all parts of a clearly designated area in which patrons will be present.

(3) The stage shall be separated by railing from the area in which patrons may be present. The railing shall be at least 36 inches from the floor.

(4) No employee appearing on the premises of a sexually oriented business in a state of semi-nudity, may intentionally or knowingly touch a customer or a customer's clothing or permit himself or herself to be touched by a customer or a customer's clothing.

Section 11.03.18 Dressing Rooms.

(1) All sexually oriented businesses that offer live entertainment must provide separate dressing room facilities for female and male entertainers which shall not be occupied or used by anyone other than entertainers.

(2) This section shall not apply to an employee's bona fide use of a restroom or of a single-sex dressing room that is accessible only to entertainers.

Section 11.03.19 Minimum Lighting Level.

(1) The premises of every sexually oriented business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level of not less than five (5.0) foot candles as measured at floor level.

(2) The illumination described in subsection (1) shall be maintained at all times that any patron is present in the premises. In the event of a power failure, the business shall stop operating immediately and all patrons shall be cleared from the premises. The premises shall not be reopened until the minimum illumination level can be assured.

Section 11.03.20 Exterior Display.

(1) No sexually oriented business shall be operated in any manner that permits the observation from outside the premises of any material or live entertainment displaying specified sexual activities or specified anatomical areas, as defined in this Chapter, or any live person in a state of nudity or semi-nudity, whether by means of display, decoration, sign, window or any other means.

(2) No sexually oriented business shall be operated unless adequate lighting of the exterior premises is provided for visual inspection or video monitoring.

Section 11.03.21 Hours of Operation.

No sexually oriented business shall remain open at any time between the hours of 2:30 a.m. and 7:00 a.m. on weekdays and Saturdays, and 2:30 a.m. and noon (12:00 p.m.) on Sundays, nor shall any entertainment, service, or product be provided to a customer on the premises of a sexually oriented business during those hours.

Section 11.03.22 Minors Prohibited.

(1) No person under the age of 18 years shall be permitted on the premises of a sexually oriented business.

(2) Mistake of age is not a defense to a violation of this section, unless the person under age 18 who was permitted on the premises exhibited to the operator or his agent or employee a draft card, driver's license, birth record, or other official or apparently official document purporting to show that the person was eighteen years of age or over, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the person seeking admittance was under eighteen years old.

Section 11.03.23 Inspection of External Boundaries and Reporting of Specified Criminal Activity.

(1) It shall be the duty of the operator of a sexually oriented business to:

(a) initiate and enforce inspection of the external boundaries of the real property upon which the sexually oriented business is located;

(b) post conspicuous signs stating that the external boundaries of the real property are subject to routine inspection by management;

(c) designate one or more employees to monitor the activities of persons within the external boundaries of the real property upon which the sexually oriented business is located by visually inspecting the boundaries at least once every thirty (30) minutes or inspecting such boundaries by use of video cameras and monitors;

- (d) provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring of the external boundaries. The video cameras and monitors shall operate continuously at all times that the premises is open for business. The monitors shall be installed within a manager's station; and
- (2) Immediately report any specified criminal activity observed by any inspecting employee to the local police agency, and fully cooperate in the investigation by that agency.
- (3) Any licensee knowingly or intentionally failing to comply with any requirement of this section is guilty of a Class B Misdemeanor.

Section 11.03.24 Penalties.

- (1) Unless otherwise expressly provided in this Chapter, knowing violations of this Chapter shall constitute a class B misdemeanor punishable by fine in an amount not exceeding \$1,000 or by imprisonment in the County jail for a period of time not to exceed six (6) months, or by any combination of said fine and imprisonment.
- (2) Each day that a sexually oriented business operates in violation of this Chapter is a separate offense or violation.
- (3) Any person who operates or causes to be operated a sexually oriented business in violation of this Chapter is subject to a suit for injunction as well as prosecution for criminal violations.

Section 11.03.25 Severability.

If any section, subsection or clause of this Chapter shall be deemed to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the validity of the remaining sections, subsections, and clauses shall not be affected.

Chapter 11.04

TEMPORARY BUSINESS LICENSES.

Sections:

11.04.01 Definitions.

11.04.02 Term of License - Certificate Form - Transfer Prohibited.

Section 11.04.01 Definitions.

For the purposes of this Chapter:

(1) **“temporary business”** means and includes all activities engaged in within the corporate limits of the County carried on for the business of gain or economic profit on a temporary basis, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed.

