

**MARRIOTT-SLATERVILLE CITY
ORDINANCE 2023-08**

BUSINESS LICENSING AND REGULATIONS UPDATED

AN ORDINANCE OF MARRIOTT-SLATERVILLE CITY, UTAH, REPEALING AND RE-ENACTING VARIOUS CHAPTERS IN TITLE 5 OF THE MUNICIPAL CODE TO UPDATE CERTAIN BUSINESS LICENSE REGULATIONS AND CONFORM TO STATE LAW; INTEGRATING RECOMMENDATIONS FROM THE CITY’S BUSINESS LICENSE CONSULTANT; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Marriott-Slaterville City (hereinafter “City”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84 authorizes the City to provide for safety, preserve health, promote prosperity, peace, and good order;

WHEREAS, *Utah Code Annotated* §10-1-203 states “the legislative body of a municipality may license for the purpose of regulation and revenue any business within the limits of the municipality and may regulate that business by ordinance.”

WHEREAS, *Utah Code Annotated* §10-3-703 states “governing body of each municipality may impose a minimum criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Section 76-3-301 or by a term of imprisonment up to six months, or by both the fine and term of imprisonment.”

WHEREAS, *Utah Code Annotated* §10-8-41.6 requires the City to regulate retail tobacco specialty businesses;

WHEREAS, *Utah Code Annotated* §10-8-42 authorizes the City to regulate or prohibit the manufacture, sale, and possession of intoxicating liquors;

WHEREAS, the City seeks to implement the recommendations from the Business License Fee Study conducted by Zion’s Bank Public Finance;

WHEREAS, the City Council held a Public Hearing on August 17, 2023, to take public comment on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Marriott-Slaterville City, Utah, as follows:

Section 1. Repeal and Re-enactment. Chapter 5.01, 5.03, 5.05, 5.07, and 5.13 of Title 5 of the *Marriott-Slaterville Municipal Code* is repealed and re-enacted to read as follows:

TITLE 5

COMPREHENSIVE BUSINESS LICENSING AND REGULATIONS

Chapter 5.01

Business Licensing

Sections:

- 5.01.010 Business License Required.**
- 5.01.020 Definitions.**
- 5.01.030 Adoption of Study and Determination.**
- 5.01.040 Uniform Business License Regulations.**
- 5.01.050 Business License Application.**
- 5.01.060 Business License Fees.**
- 5.01.070 Business License Exceptions.**
- 5.01.080 Licensing Authority.**
- 5.01.090 Regulatory Authority.**
- 5.01.100 Adverse Action.**
- 5.01.110 Notice of Action.**
- 5.01.120 Appeals.**
- 5.01.130 Enforcement and Penalties.**

5.01.010 Business License Required.

1. Statutory Authority. The following state laws apply to this Title.
 - a. Utah Code Annotated §10-1-203 governs business licensing and fees.
 - b. Utah Code Annotated §10-1-203.5 governs licensing of rental properties.
 - c. Utah Code Annotated §10-8-41.6, as amended, provides for the regulation of retail tobacco specialty business.
 - d. Utah Code Annotated §10-8-41.5, as amended, authorizes the regulation of sexually oriented business.
 - e. Utah Code Annotated §10-8-84 authorizes the City to execute police powers necessary and proper to provide for the health, safety, and welfare of the City and its inhabitants.
 - f. Title 10, Chapter 8, Part 1 of the Utah Code Annotated grants general powers to regulate businesses in the City.
2. Fines and Penalties. Utah Code Annotated §10-3-703 authorizes the City to impose fines and penalties for violations of this Title.
3. License Required. It is hereby required that any business operating in the City, unless exempt, obtain a license and comply with the local codes and regulations. It is unlawful for any person or entity to engage in any business or similar operation within the City, whether on a temporary or permanent basis, without first procuring the proper permits and licensing.

4. Limitations. Any license issued under this Title is non-transferable, non-assignable, subject to code compliance, subject to administrative action provided in the municipal code, and shall expire as set forth in this Title.

5.01.020 Definitions.

In addition to the definition set forth in Utah Code Annotated §10-1-203, as amended, adopted and incorporated herein for the purposes of this title, the following additional definitions apply to this Title:

