

## ORDINANCE 2017-23

### AN ORDINANCE AMENDING SPECIFIC PROVISIONS RELATED TO HOME OCCUPATIONS, FOOD TRUCKS, AND OTHER BUSINESSES WHICH OPERATE IN NORTH OGDEN CITY MUNICIPAL LIMITS

**WHEREAS;** North Ogden City is charged with regulating the businesses which operate within its corporate limits; and

**WHEREAS;** The State of Utah has amended several provisions regulating various businesses within the State; and

**WHEREAS;** North Ogden City desires to have its ordinances comply with the intent of State code; and

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that the North Ogden City Ordinances be amended to include the following language.

**SECTION 1:** The following provisions shall be amended to read:

#### **4-1-2: LICENSE REQUIRED; EXEMPTIONS**

A. License Required:

1. Every person engaged in business in the city, except as set forth below, shall secure a license from the city for such business, except that any person engaged in the construction, electrical or plumbing trade whose principal place of business is located outside the city limits, and who is duly licensed by the state under applicable state law, shall be allowed to engage in business without a business license from the City. Such license or registration shall be issued upon written application therefor in such form as the city may prescribe and upon payment of the fees required in this chapter, and when it is ascertained that all prerequisites for the issuance of each such license or registration have been satisfied and fulfilled. In the case of a new building, the business license will not be approved until the building has been approved for occupancy by the building inspection department.
2. It is unlawful for any person to engage in business without first obtaining a license or registering therefor in accordance with the provisions of this chapter.

B. Exempt Businesses: The following businesses, ventures or activities are exempt from the licensing and fee requirements of this chapter:

1. Any organization carried on or managed wholly for the benefit of charitable purposes or from which profit is not derived, directly or indirectly, by any person.

2. Any activity, the receipts from which are to be appropriated entirely to any church, school, religious or benevolent purpose.
3. Any activity conducted by a religious, charitable, fraternal, educational, military or governmental organization so long as the receipts from such activity are appropriated for the purposes and objects for which such organization is formed and no person directly or indirectly derives a profit therefrom.
4. Any person conducting a business, venture or activity which is exempted from the licensing and fee requirements pursuant to this chapter shall still be required to pay any fee required to cover the costs of necessary inspection done by the city, which shall include all inspections to determine compliance with applicable codes. The inspection fees shall be in an amount determined by resolution of the city council.
5. Nothing in this chapter shall apply to any public utility business holding a franchise from the city under which the city is to be paid a franchise fee or tax in lieu of all other license fees or taxes.
6. If any person furnishes such evidence as shall satisfy the city council that he, by reason of his misfortune or physical infirmities, merits exception from the payment of any license fee required in this chapter, the mayor may remit such license with the consent of the city council.
7. Any organization conducting a business on behalf or at the request of the city in connection with the promotion of city sponsored celebrations, pageants, displays, projects or other city sponsored events.
8. Any businesses operated only occasionally and by individuals who are under the age of 18. For a business to qualify no income from the business may be distributed to an individual 18 or older unless for the repayment of goods or supplies for the business.

#### **4-1-5: FEE FOR LICENSE**

- A. Required: An applicant shall, upon the filing of his application for a license, deposit with the city a fee prescribed by resolution for the business, trade, profession, occupation or calling for which a license is applied. The city shall issue an interim receipt showing the receipt of such deposit, but such receipt shall not be deemed to be a certificate of license. In the event license should be refused, the money so deposited shall be repaid to the applicant upon his demand. All licenses shall be payable annually, in advance (unless otherwise provided) and shall date from the date the certificate of license is issued and shall expire one year from the date the certificate of license is issued. All business licenses for businesses operating in North Ogden City at the time this subsection is adopted shall expire on December 31, 2012.
- B. Late Payment Penalty: If any license fee or tax is not paid within two (2) months of the due date, a penalty of twenty five percent (25%) of the amount of the license fee or tax shall be added to the original amount thereof, and if not paid within four (4) months of the due date, an additional penalty of twenty five percent (25%) shall be added to the original amount thereof. All penalties

provided for in this subsection shall be collected by the city and payment thereof enforced in the same manner as the license fees are collected and payment thereof enforced. No license shall be issued until all penalties legally assessed have been paid in full.

- C. Multiple Businesses: Except as may be otherwise specifically provided in this chapter, whenever more than one business, trade, profession, calling or occupation is being carried on by one licensee under one roof, such licensee shall for all of such businesses, trades, professions, callings or occupations pay only the highest license fee provided in this chapter applicable to any of such businesses, trades, professions, callings or occupations.
- D. New Businesses: The license fees for new businesses shall be due and payable on the date that business is first commenced. The provisions of this subsection apply only to new businesses, and nothing contained in this chapter shall be construed as exempting a late applicant from payment of the full license fee, or permitting the refund of any portion of a license fee already paid.
- E. Debt To City: Every license fee, tax or assessment levied by any ordinance of the city and all interest accruing thereon after the date of the delinquency, and all penalties levied or assessed thereon by any ordinance of the city for failure to pay the sum within the time required, constitutes a debt to the city, and the city may maintain an action to recover the same and all costs associated therewith, including a reasonable attorney fee, in any court of competent jurisdiction, which remedy shall be in addition to any and all other remedies which may be provided.
- F. Rebates: No rebate shall be allowed upon any license unless the licensee has been damaged by fire or other unavoidable accident or property damage. In all such cases, the city council shall have discretionary power as to what amount, if any, shall be rebated.
- G. Exceptions to Fee Requirement: In accordance with Utah Code 10-1-203, all home based businesses shall be exempt from paying a business license fee except for businesses which materially exceeds the offsite impact of the primary residential use alone. The following businesses have a rebuttable presumption that they exceed the offsite impacts because of the noise, traffic, smells, or other non-residential externalities:
  - 1. In home child or adult care and preschool businesses;
  - 2. Businesses that require or attract more than 10 vehicle trips per day, including but not limited to package delivery, client visits, and employee trips;
  - 3. Businesses which are allowed by City Code to utilize employees who live outside of the residence but work in the home;
  - 4. Any business that is required to have a fire inspection; and
  - 5. Any business that is required to obtain a license from another government agency, such as the Department of Health.
  - 6. Any business which typically requires overnight parking including for residential rentals.