(2) **“temporary”** means any activity regulated by this Title which is to be engaged in for less than three (3) months at a time.

Section 11.04.02 Term of License - Certificate Form - Transfer Prohibited.

Unless otherwise expressly provided, the following shall apply to all temporary business licenses issued pursuant to this Title:

(1) Licenses shall be issued for a period of thirty (30) days, which time period shall be plainly written on the business license.

(2) Every certificate of license shall specify by name the person to whom it is issued, and shall designate the particular business licensed and the place at which the business shall be conducted.

(3) No license shall be in any manner assignable or transferable, neither shall it authorize any licensee to do business at any other place than indicated in such license, or authorize any business other than that described in the original application.

(4) Following the expiration of the first 30-day license period, the applicant may apply for a renewal of the temporary business license for an additional two 30-day periods. If the applicant desires to engage in business for longer than 90 days, the applicant shall apply for and obtain a permanent business license pursuant to Chapter 11.01 or other applicable provision of this Title.

(5) Provisions of this Title regulating specific business types or activities shall be applicable to and binding upon applicants seeking to engage in a regulated business type or activity on a temporary basis.

Chapter 11.05

TEMPORARY ROADSIDE SALES BUSINESSES.

Sections:

11.05.01 Definitions

11.05.02 Term of License, Certificate Form, Transfer Prohibited.

Section 11.05.01 Definitions

For the purpose of this Chapter:

(1) **“temporary roadside sales business”** means and includes all activities engaged in on or adjacent to a State or County road within the corporate limits of the County carried on for the business of gain or economic profit on a temporary basis, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed.

(2) **“temporary”** means any activity regulated by this Title which is engaged in for less than three (3) months at a time.

Section 11.05.02 Term of License, Certificate Form, Transfer Prohibited.

Unless otherwise expressly provided, the following shall apply to all temporary roadside sales business licenses issued pursuant to this Title:

(1) Licenses shall be issued for a time period not to exceed (30) days, which time period shall be plainly written on the business license.

(2) Every certificate of license shall specify by name the person to whom it is issued, and shall designate the particular business licensed and the place at which the business shall be conducted.

(3) No license shall be in any manner assignable or transferable, neither shall it authorize any licensee to do business at any other place than indicated in such license, or authorize any other business than is therein described.

(4) The applicant may apply for a renewal of the temporary business license following the expiration of the first 30-day period for an additional two 30-day periods. If the applicant desires to engage in temporary roadside sales or business for longer than 90 days, the applicant shall apply for and obtain a permanent business license pursuant to provisions of this Title.

Chapter 11.06

BULIDING TRANSPORT LICENSE

Sections:

- 11.06.01 License Required.**
- 11.06.02 Motor Carrier License and Bond.**
- 11.06.03 Liability Insurance Required.**
- 11.06.04 Building Transport License Application.**

Section 11.06.01 License Required.

No person shall move any building or structure or engage in the business of moving buildings or structures along, upon, over or across any street or highway within the County without first having obtained from the Officer a building transport license.

Section 11.06.02 Motor Carrier License and Bond.

- (1) Every applicant for a building transport license must be duly licensed by the State of Utah as a motor carrier for the moving of buildings and structures over and upon the highways of the state of Utah.
- (2) Upon the filing of an application, the applicant shall execute and deposit with the Officer a bond in the amount of \$1,000. The bond shall be with a surety company authorized to do business in Utah. The bond shall secure payment of any and all costs incurred by the County as a result of the building or structure being removed and transported in Wasatch County.

Section 11.06.03 Liability Insurance Required.

As a condition of licensure, the applicant for a building transport license shall obtain a public liability and property damage insurance policy in the amount of not less than \$10,000 for one person, and \$20,000 for any one accident, and \$5,000 for property damage. The policy shall remain in effect during the entire term of the license.

Section 11.06.04 Building Transport License Application.

- (1) An applicant for a building transport license shall apply for and obtain a license not less then 72 hours prior to removal of the building or structure.
- (2) The application for a building transport permit shall contain the following information:
 - (a) the kind of building or structure to be moved;
 - (b) the street number and legal description of the property from which the building or structure is to be moved;
 - (c) the street number and legal description of the property to which the building or structure is to be moved;
 - (d) the proposed route over which the building or structure is to be moved, which must be approved by the Director of the Department of Public Works; and
 - (e) the date when such building or structure is to be moved and the approximate time at which the moving will be completed.

Chapter 11.07

SECONDHAND DEALER AND PAWNBROKER LICENSE.