1. “Applicable authority” means the licensing authority, law enforcement, and/or regulatory.
2. “City” or “municipality” means Marriott-Slaterville City, Utah.
3. “County” means Weber County, Utah.
4. “Employee” means any individual applying with or employed by an employer, excluding elected officials.
5. “Employer” is defined in Utah Code Annotated §34A-5-102(8).
6. “Home occupation” means any income-producing use conducted within the home and carried on by persons residing in the home, which use is clearly incidental and secondary to the use of the dwelling and does not change the residential character. A home-based day-care, child care, nursery, school or similar is not considered a home business for the purposes of licensing.
7. “Licensing authority” means the city authority designated to administer this title, issue a business license, or review and/or revoke the license of a business operating in the city.
8. “Municipal services” is defined by Utah Code Annotated §10-1-203.
9. “Person” means one or more individuals, partnerships, associations, corporations, legal representatives, trusts or trustees, receivers, and the city.
10. “Regulatory authority” means any federal authority, state authority, local authority, or professional organization that regulates an individual or business. The regulating authority includes such entities as the Utah Division of Occupational and Professional Licensing, the local health department, other licensing authority, Building Official, Code Enforcement Official, the Fire Marshall or designee, Planning Commission, land use authority, or any other similar authorities. The regulatory authority may conduct ongoing inspections and enforcement as needed.
11. “Rent” means to lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.
12. “Person” means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise.
13. “Schedule” means the Business License Fee Schedule set forth in the Study or as reproduced from the Study.
14. “Study” means the Business License Study prepared by the City’s consultant along with any supplement or update to the same.
15. “Temporary license” means any license issued to a business not to exceed a period of 45 calendar days.

5.01.030 Adoption of Study and Determination.

1. Study. The Business License Fee Study prepared by Zion's Bank, the City's consultant, dated August 17, 20203, (hereafter referred to as the "Study"), is hereby adopted and incorporated herein by this reference.
2. Determination. In accordance with Utah Code Annotated §10-1-203, the City hereby determines what constitutes basic, disproportionate, and enhanced levels of municipal service as set forth in the Study based upon the amounts reasonably related to the costs for municipal services as identified in the Study.

5.01.040 Uniform Business License Regulations.

1. Applicability. The following types of businesses are required to obtain one or more license(s) before engaging in any business within the City:
 - a. Any business operating within the City, unless exempt.
 - b. Any business engaged in the sale of alcohol.
 - c. Any businesses engaged in the sale of certain tobacco products as defined in state law.
 - d. Any temporary business that is temporarily located within the City.
 - e. The owner of a residential rental dwelling within the City.
 - f. A residential solicitor who is soliciting within the City.
 - g. Any sexually oriented business.
3. Classification. All businesses shall be classified by the licensing authority based upon the classifications outlined in the Study and the associated fee Schedule. The business license fees prescribed shall be uniform with respect to the class upon which such fee is imposed.
4. Applicability. The issuance of a business license to a business does not warrant that the business conforms to all applicable law. It is the continuing duty of the business owner to ensure that the business is operating within the law. Businesses in the City shall comply with the other applicable laws and ordinances that govern the business, including:
 - a. The applicable federal, state, and local law.
 - b. Applicable requirements enforced by any regulating authority.
 - c. Land use regulations.
 - d. Applicable building and fire codes.
5. Posting. It shall be the duty of any person or entity operating a business to display the current business license certificate issued by the City which shall be posted in a prominent place on the business premises at all times.
6. Unlawful Acts. It is unlawful to do any of the following:
 - a. Counterfeit a license certificate.
 - b. Deface or mutilate a license certificate that is required to be posted.
 - c. Steal or otherwise remove a license certificate.
 - d. To sell or otherwise transfer any license certificate to another.
 - e. To use any license beyond its scope or classification.
7. Validity. All licenses will be issued on a calendar year basis and shall expire at 11:59 PM on December 31 of the issuing year. All business licenses are due and payable on or

before the first business day in January. Solicitors and temporary licensees must obtain a license prior to conducting any business transaction within the City and according to the special provisions for such as set forth in this Title. A new business must obtain a license before conducting any business in the City.

8. Branches. A separate license must be obtained for each branch establishment or separate location where a business is engaged within the City, as if such branch establishment or separate location were a separate business. Each license authorizes the licensee to engage only in the business licensed at a specific location and in the manner designated in such license.
9. Shared Premises. Where two or more different classification of businesses are being conducted at the same location, each shall obtain a separate license and pay the required license fee for each business. This subsection does not permit multiple businesses to operate at the same location where the municipal code or land use regulations otherwise limit the number of business at a particular location.
10. Renewal. The City administration may develop an online license renewal system for convenience and compliance, along with rules and regulations substantially consistent with this Title.

