CITY OF LOGAN, UTAH
ORDINANCE NO. 12-17

AN ORDINANCE AMENDING SECTIONS OF LOGAN MUNICIPAL CODE REGARDING MISCELLANEOUS LICENSES, ITINERANT OR TRANSIENT MERCHANTS, AND MOTOR DELIVERY

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety, promote the prosperity, improve the peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city; and

WHEREAS, pursuant to Utah Code § 10-1-203, 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; and

WHEREAS, the City Council has determined that the following ordinance is in the City’s best interest;

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

SECTION 1:

Chapter 5.04

SPECIAL EVENT MISCELLANEOUS LICENSES

5.04.010: DEFINITIONS:

In addition to the definitions set forth in section 5.02.020 of this title, the following words and phrases used in this chapter shall have the meanings prescribed in this chapter:

SPECIAL EVENT: Any short-term event at a temporary location that is open to the public for a fee, where the public can participate as a spectator or a participant. Special Events shall also include any event available to the public that requires the full or partial closure of the public right-of-way or the use of City property whether or not a fee is required. Special Events include, but are not limited to, races, concerts, dances, exhibitions, lectures, parades or other types of entertainment.

5.04.0240: SPECIAL EVENT LICENSE REQUIRED; ANNUAL FEES:

Every person, before conducting any special event business named below shall first obtain a special event license and shall pay the following regulatory fees as set forth in the schedule of fees adopted by the municipal council, annually in advance:

A. Concert, ball, lecture, trick or any other exhibition, tent show or amusement: Fifty dollars ($50.00).
B. Cleaning septic tanks and utilizing the city sewer system for discharge: Twenty five dollars ($25.00).

5.04.020: PUBLIC DANCES AND CABARETS:

All licenses relating to public dances and cabarets shall be governed by the provisions to chapter 5.24 of this title and the general provisions of chapter 5.02 of this title; except where there is a conflict between the provisions of chapter 5.24 of this title and the general provisions of chapter 5.02 of this title, the provisions of chapter 5.24 of this title shall govern.

5.04.030: PARADES:

No procession or parade, except a funeral procession or a marathon or footrace, shall occupy, march or proceed along any street except in accordance with a license issued by the license administrator. All requests for such licenses shall state the time, place of formation, proposed line of march, destination, and such other information as the license administrator may require, and shall be accompanied by a fee of twenty-five dollars ($25.00) for each parade. After recommendation by the chief of police, the license administrator may issue the license which shall specify the time limitations as the license administrator may require.

5.04.030: APPLICATION FOR LICENSE:

A. All applications for a special event license shall be made in writing upon the forms provided by the City.

B. In addition to the information required by Chapter 5.02 of this title, an application for a special event shall submit the following:

1. Complete description of the special event including all the anticipated elements such as signage, lighting, types of merchandise, types of food being prepared/sold, alcohol sales, types of live entertainment, sound systems, temporary structures, temporary power, open flames, amusement rides, inflatable devices, and/or fireworks.

2. A copy of a valid lease or written permission from the property owner allowing the special event on the property; written permission allowing the applicant use of toilet facilities within 300 feet of the proposed business location, signed by the property owner.

3. A site plan, drawn to scale, showing the property and its existing features including buildings, parking stalls, driveways, sidewalks, fire hydrants; the exact location of the vendor(s) in relation to buildings, sidewalks, roadways, driveways, fire hydrants and other important features on the property and photographs and/or illustrations showing all components of the business including temporary structures, storage bins, trash receptacles and signage. The site plan and photographs/illustrations shall include all
information necessary to show compliance with the applicable zoning requirements set forth in Chapter 17, Land Development Code.

4. If the special event occurs in the public right of way, a detailed plan identifying the anticipated route, street names, start/finish points, start/finish times, traffic control plans, traffic fixture locations, and anticipated street crossings.

5. If power is required for the special event, an electrical plan showing the power source, how it is connected to the temporary structure, how it is protected from the elements, wire size and location. If it is a new power source, a temporary electrical permit must be obtained from the City.

6. A copy of the special event or temporary business sales tax numbers issued by the State of Utah.

7. Proof of insurance and indemnification agreement as required in 5.04.040 of this title.

8. If the special event involves Utah Department of Transportation UDOT managed right of ways, a copy of the UDOT permit.