Sections:

- 11.07.01 Definitions.**
- 11.07.02 License Required.**
- 11.07.03 New Merchandise Dealer Exemption.**
- 11.07.04 Application for License.**
- 11.07.05 License Fee and Bond Required.**
- 11.07.06 Transaction Records.**
- 11.07.07 Thirty-Day Delayed Sale Period.**
- 11.07.08 Hours of Business Operation.**
- 11.07.09 Dealing with Minor Prohibited.**
- 11.07.10 Dealing with Intoxicated and Insane Persons and Thieves.**
- 11.07.11 Redemption of Forfeited Property-Interest Rates.**
- 11.07.12 Junk Dealer Premises and Vehicles.**
- 11.07.13 Pawnbroker Premises.**
- 11.07.14 Use of Information for Law Enforcement Purposes.**
- 11.07.15 Reporting Changed Information.**
- 11.07.16 Denial, Suspension, and Revocation of License.**

Section 11.07.01 Definitions.

For purposes of this Chapter:

- (1) **“Antique Dealer”** means any person engaged in the business of selling old or archaic items which are indicative of an older culture or time period.
- (2) **“Coin Dealer”** means any person who engages in buying or selling coins having numismatic value.
- (3) **“Junk Collector”** means any person not having a fixed place of business in the County who goes from house to house or place to place gathering, collecting, buying, selling or otherwise dealing in rags, papers, metals (other than precious metals), or other articles commonly known as junk, scrap, or refuse.
- (4) **“Junk Dealer”** means any person who engages in buying or selling from a fixed place of business rags, papers, metals (other than precious metals), or other articles commonly known as junk.
- (5) **“Pawnbroker”** means any person who loans money on deposit of personal property or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges, together with such new merchandise as will facilitate the sale of same.
- (6) **“Processor”** means any person who engages in refining or otherwise altering the form of precious metal not found in a natural state i.e., raw ore.
- (7) **“Secondhand Dealers”** means any person who keeps a store, office or place of business for the purchase, barter or exchange or sale of any secondhand merchandise of value, or who engages in the business of dealing in secondhand goods. A secondhand dealer shall not be meant to include any person who deals in the purchase, barter, exchange or sale of used motor vehicles and trailers, but shall include any person who buys or sells five or more firearms per year.
- (8) **“Secondhand Precious Metal Dealer/Processor”** and/or **“Precious Gem Dealer”** means any person who engages in buying, selling or processing gold, silver, platinum, other precious metals, secondhand articles containing any of such metals, secondhand precious, gems or any articles containing any precious gems.

Section 11.07.02 License Required.

(1) It shall be unlawful for any person to operate as a secondhand dealer, secondhand precious metal or precious gem dealer, junk dealer, junk collector, an antique dealer, coin dealer, processor, or pawnbroker without first obtaining a license under this Chapter.

(2) A separate license shall be required for each location in or from which business is conducted or transacted.

(3) No person licensed under this Chapter as a secondhand dealer shall purchase, barter, exchange or sell any secondhand merchandise other than that of the same type and character for which he or she is licensed.

Section 11.07.03 New Merchandise Dealer Exemption.

The provisions of this Chapter are inapplicable to any merchant or dealer whose principal business is the selling of new merchandise and secondhand merchandise is taken in as a trade incident to the sale of new merchandise.

Section 11.07.04 Application for License.

(1) Each person applying for a license under this Chapter shall submit to the Officer a complete application form provided by the Officer. The applicant shall certify that the information provided in the application is true and correct.

(2) Each application shall contain a statement that the applicant authorizes any peace officer to inspect the books, records, inventory, and premises of the business during normal business hours.

(3) Any person applying for a license under this Chapter shall consent to a criminal background check. Where the applicant is a corporation, partnership, or limited partnership, consent shall be given for a criminal background check as to the president of the corporation, and for each partner authorized to act for the partnership. No license shall be issued under this Chapter to any person, corporation, partnership or limited partnership where the criminal background check authorized hereunder demonstrates a felony conviction, or misdemeanor conviction within the past five years for theft, receiving stolen property, or a misdemeanor involving moral turpitude.

Section 11.07.05 License Fee and Bond Required.

Every person licensed under this Chapter shall be required to pay the license fee imposed by the County Legislative Body. Except for junk collectors, as a condition prerequisite to obtaining a license or renewing a license, every person applying for a license under this Chapter shall deliver to the Officer a surety bond of \$1,000 in a form and with sufficient sureties for faithful compliance with the provisions of this Chapter.