5.01.050 Business License Application.

1. Application Form. A business license application shall be made by an applicant in the form and manner provided by the City Administrator and filed with the licensing authority.
2. Contents. The application includes the following:
 - a. Official business name and location, including any other names or DBA.
 - b. Name and contact information of the applicant.
 - c. Type of entity under which the business is organized. If an entity is registered, incorporated, or organized with the Utah Department of Commerce, specify the name and address of the registered agent with Utah Department of Commerce who is authorized to receive service of process and any communication regarding the applicant's license.
 - d. State sales tax reporting number and federal tax identification number, as applicable.
 - e. Any state license number or other professional license number issued by the state or a regulating authority relating to the business or its principals, if applicable.
 - f. Information relating to the purpose and general operation of the business, including:
 - i Its primary operation and function.
 - ii The number of employees.
 - iii Building square footage, site frontage, and dimensions of its building and grounds, as needed.
 - iv Whether it engages in the sale of alcohol.
 - v Whether it engages in the handling or use of hazardous material, explosives, or an ultra hazardous activity.

- vi Emergency contact numbers and related information.
 - vii Any additional information required by the City on the application to assist in the regulation of a business or as may be needed for the purpose of issuing the license.
3. Information. The applicant shall maintain the most current information and update any changes on the business license application in writing filed with the licensing authority.

5.01.060 Business License Fees.

Any business license fees imposed and levied shall be on an annual basis by the classification of business specified in the Business License Fee Schedule as determined by the Study, and shall be administered as follows:

1. Fees. The Business License Fee Schedule set forth in the Study adopted by the City shall govern the total amount of the fees that are authorized to be imposed on each classification of business.
2. Payment. Any applicant must include the fee with any complete business license application. The fee shall be in an amount equal to the fee designated on the Schedule for the classification of the business as assigned by the licensing authority. No license shall be issue until all fees are paid.
3. Prorated. The applicant of a new business starting after January 1 that is issued a business license for the unexpired portion of the calendar year may request that the license fees be calculated on a prorated basis for the unexpired portion of the calendar year so long as this request is made contemporaneous with filing of the application.
4. Refund. No business license fee is refundable after issuance. Applicant may withdraw an application before approval and receive a full refund. If license issuance is denied, applicant may request a refund of the total fees paid, less \$100 for processing and administrative costs.
5. Discounts. The Schedule may incorporate discounts not to exceed 25% of the total fee, for certain classifications of businesses, as determined by the Mayor after good cause shown, as a measure to encourage business activities that may decrease disproportional costs to the City.
6. First Year. Upon request, a business that has a fee increase more than 25% from the prior year Schedule, may be reduced by 15% for the first year.
7. Programs. The following programs apply:
 - a. Good Landlord Program. A 50% rebate of total fee is afforded to eligible applicants who participate in the Good Landlord Program set forth in Chapter 5.13 for businesses that involve any residential rental unit.
 - b. Retail Program. A 50% rebate of the total fee is afforded to eligible applicants who submit a written affidavit from a retail business that grosses more than \$1,000,000, per year, where the business property has installed a surveillance and asset protection program.
8. Renewal. Annual business license renewal shall include payment of the appropriate licensing fee based upon the classification of the business in the Schedule.

9. Late Fees. A late fee equal to 25% of the total license fee set forth in the Schedule shall be imposed on any business that fails to renew a business license before February 1. The Mayor or City Administrator may waive any late fees upon request and for good cause as demonstrated by the applicant.
10. Accrual. The license fee and any late fees shall continue to accrue each year that the business operates without a license, regardless of new ownership, except where such accrual may be reduced or waived by the Mayor for good cause.
11. Collections. Any license fee, and all late fees and penalties thereon, shall constitute a debt to the City and may be collected by court proceedings in the same manner as any other debt, or may be turned over to a collection agency, which remedy shall be in addition to all other existing remedies.
12. Compliance. The payment of fees does not relieve any person from fully complying with all other requirements of law, nor from any other prescribed penalties provided by the municipal code.

5.01.070 Business License Exceptions.

1. Limitations. A person or business may be exempt from business license fees as provided in this Section, notwithstanding, any exemption does not apply to:
 - a. A residential solicitor from any applicable provisions of the residential solicitation provisions of this Title.
 - b. Any person or entity being subject to the municipal code, including any land use regulations.
2. Exemptions. No business license or fee shall be imposed under this Chapter upon the following persons or businesses:
 - a. Any person engaged in activities that are solely religious or eleemosynary.
 - b. Any business or person exempted from obtaining a business license by state law.
 - c. Any business specifically exempt under Utah Code Annotated §10-1-203(7).
 - d. Any contractor holding a valid state license and regulated by the state in accordance with Part 3, Chapter 55, Title 58 of the Utah Code Annotated, where the contractor does not maintain an office located within the City.
 - e. Any other licensed professional in the state that does not maintain an office in the City.
 - f. Any alarm company providing services in the City from an office located in another City.
 - g. Any tow truck or motor carrier that does not maintain an office within the City.
 - h. Any person selling surplus household goods or furnishings at a private residence in the garage or yard, or City event, if such sales are held in accordance with the applicable requirements and frequency set by the City or established in the municipal code.
 - i. A bona fide agricultural operation or family food production.