5.04.040: INDEMNIFICATION AND INSURANCE REQUIRED:

Applicant shall agree in writing to indemnify the City and its officials, employees and agents and to hold them harmless from and against any and all claims, liability, damage, loss or expense of any kind (including attorney’s fees and costs) arising or resulting in any way from the activities of the licensee on City property, including but not limited to streets, sidewalks or other public rights-of-way. Applicant may be required to maintain insurance in such types and amounts as deemed necessary by the City and to present a written certificate of insurance in a form acceptable to the City and verifying said coverage and naming the City as an additional insured.

5.04.050: REVIEW AND APPROVAL PROCESS:

A. A complete application for a special event license that requires the full or partial closure of the public right-of-way or the use of City property shall be submitted at least 45 days prior to the date of operation or the day of the event. All other applications shall be submitted 15 days prior to the event. Incomplete or late applications may be rejected. Applicant revisions or modifications to the original application may extend the date of approval.

B. Applications shall be subject to review by code authorities, including those for public works, planning, zoning, building, fire, police, health, and others as required for the product, vendor or special event.

C. Approvals shall be based on a combination of code compliance in all applicable areas.
D. The applicant must obtain and maintain proper business and sales tax registration for all aspects of the operation prior to operating.

E. Any other factors or circumstances review authorities consider necessary to protect the public and enhance the community, such as:

1. Pedestrian traffic and site compatibility with proposed operation; and

2. Ability of the applicant to manage the operation and maintain compliance with all laws and local codes; and

F. After recommendation by the reviewing agency representatives, the license administrator may issue the special event license which shall specify the operational limitations as may be required.

Chapter 5.18
ITINERANT OR TRANSIENT MERCHANTS

5.18.010: DEFINITIONS:

In addition to the definitions set forth in section 5.02.020 of this title, the following words and phrases used in this chapter shall have the meanings prescribed in this chapter:

ITINERANT OR TRANSIENT MERCHANT: Any person who offers for sale at wholesale or retail any goods, wares or merchandise in or from any hotel, stall, tent, building, structure, stand, field, corner or other place in the city and who shall not occupy the place for the purpose of conducting a permanent business thereon or therein shall be deemed an itinerant or transient merchant.

TEMPORARY MERCHANT OR VENDOR: The conduct of business lasting for a period of no more than ten (10) days.

LONG TERM MERCHANT OR VENDOR: The conduct of business lasting for a period of time more than 10 days but less than 120 days.

5.18.020: ITINERANT OR TRANSIENT MERCHANT LICENSE REQUIRED;
DISPLAY:

It is unlawful for any person to conduct the business of an itinerant or transient merchant without first securing a license for each place to be so operated. The licensee shall conspicuously display such license in or at his place of business so that the same is plainly visible to the public. The division shall collect a license fee from each itinerant or transient merchant as set forth in the schedule of fees adopted by the municipal council.

5.18.030: APPLICATIONS; CERTIFICATE OF LICENSE; TERM:

A. All applications for a license under this chapter shall be made to and upon forms provided by the division, shall require that the applicant have a current state sales tax number and written permission from the owner of the property where the itinerant or transient merchant is to do business, and shall have written permission
allowing the applicant use of toilet facilities within 300 feet of the proposed business location, signed by the property owner.

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

C. All applicants for an itinerant or transient merchant license shall submit a BCI Background Check as defined in Section 5.31.030.

DB. Upon the granting of a license, the division shall issue a certificate of license signed by the director. The certificate shall show the name of the licensee, the business or occupation to be carried on thereunder, the place where the licensed business is to be carried on if at a fixed place, and the date of expiration of such license.

EE. All licenses and certificates of license issued pursuant to this chapter shall expire as follows: on December 31 of each year.

1. The license and/or certificate for a temporary merchant or vendor shall expire ten (10) days after the date of issuance.

2. The license and/or certificate for a long term merchant or vendor shall expire one hundred twenty (120) days after the date of issuance.

5.18.040: RESPONSIBLE PARTY IDENTIFICATION:

Each applicant, whether a partnership, sole proprietorship or corporation, shall designate an individual for whom the business shall be responsible, and this individual shall:

A. Furnish the division with two (2) recent photographs, one of which shall be affixed to the certificate issued to the licensee and the other shall be retained in the files and records of the division;

B. Sign the registration record kept by the director; and

C. Provide valid driver's license number, date of birth and vehicle identification information.

5.18.050: LICENSE FEE; DEPOSITS:

A. The division shall collect a license fee from each itinerant or transient merchant in the sum of two hundred dollars ($200.00), without proration of any kind, which shall be valid for ten (10) consecutive days.