Section 11.07.06 Transaction Records.

(1) Each person engaging in a business licensed under this Chapter shall maintain records of each transaction involving second-hand property. The records shall be made contemporaneously with the described transaction. The records shall include:

- (a) the name, date of birth, address and physical description of the person selling the secondhand property;
 - (b) the driver license number or similar proof of identification of the person selling the secondhand property;
 - (c) the date and time of the transaction;
 - (d) the identification of the person making the record entry;
 - (e) a description of the item purchased or obtained by the dealer, including, but not limited to, a description of the metallic composition, any jewels, stones, or glass, and a listing of all numbers, marks, monograms, trademarks, manufacturer's names, serial numbers, and any other marks of identification appearing on the item;
 - (f) the weight of the item or items, where payment is based on weight; and
 - (g) the consideration paid for the item, or if pawned, the amount of money loaned or advanced.
- (2) In addition to the requirements of Subsection (1), a pawnbroker, secondhand dealer, antique dealer, coin dealer and a secondhand precious metal/gem dealer shall also obtain and keep the following:
- (a) a written certificate that the person delivering the property has the legal right to sell such property;
 - (b) in every transaction involving property valued in excess of \$20, a legible fingerprint of the right thumb of the seller or person delivering the property, which print shall appear at the bottom of the certificate next to the signature of the seller or person delivering the property.
- (3) All entries shall be made in the English language, with ink, and in a legible manner. The records described in this Chapter shall be open to inspection by any peace officer at any time.
- (4) Any person who fails to maintain or refuses to allow inspection of the records required under this Chapter shall be guilty of a class B misdemeanor.

Section 11.07.07 Thirty-Day Delayed Sale Period.

- (1) It shall be unlawful for any person to sell, melt, change (except for customary testing), take apart, destroy, obliterate identification marks, or dispose of any secondhand property purchased or obtained by a dealer until 30 days have elapsed from the date of the sale or transaction.
- (2) All items being so stored shall be segregated from other items and shall be identified by a tag attached to the property numbered in a manner to correspond with the number of the transaction description in the business records. Items purchased in bulk may be tagged in bulk.
- (3) Items may be stored at other locations in the County, provided that the dealer shall produce these items at the business location within one hour of a request to do so by any peace officer. Where compliance is impossible because of the close of business hours, the item shall be produced within one hour of the opening of business on the next day.
- (4) The requirements of Subsection (1) shall not be applicable to any unidentifiable secondhand precious metals if (a) the County Sheriff has inspected the secondhand precious metals; and (b) the County Sheriff grants to the licensee written authorization for early sale.

Section 11.07.08 Hours of Business Operation.

It shall be unlawful for any licensee under this Chapter to keep the licensee's place of business open before the hour of 7 a.m. or after 7 p.m., unless prior written permission is received from the County Sheriff. Any person who knowingly violates this section shall be guilty of a class C misdemeanor.

Section 11.07.09 Dealing with Minor Prohibited.

It shall be unlawful for any licensee under this Chapter, the licensee's agents, servants or employees, to

purchase or receive any personal property whatsoever from any person under 18 years of age.

Section 11.07.10 Dealing with Intoxicated and Insane Persons and Thieves.

It shall be unlawful for any person licensed under this Chapter to receive any personal property whatsoever from a person who is intoxicated or known to be a habitual drunkard, a thief, of diminished mental capacity, or insane.

Section 11.07.11 Redemption of Forfeited Property-Interest Rates.

- (1) Where property is forfeited by a pawnbroker, it may not be sold for a period of six months from the date of forfeiture, unless the period of the original loan was for less than 90 days, in which case the redemption period shall be 90 days.
- (2) During the redemption period defined in this section, the person who pledged the property shall have the right to redeem it at no greater advance than 7% per month on all sums in excess of \$50.
- (3) A pawnbroker who sells property in violation of this Chapter shall be guilty of a class C misdemeanor.

Section 11.07.12 Junk Dealer Premises and Vehicles.

- (1) Every vehicle used by a junk dealer in the conduct of business shall bear thereon, in legible characters, the name and address of the owner and proprietor thereof.
- (2) Any premises, area or piece or parcel of land licensed and used as a junk yard shall have not more than two entrances and two exits at the perimeter of the premises, each of which shall not exceed 15 feet in width. Such premises, areas, pieces, or parcels of land shall be enclosed with either a solid non-transparent wall or fence or link-weave steel wire or combination thereof with a minimum height of seven feet from the ground level excepting for entrances and exits. The fence or wall shall not contain any poster or advertising of any kind excepting one sign of the licensee meeting the requirements of this Code.