5.01.080 Limitations.

The following limitations apply to the City in regulating the following businesses:

1. Food Trucks. The City shall comply with the “Food Truck Licensing and Regulation Act” set forth in Utah Code Annotated §11-56-101, et seq.
2. ATVs. The City shall follow Utah Code Annotated §11-66-101 for limits on regulation of all-terrain vehicles (ATVs).
3. Other. Any other business where limits are expressly stated in state law.

5.01.080 Licensing Authority.

1. Powers and Duties. The City Administrator shall designate one or more licensing authorities to operate under the direction of the City Administrator to administer the provisions of this Title as follows:
 - a. Receive initial license applications and fees filed with the City and forward to the Mayor for action.
 - b. Classify each business license application within the appropriate classification as set forth in the Schedule based upon the information supplied in the application, and any supplemented by an regulatory authority.
 - c. Receive business license application or renewal fees and forwarded such, along with a copy business license application for initial applications, to the financial officer.
 - d. Request that applicant provide additional information when questions arise or to verify the accuracy of information offered in an application or relating to an existing business license.
 - e. Communicate and coordinate matters in this Title with the City Administrator.
 - f. Communicate and coordinate with an applicant, licensee, or other interested party of the status or any action relating to an application or license.
 - g. Communicate and coordinate inspections, investigations, and enforcement with all regulatory authorities.
 - h. Maintain municipal records and information regarding business licenses.
 - i. Forward any information or enforcement matters involving a business to the regulatory authority.
 - j. Prepared and issue upon approval a business license certificate signed by the Mayor and/or licensing authority. The business license certificate shall:
 - i. Be issued by the City.
 - ii. Specify by name the person, firm, or corporation to whom it is issued.
 - iii. Designate the location where the business is conducted.
 - iv. Specify the classification of the business and license number.
 - v. Upon approval arrange for the service, delivery, or mailing of the certificate to the address indicated on the application or as otherwise arranged by the parties.
2. Mayor. Each new application for a business license filed with the licensing authority shall be submitted to the Mayor for approval or denial within a reasonable time. Renewal applications do not require the Mayor’s approval.
3. City Council. Initial business license applications are submitted to the City Council for review.

5.01.090 Regulatory Authority.

The City Administrator may designate a primary regulatory authority for the City to coordinate with other regulatory authorities and recommend action on each proposed or existing businesses.

The primary regulatory authority is responsible to:

1. Ensure that the business license application complies with the municipal code and applicable land use regulations.
2. Verify the accuracy of the information relating to its application.
3. Coordinate inspection or otherwise with the Building Official, as needed.
4. Coordinate with other regulatory authorities, as needed.
5. Conduct ongoing inspection of any business or business premises any time during business hours, or as otherwise arranged, to ensure ongoing compliance.
6. Responding to complaints or other issues relating to any business.
7. Issue notice, record a certificate of non-compliance, and/or issue a citation for applicable code violation(s).
8. Coordinate and administer in conjunction with a business with code violation(s) a corrective action plan to remedy such violation(s).
9. Seek administrative, injunctive, or other relief allowed by law.
10. Recommend to the applicable authority that a business license be suspended or revoked.

5.01.100 Adverse Action.

Adverse action is any action taken by the City against a business license that includes, but is not limited to, denial, suspension, revocation, or other adverse action as a result of a cause.

1. Cause. It is cause for adverse action in the event that a business:
 - a. Provided false, misleading, or incomplete information on its license application to the licensing authority, regulating authority, or otherwise.
 - b. Obtained a license by fraud or deceit.
 - c. Engages in business that exceeds the classification of the business license application.
 - d. Failed to maintain updated and accurate information on its business license application.
 - e. Failed to timely and fully pay required fees.
 - f. Failed to pay taxes imposed by the City.
 - g. Failed to meet the requirements for issuance.
 - h. Violated federal, state, or local law governing operation or licensing of the business.
 - i. Violates the municipal code.
 - j. Violates applicable building or fire codes, including occupancy requirements.
 - k. Violates regulations of the local health department.
 - l. Violates occupational regulations and safety laws.
 - m. Violates applicable provisions of federal, state, or local law.
2. Action. The extent of adverse action taken depends on:
 - a. The severity of the violation(s).

- b. Whether there exist multiple violations.
 - c. Whether there have been prior violations.
 - d. Other relevant factors as determined by the regulatory authority.
3. Determination. Adverse action is taken by the primary regulatory authority who issues a Notice of Action, in writing, that serves as a final determination of classification where disputed, enforcement, denial, revocation, suspension, penalty, or other issue relating to business licensing against any business license application or business license issued as provided in this Chapter.