#### **4-1-12: FOOD TRUCK REGULATIONS**

- A. Purpose: This section is intended to articulate North Ogden City's regulations related to the operation of Food Trucks within its jurisdiction. Should any provision of this section violate Utah Code, the Utah Code overrides this section. Where Utah Code allows for discretion by local jurisdictions this title shall control.
- B. License Required: Food Truck operators are required to obtain a business license in North Ogden City and provide the same information as other business licenses. Food Trucks must also provide proof of insurance on the vehicle and/or trailer.
  - 1. Food Trucks which are licensed in other Utah jurisdictions are still required to pay a business license fee which is reduced to 25% of the current business license fee, but must provide a current business license for that jurisdiction, current health department permit, and proof of current fire safety inspection.
  - 2. Exception: Food Trucks which operate as part of a Special Event Permit are not required to obtain a North Ogden City business license provided the event providers submit proof of business license, health certificate, and fire inspection in another jurisdiction within the State of Utah for all Food Trucks which attend the event three (3) days prior to the event.
  - 3. Multiple Locations on Private Property: A Food Truck may operate at multiple locations under the same license issued by the City if they provide the City with written approval by all landowners, and site plans identifying where the Food Truck and parking will be located in each location.
- C. Hours of Operations: Food Trucks are allowed to operate from 7:00 am through 10:00 pm any day of the week.
- D. Food Truck Locations:
  - 1. Food Trucks may be parked along Washington Blvd. between 2750 North and 1600 North with the following regulations:
    - a. They must park at least eighty (80) feet from any curb cut, crosswalk, and fire hydrant in a location where parking is authorized.
    - b. All Food Trucks must orient to the sidewalk/curb so that patrons are able to safely access the vehicle or trailer away from the travel lanes.
    - c. No employees should load or unload items onto the travel lane side of the vehicle.
    - d. No vehicle or trailer may be left for longer than 15 hours.
  - 2. Food Trucks may not park in parks or public parking lots unless an appropriate special event permit has been obtained.
  - 3. Food Trucks may park on private property provided they have written permission with them at all times, which includes the phone number and contact information of the property owner.
  - 4. Food Trucks must maintain a 10 foot separation between other food trucks and vendors for fire safety purposes regardless of whether they are located on public or private property.



- E. Food Truck Operators which do not have a current health inspection certificate, or fire safety inspection shall be required to obtain these approvals prior to licensure from North Ogden City.
- F. Special Event Permit: All events on North Ogden City property which include Food Trucks, shall be required to obtain a special event permit from the City Parks Department. All Food Trucks attending the event shall have verification of current business licenses, health certificates, and fire inspections from another jurisdiction within the State. North Ogden City business licenses are not required for Food Trucks attending these events regardless of whether they are public or private events.
- G. Private Events: For events which occur on property not owned by North Ogden City no business license is required from North Ogden City, though they may be inspected for compliance with health and safety regulations and must have a valid business license and health certificate from another Utah jurisdiction and not operate for more than three days in a row. For purposes of this chapter, public school, private school and charter school events are considered a private event, provided the Food Trucks are not parked in any public right-of-ways or on North Ogden City property. Utilization of the public right of way requires a Special Event Permit and a traffic plan.

**SECTION 2:** The following section shall be added to Title 4 Chapter 1: Business License Provisions

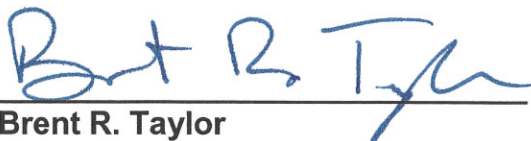
**4-1-13: PENALTY**

Any person violating any of the provisions of this chapter is guilty of an infraction as well as a civil citation, upon conviction or citation, shall be subject to penalty as provided in Title 1 Chapter 4 of this code.

**SECTION 3:** This ordinance shall take effect upon adoption.

**PASSED and ADOPTED this 17<sup>th</sup> day of October, 2017.**

**North Ogden City:**



**Brent R. Taylor**  
**North Ogden City Mayor**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
<b>Council Member Satterthwaite:</b>	<u>  X  </u>	___
<b>Council Member Stoker:</b>	<u>  X  </u>	___
<b>Council Member Swanson:</b>	<u>  X  </u>	___
<b>Council Member Turner:</b>	<u>  X  </u>	___
<b>Council Member Urry:</b>	<u>  X  </u>	___
<b>(In event of a tie vote of the Council):</b>		
<b>Mayor Taylor</b>	___	___

**ATTEST:**



*S. Annette Spendlove*  
**S. Annette Spendlove, MMC**  
**City Recorder**