Section 11.07.13 Pawnbroker Premises.

- (1) Pawnbrokers and dealers may conduct the licensed business only from the fixed permanent location as specified in the application for the license which shall be other than a motel or hotel room or storage shed.
- (2) A dealer may not remove or relocate the location specified in the license for the business or open any additional location unless the person has applied for and obtained a license for any additional location.
- (3) It shall be unlawful for any pawnbroker to engage in the pawnbroker business in the same room or rooms with any other business unless authorized to do so by the County Sheriff. The partition walls separating a pawnbroker's business from any other business must be of solid materials, and all connecting doors or other openings must be securely closed and locked at all times. Gratings, lattice or similar open work shall not constitute solid materials. Patrons must enter and exit the pawnbroker business through outside doors or entrances.
- (4) It shall be unlawful for any person to conduct or transact any business licensed under this Chapter unless said person shall keep conspicuously posted in his place of business a copy of his or her license and a copy of the provisions included in this Chapter.
- (5) Operating a place of business in violation of this section shall constitute a class C misdemeanor.

Section 11.07.14 Use of Information for Law Enforcement Purposes.

- (1) The County Sheriff is authorized to use for law enforcement purposes any information obtained from the applications, reports, transaction records or inspections permitted under this Chapter.
- (2) The County Sheriff may transfer any of said information into a computer information system and may report the information in such forms as the County Sheriff may determine is useful for law enforcement purposes.

Section 11.07.15 Reporting Changed Information.

If, during any license year, there is a change in the information that a person gave in obtaining or renewing a license under this Chapter, the person shall report the change to the Officer within 30 days after the change occurs and certify that the new information given is true and correct.

Section 11.07.16 Denial, Suspension, and Revocation of License.

- (1) In addition to the grounds for license denial and revocation in Chapter 11.01, the County Legislative Body may deny or revoke a license under this Chapter if it finds:
 - (a) A similar license issued to the person has been suspended, revoked, or refused in another jurisdiction for reason which would justify such action under this Chapter;
 - (b) Any officer, manager, agent, or employee of the individual or dealer has violated or is attempting to violate any provisions of this Chapter unless the person or dealer:
 - (i) had no knowledge of the wrongful conduct and in the exercise of reasonable diligence could not have known of the conduct; and
 - (ii) was unable to prevent the violation or attempted violation with the exercise of reasonable diligence.
 - (c) The licensee has been convicted of any felony, or has been convicted within the past five years of theft, receiving stolen property, or misdemeanor offense involving moral turpitude.
 - (d) The licensee knowingly employed in the licensed business a person who has been convicted of a felony, or who has been convicted within the past five years of theft or receiving stolen property, or misdemeanor offense involving moral turpitude.

Chapter 11.08

SHORT-TERM HOME RENTALS

Sections:

11.08.01	Title
11.08.02	Purpose and Findings
11.08.03	Definitions
11.08.04	License Required
11.08.05	Eligibility
11.08.06	Application
11.08.07	Maintenance
11.08.08	Noise, Nuisance, and Occupancy Control
11.08.09	Violations and Revocation of Business License

Section 11.08.01 Title

This Chapter shall be known as the "Short-Term Home Rental Ordinance" for Wasatch County.
(08-11, Added, 10/06/2008)

Section 11.08.02 Purpose and Findings

The Wasatch County Council recognizes that there is an economic demand for short-term home rentals in Wasatch County due to the beauty of this county and the many recreational opportunities available here. However, the Council also recognizes that short-term home rentals can substantially impair the quality of life of permanent residents who live near a home that is rented short-term. The purpose of this Chapter is to require a business license for short-term hone rentals, and establish a procedure for obtaining and maintaining that license that will minimize the impact on long-term residents.

(08-11, Added, 10/06/2008)

Section 11.08.03 Definitions

(1) "Short-term" means (a) a term that commences on the first day of a calendar month and ends before the last day of the same calendar month or (b) a term that commences on a day other than the first day of a calendar month and ends before the last day of the next calendar month.

(2) A "local responsible party" means a person who (1) is available by telephone twenty-four hours per day, (2) resides within 30 miles of the residence to be rented, and (3) is able and willing to respond to the residence within one hour of the County's request to remediate a public health, safety, or welfare concern or a neighbor complaint.