5.01.110 Notice of Action.

Adverse action shall be made in writing, sent by U.S. Mail or personal service, from the primary regulator authority to the business contact on the application or license providing notice of the adverse action. The Notice of Action serves as the final determination of the adverse action and detail the violation(s), state the adverse action taken, and provides for an appeal period not to exceed ten (10) calendar days. Upon the expiration of the appeal period, the City may also record at the office of the county recorder a Certificate of Non-compliance on the property where the violation(s) is located.

5.01.120 Appeals.

Any appeal for adverse action by the City against a business shall be made, in writing, by the party in violation to the Magistrate or Administrative Hearing Officer (AHO) as provided in MSMC §2.25.030, or its successor code. The AHO is delegated authority to hear and decide any matter involving the classification, enforcement, denial, revocation, suspension, or other issue relating to business licensing or penalty. Appeals shall be:

1. Timely. Made timely by filing a written appeal that states the dispute, facts, and circumstances of the appeal within ten (10) calendar days of the Notice of Action.
2. Fee. There is no fee for filing an appeal.
3. Hearing. The AHO shall hear the appeal within a reasonable time after the filing of the written appeal.
4. Procedure. MSMC §2.25.030 governs the procedure for appeals.
5. Court. There is no appeal in the event of the City initiating a court action of any kind, including but not limited to:
 - a. A citation or information is issued against a person or entity for a violation(s) that is filed in the Justice Court.
 - b. The City files suit in the District Court seeking abatement, injunctive relief, or suit at law or equity against a person or entity.

5.01.130 Enforcement and Penalties.

Penalties are cumulative, not exclusive. Any civil and/or criminal penalties imposed under this Title may be against a business owner, operator, employer, manager, employee, or agent as the case may be. In addition to the other penalties available by law or equity, including but not limited to abatement or injunctive relief, the following penalties apply for each violation of the municipal code:

1. Civil. The City may impose a civil penalty not to exceed \$1,000, per violation. Each day a violation continues constitutes a separate offense.
2. Criminal. Each violation of this Title is a Class B misdemeanor with a fine not to exceed \$1,000. Each day a violation continues constitutes a separate offense.

Chapter 5.03 **Address and Sales Tax**

Sections:

5.03.010 Address and Sales Tax.

5.03.020 Jurisdiction.

5.03.030 Penalty.

5.03.010 Address and Sales Tax.

1. Address. Each business located in the City shall properly denote an accurate address on business documents including the City being:
 - a. Marriott-Slaterville City, Utah; or
 - b. MSC, Utah.
2. Taxes. Each business located within the City is subject to filing a sales and use tax return in accordance with state law and rules and regulations of the Utah State Tax Commission, and shall:
 - a. Maintain at all times a current sales and use tax account number from the Utah State Tax Commission properly coded to the city with the appropriate outlet denoted, if an outlet number is necessary.
 - b. Properly denote the sales and use tax code (which is 29-022) for Marriott-Slaterville City, Utah, on all tax filing or other document requiring such.

5.03.020 Jurisdiction.

Marriott-Slaterville City, Utah, is the correct jurisdiction for all businesses located in the City. No person, corporation, entity, or another shall advise, encourage, assist, or otherwise provide, knowingly or unknowingly, a business in the City with information or material that states or requires a business in Marriott-Slaterville, Utah, to use the name of another jurisdiction in its address.

5.03.030 Penalty.

A violation of this Chapter is a Class B misdemeanor, and subject to a criminal and/or civil fine not to exceed \$1,000.00, per violation, and each day any violation continues constitutes a separate offense.

Chapter 5.05

Local Alcoholic Beverage Control

Sections:

5.05.010	Definitions.
5.05.020	Alcohol License Required.
5.05.030	Alcohol License Classifications.
5.05.040	Alcohol License Fee.
5.05.050	Procedure.
5.05.060	Regulatory Authority.
5.05.070	General Provisions.
5.05.080	Adverse Action.
5.05.090	Appeals.
5.05.100	Enforcement and Penalties.

5.05.010 Definitions.

In addition to the definitions set forth in *Utah Code Annotated* §32B-1-102, 1953, as amended, for the purpose of this Chapter, the following additional definitions apply:

1. “Alcoholic Beverage Control Act” means Title 32B of the Utah Code Annotated, or its successor statute.
2. “Annual” means a calendar year.
3. “City” means Marriott-Slaterville City, Utah.
4. “Enforcement officer” means any person designated by the City to enforce this Chapter, including any law enforcement officer.
5. “Establishment” means association, bar club, business, restaurant, or similar establishment in the City that offers a person to purchase, possess, or consume an alcoholic product on or off premises.
6. “Licensing authority” means the person designated by the City Administrator to issue a license under this Chapter.

5.05.020 Alcohol License Required.

In accordance with *Utah Code Annotated* §11-10-1, as amended, any establishment in the City that offers a person to purchase, possess, or consume an alcoholic product must first obtain and maintain a valid alcohol license as provided in this Chapter. In addition to the requirements of this Chapter, any establishment shall comply with the requirements of Utah Code Annotated §32B-1-101, et seq., entitled the “Alcoholic Beverage Control Act” and other applicable laws and regulations.

5.05.030 Alcohol License Classifications.

An applicant within the City may apply for one or more of the following alcohol license categories:

1. On-premise. This class of license is appropriate for bars, breweries, micro-breweries, or restaurant establishments. This license allows licensee to sell a patron an alcoholic product, subject to state law, for on-premise consumption on the licensed premises.
2. Off-premise. This class of license is an appropriate use for grocery store, convenience store, or manufacturing and distribution establishments. This license allows the licensee to sell any alcoholic product, subject to state law, on the licensed premises in original containers for consumption off-premise.
3. Special. This class of license is appropriate for a special event, seasonal establishment, or temporary alcohol license that is either on-premise or off-premises.

5.05.040 Alcohol License Fee.

In accordance with *Utah Code Annotated* §11-10-3, as amended, in addition to the business license fees set forth in the Schedule, an alcohol license fee is also hereby imposed separately in the amount of \$300.00 for any license classification in this Chapter.

5.05.050 Procedure.

The license authority shall only issue a license under this Chapter as follows:

1. Qualifications. Applicant shall comply with the qualifications set forth in *Utah Code Annotated* §11-10-2, as amended.
2. Application. Any person seeking a license to sell an alcoholic product shall submit a written application to the licensing authority as provided for in this Chapter which shall be accompanied by the appropriate fees. The alcohol license fee tendered is not refundable in the event that the application is withdrawn or denied.
3. Cure. The applicant shall be provided thirty (30) days after notice from the City of a deficiency to cure a denied or defective application without repayment a fee.
4. Contents. All applications for a license to sell an alcoholic beverage shall be made in writing upon the form provided by the licensing authority as follows:
 - a. The full name of the primary owner seeking the alcohol license.
 - b. The name and type of the business, including any DBA.
 - c. The location where business is to be conducted under the license.
 - d. The classification(s) of license sought.
 - e. Any documentation from the state relating to approval.
 - f. Other information specified on the application as determined by the City Administrator, or any other information required by statute or the municipal code.
5. Action. Within a reasonable time of filing a complete application that complies with this Chapter, the licensing authority shall review the application for compliance with this Chapter. If the application meets the requirements of this Chapter the licensing authority shall issue the license. An application that does not meet the requirements of this Chapter shall be denied.
6. License. A license issued under this Chapter is issued in the name of the business and its primary owner.
7. Change. In the event of a change of the business or ownership a new application and fee is required.

8. Non-transferable. An alcohol license issued under this Chapter is non-transferable.
9. Renewal. An alcohol license issued under this Chapter shall be renewed annually in conjunction with the business license.
10. Display. An alcohol license issued under this Chapter shall be displayed in a conspicuous location on the premises along with any license issued by the state.

5.05.060 Regulatory Authority.

The regulatory authority under this Title may conduct inspection or enforcement relating to any alcohol license issued under this Chapter. The holder of a license issued under this Chapter, by accepting said license, consents to ongoing inspection and enforcement of the licensed premises by a regulatory authority. The licensee further consents to the seizure of any alcohol product that exceeds the classification of the license or otherwise in violation of any law.

5.05.070 General Provisions.

The following general provisions apply to any alcohol license:

1. Authority. In accordance with *Utah Code Annotated* §10-8-42, the City may prohibit or otherwise regulate the manufacture, sale, and possession of alcohol.
2. Law. It is unlawful to sell alcohol in violation of this Chapter or the Utah Alcoholic Beverage Control Act, or its successor.
3. Compliance. It is unlawful for an applicant or licensee to operate without a valid license, in violation of this Chapter, or otherwise in violation of Utah Code Annotated §11-10-1.
4. Consent. The Mayor, City Administrator, or their designee may sign any local consent requested by the state upon an application meeting this requirements of this Chapter.
5. Class. It is unlawful to sell an alcoholic beverage except in the manner for which the classification of the license is authorized under this Chapter.
6. Premises. It is unlawful for any licensee to sell an alcoholic beverage outside the licensed premises.
7. Products. It is unlawful for any licensee to purchase or acquire or allow to be kept upon the licensed premises any alcoholic beverage or product not lawfully acquired from an authorized brewer or wholesaler licensed by the state.
8. Access. It is unlawful for any serving area, door, or entryway to be locked or barricaded in any way so as to interfere with the free entrance to the licensed premises by any regulatory authority while the premises is occupied or open to the public. Licensee may maintain upon the premises a locked storeroom for the keeping of alcohol products.
9. Respondeat Superior. The licensee is responsible for actions of any employee during the course of employment under the doctrine of respondeat superior. Enforcement of an alcohol license issued under this Chapter is valid against the licensee and any employee.
10. Proximity. The proximity requirements for a community location defined in Utah Code Annotated §32B-1-102, as amended, and as specified in Utah Code Annotated §32B-1-202, as amended, apply unless waived or the establishment is pre-existing.
11. Restricted Activities. It is unlawful to sell or consume an alcoholic product:
 - a. On public property without a permit.
 - b. At a sexually-oriented business.