(08-11, Added, 10/06/2008)

Section 11.08.04 License Required

A single family residence may be rented for a short-term only after the rental is authorized by a business

license obtained under this Chapter. No other residences, buildings, or structures are authorized for short-term rentals under this Chapter.

(08-11, Added, 10/06/2008)

Section 11.08.05 Eligibility

Property may be considered for use as a short-term rental only if (1) short term rentals are specifically allowed in any CC&R's which apply to the property, and (2) the property is located in a zone in which short-term rentals are a permitted use or a conditional use or (3) located within a development for which a Development Agreement that has been lawfully approved by the County specifically authorizes short-term rentals.

(08-11, Added, 10/06/2008)

Section 11.08.06 Application

The Wasatch County Clerk shall prepare a form to be used as an Application to obtain a Short-Term Home Rental business license. The Clerk shall require sufficient information to protect the County's interests in regulating the business. The Clerk shall further require that the Application be reviewed and approved by the following Wasatch County departments before the Clerk may issue the business license: Building, Clerk, Fire, Health, Manager, Planning and Zoning, and Sheriff. The Clerk should, but is not required to, inform the applicant that each of these departments may charge a separate fee for their services in reviewing the Application. The Application shall, among other appropriate requirements, contain the following:

- (1) The address, lot or parcel number (if applicable), and Wasatch County Tax Identification Number of the property to be rented;
- (2) The identity of the owner of the property and, if the owner is a corporation or other business entity, appropriate state license numbers;
- (3) A Utah sales or transient-room tax number;
- (4) The name, phone numbers, and address of any property management company that will manage the property, and a statement from the County Manager approving the property management company; pursuant to criteria adopted by the County Manager to ensure a company's ability to comply with the provision of this ordinance.
- (5) The name, phone numbers, and address of a local responsible party, which may be an employee of the property management company identified in subparagraph (4) , above;
- (6) A statement setting forth: (1) the total occupancy approved by the fire district for overnight use, (2) the total occupancy approved by the fire district for day use, (3) the number of vehicles approved by planning that may park off-street within the residential property and a pledge to prohibit renter or their guests from parking on a street or road.

(08-11, Added, 10/06/2008)

Section 11.08.07 Maintenance

The property to be rented under this Chapter shall be maintained in a manner such that it shall not be apparent that it is a rental property, and in a manner that complies with County code as well as any applicable CC&R's or Homeowners' Association rules or guidelines. In addition, the rental property shall be maintained at a level that meets or exceeds that level of maintenance demonstrated by the immediately surrounding neighborhood. Failure to maintain the property as required by this section constitutes a basis to revoke a business license. Minimum maintenance also includes:

- (1) Snow removal allowing safe access to the residence;
 - (2) Summer yard maintenance, including landscaping, weed control, and irrigation;
 - (3) Structural maintenance to preserve building code compliance and pleasant appearance;
 - (4) Routine upkeep, including deep-cleaning, painting and repair;
 - (5) Trash collection which ensures that trash cans are not left at the curb for any period in excess of 24 hours;
 - (6) Housekeeping services as part of a hotel or property management service;
 - (7) Space for off-street parking consistent with the statement set forth in satisfaction of the requirement of section 11.08.05(6).
 - (8) The absence of signs or other indications that the property is available to rent.
- (08-11, Amended, 10/07/2008)

Section 11.08.08 Noise, Nuisance, and Occupancy Control

- (1) The owner of the property and the local responsible party are each individually responsible to regulate the occupancy of the property, the activities conducted on the property, and the noise created by the renters.
 - (2) Noise levels may not exceed 60 decibels during the hours of 6 a.m. to 9 p.m. Noise levels may not exceed 55 decibels during the hours of 9 p.m. to 6 a.m.
 - (3) Occupancy loads may not exceed the limits allowed on the business license.
- (08-11, Added, 10/07/2008)

Section 11.08.09 Violations and Revocation of Business License

- (1) Any violations of the provisions of this section is a class c misdemeanor.
 - (2) Each day a violation continues or persists is a separate offense.
 - (3) Any property at which three or more violations of this section has occurred may have the business license for such property revoked.
 - (4) Any failure to maintain a condition of licensure constitutes a basis to revoke a business license. Also, illegal conduct by renters while on the property, failure to use off-street parking, excessive noise, or other conduct on the property which constitutes a public or private nuisance is a violation of the business license regardless of the owner's knowledge thereof and constitutes a basis to revoke a business license.
- (08-11, Added, 10/07/2008)