12. Nuisances. Notwithstanding this Chapter, it is unlawful to keep or maintain a nuisance, including any nuisance activity in the code, on any premise, specifically those that result from the sale or consumption of any alcoholic product.

5.05.080 Adverse Action.

In accordance with Utah Code Annotated §11-10-1(4), a regulatory authority may suspend or revoke a alcohol license issued under this Chapter as follows:

1. Suspension. Where a licensee has been issued a warning or citation for a violation of this Chapter, a second violation within a one (1) year of said warning or citation is cause for suspension of an alcohol license for up to thirty (30) days. In lieu of a suspension, the City's regulatory authority may issue a civil penalty not to exceed \$1,000.00 for a violation of this Chapter.
2. Revocation. Where a suspension has been made within one (1) year prior to a violation is cause for revocation of an alcohol license. Any revocation made under this Chapter shall continue for a period of one (1) year after which an applicant may resubmit an application under this Chapter.
3. Education. The regulatory authority may suspend an alcohol licensee in violation of educational requirements set forth in *Utah Code Annotated* §32B-1-702, or, in lieu of suspension, impose a fine of up to \$1,000 per violation.
4. Operation. It is cause for immediate revocation or suspension for a licensee who violates state law or this Chapter.
5. Effect. The adverse action in this Chapter only applies to an alcohol license.

5.05.090 Appeals.

Any appeal of adverse action shall be made in accordance with Chapter 5.01.

5.05.100 Enforcement and Penalties.

The enforcement and penalties set forth in Chapter 5.01 apply to this Chapter.

Chapter 5.07
Retail Sale of Tobacco Products

Sections:

5.07.010 Retail Tobacco Specialty Business.

5.07.020 Enforcement and Penalties.

5.07.010 Retail Tobacco Specialty Business.

A retail tobacco specialty business, as defined by state law, is subject to additional regulations provided for in *Utah Code Annotated* §10-8-41.6.

5.07.020 Enforcement and Penalties.

In addition to the causes for revocation of a business license specified in Chapter 5.01, a regulatory authority may revoke a business license for a retail tobacco specialty business in violation of Utah Code Annotated §10-8-41.6. The enforcement and penalties set forth in Chapter 5.01 apply to this Chapter.

Chapter 5.13

Good Landlord Program

Sections:

- 5.13.010 Good Landlord Program.**
- 5.13.020 Definitions.**
- 5.13.030 License And Fee Required.**
- 5.13.040 Program Requirements.**
- 5.13.050 Administration.**
- 5.13.060 International Property Maintenance Code.**
- 5.13.070 Enforcement and Penalties.**

5.13.010 Good Landlord Program.

This Chapter is adopted as the “Good Landlord Program.”

5.13.020 Definitions.

In addition to the definitions set forth in this Title, the following definitions apply to this Chapter:

1. “Agreement” means the binding agreement entered between the City and residential landlord as part of the Program.
2. “Schedule” means the Business License Fee Schedule as it applies to a rental dwelling unit or units under the Program and provided in *Utah Code Annotated* §10-1-203.5, as amended.
3. “Residential rental unit” means any residential dwelling unit that is rented, loaned, let or hired out to be used or occupied as a home or residence regardless of whether such is a long-term (over 30-days) or short term (under 30 days) rental. This definition is inclusive of any single-family dwelling unit, accessory dwelling unit, any other residential rental, or any apartment, condominium, townhouse, or residential building arranged, designed, built to be rented, loaned, let or hired out with one (1) or more occupied residence or dwelling.
4. “Program” means the Good Landlord Program provided by state law as set forth in this Chapter.

5.13.030 License and Fee Required.

1. License. A residential landlord of a residential rental unit shall obtain and maintain a business license in accordance with Chapter 5.01.
2. Schedule. The residential landlord shall pay the fee specified in the Schedule, at the time of application or renewal, along with the disproportionate rental fee based upon a Study conducted by the City, subject to any reduction by participation in the Program.

3. Reduction. Reduced fees apply to members of the Program as set forth in Chapter 5.01.
4. Failure. Any residential landlord, including any subsequent purchaser, who fails to make application or pay fees in accordance with the Schedule is liable for the same for the time that the residential rental units has operated without a license or without paying the fee as specified in the Schedule.
5. Liability. If there is more than one residential landlord, each owner, including purchasers under contract, shall be jointly and severally liable to comply with any code requirements, obtain a business license, and pay the appropriate fees set forth in the Schedule.

5.13.040 Program Requirements.

The residential landlord of any residential rental unit may apply for admission into the Program as follows:

1. Requirements:
 - a. Complete and submit to the licensing authority an application for the Program.
 - b. Completion of Program training as approved by the licensing authority.
 - c. Execution of the written Agreement with the City regarding the Program.
2. Landlord Obligations. Each residential landlord participating in the Program shall perform the following:
 - a. Agreement. Enter an Agreement for the Program.
 - b. Screening. A residential landlord may conduct screening and selection requirements for all tenants.
 - c. Eviction. A residential landlord shall promptly evict problem tenants involved in any illegal drug activity, criminal activity, other illegal activity, or nuisance.
 - d. Lease. A residential landlord shall execute a valid, written lease agreement with each tenant.
 - e. Training. A residential landlord agrees to attend and complete the training program approved by the licensing authority, unless an exempt landlord under *Utah Code Annotated* §10-1-203.5(1)(e).
3. City Obligations. The City shall perform the following for each Owner participating in the Program:
 - a. Reduction. If admitted into the Program, the disproportionate fee of residential landlord is reduced as provided in Chapter 5.01.
 - b. Inspections. Conduct inspections where there is cause and notice to the residential landlord.
 - c. Enforcement. Conduct enforcement and penalties for code violation(s).
4. Eligibility. A residential landlord is eligible for admission into the Program at any time, subject to:
 - a. Termination. A residential landlord may be terminated from the Program if:
 - i. They fail to fulfill the obligations under this Chapter or the written Agreement.
 - ii. They have more than two (2) violations of this Chapter, the municipal code, or the building code in a calendar year.

- iii. They fail to pay the annual fees as provided in the Schedule, subject to reduction.
- b. Liability. Upon termination from the Program, the residential landlord is liable to the City for the total amount equal to the annual disproportionate fee reduced as part of the Program.
- c. Penalties. Owner is subject to any other penalties provided by this Chapter for breach of the written Agreement, in addition to any remedies provided by law for any code violations.

5.13.050 Administration.

1. Generally. A residential landlord must obtain a business license as provided in Chapter 5.01, regardless of participation in the Program in this Chapter.
2. Code. The residential landlord shall comply with the applicable codes, site plan action, and other permitting and approvals, regardless of participation in the Program.
3. Compliance. The regulatory authority may investigate code compliance or other circumstances which may give rise to Program termination or to business license denial, suspension, or revocation.
4. Procedure. The procedure for any adverse action is governed by Chapter 5.01.
5. Appeal. The residential landlord may appeal any adverse action or other matter under this Chapter by filing a written appeal with the licensing authority as provided in Chapter 5.01.

5.13.060 International Property Maintenance Code.

1. Adoption. The most current edition of the International Property Maintenance Code is hereby adopted and incorporated herein by this reference.
2. Compliance. The residential landlord shall comply with the most current edition of the International Property Maintenance Code regardless of participation in the Program for the residential rental premises.
3. Violation. In addition to other penalties of this Chapter, a violation of this section constitutes a violation of the Program.

5.13.070 Enforcement and Penalties.

In addition to other penalties in Chapter 5.01, a violation of this Chapter constitutes a violation of the Program. The enforcement and penalties set forth in Chapter 5.01 apply to this Chapter.

Section 2: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 3: Effective date. This Ordinance take effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2023.

DENNIS ILLUM, President
Marriott-Slaterville City Council

PRESENTED to the Mayor this ____ day of _____, 2023.
APPROVAL of the Mayor granted this ____ day of _____, 2023.

SCOTT VAN LEEUWEN, Mayor

ATTEST:

City Recorder

Municipal Council
Roll Call Vote Tally:

Yes No

Mr. Slater	___	___
Mr. Christofferson	___	___
Mr. Smout	___	___
Mrs. Holley	___	___
Mr. Illum	___	___

RECORDED this ____ day of _____, 2023.
PUBLISHED OR POSTED this ____ day of _____, 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Marriott-Slaterville City, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) Marriott Park, and 3) Slaterville Park on the above referenced dates.

City Recorder

DATE: _____