B. Itinerant or transient merchants shall also execute a cash deposit to the city in the amount of three hundred dollars ($300.00) conditional for the faithful observance of all
laws and ordinances of the city and the honest performance of all duties required by ordinance.

5.18.060: SURRENDER OF LICENSE CERTIFICATE; REFUND OF DEPOSIT:

Upon the surrender by a licensee of his certificate of license to the division, the licensee's cash deposit shall be refunded thirty (30) days thereafter, provided there have been no violations by the licensee of any of the conditions for which the cash deposit was made within that time. If the licensee applies for renewal of his license, the deposit shall be renewed or retained for the term of such newly-acquired license.

5.18.050: ITINERANT OR TRANSIENT MERCHANT CONDITIONS AND REQUIREMENTS:

Each itinerant or transient merchant shall abide by the following conditions and requirements:

A. Merchandise may be sold, offered for sale or displayed for sale from an itinerant or transient merchant between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. On a temporary basis, extended hours may be approved by the Director of Community Development, upon application by the merchant showing substantial justification why extended hours on a temporary basis is appropriate.

B. Each applicant for a license or renewal under this section shall submit, with such application, evidence of insurance as set forth in Logan Municipal Code Section 5.04.040.

C. The applicant for a license or renewal under this section shall submit written permission from the private property owner.

D. Each itinerant or transient merchant shall be limited to a period of not more than one hundred twenty (120) consecutive days on any property or parcel of land within a twelve (12) month period. Within any twelve (12) month period no more than one itinerant or transient merchant shall be permitted on any one site or parcel of real property.

E. All aspects of the itinerant or transient merchant shall be temporary in nature with no permanent facilities constructed on site. No overnight parking or outdoor storage shall be allowed.

F. An itinerant or transient merchant selling, offering to sell or displaying to sale any retail merchandise on private property shall obtain a separate license for each individual private property location.

G. An itinerant or transient merchant proposing to operate on private property shall only be permitted in the Commercial, Commercial Services or Industrial zoning districts as per the Logan Land Development Code.

5.18.060: REVIEW AND APPROVAL PROCESS:
A. Applications shall be subject to review by code authorities, including those for public works, planning, zoning, building, fire, police, health, and others as required for the product, vendor or special event;

B. Approvals shall be based on a combination of code compliance in all applicable areas;

C. The applicant must obtain and maintain proper business and sales tax registration for all aspects of the operation prior to operating;

D. Approvals shall be based on any other factors or circumstances review authorities consider necessary to protect the public and enhance the community, such as:

   1. Pedestrian traffic and site compatibility with proposed operation; and

   2. Ability of the applicant to manage the operation and maintain compliance with all laws and local codes.

E. Based on the recommendations from the different reviewing entities, the license administrator may issue the license which shall specify the operational limitations as may be required.

Chapter 5.20
MOBILE FOOD VENDOR LICENSES MOTOR DELIVERY

5.20.010: DEFINITIONS:

In addition to the definitions set forth in section 5.02.020 of this title, the following words and phrases used in this chapter shall have the meanings prescribed in this chapter:

MOBILE FOOD VENDOR: The conduct of business from a licensed and operable motor vehicle from which food or beverages are sold or offered for sale on a temporary basis.

5.20.010: LICENSE; ANNUAL FEE:

Every person, firm or corporation using motor vehicles for delivering merchandise, furniture and household furnishings, clothing, wholesale or retail gravel, lime, brick, lumber, cement, sand, groceries, meat, bread, milk and other food products, poultry, nursery products, etc., in the city, where not licensed as a dealer, shall first obtain a license for motor vehicle delivery and shall pay therefor the sum of fifty dollars ($50.00) annually in advance.

5.20.020: MOBILE FOOD VENDOR LICENSE REQUIRED:

It is unlawful for any person to conduct the business of a mobile food vendor without first securing a license for each place to be so operated. The licensee shall conspicuously display such license so that the same is plainly visible to the public. The division shall
collect a license fee from each mobile food vendor as set forth in the schedule of fees adopted by the municipal council.

5.20.030: APPLICATIONS; CERTIFICATE OF LICENSE; TERM:

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

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

C. All applicants for a license to operate a mobile food vendor shall submit a BCI Background Check as defined in Section 5.31.030.

D. Upon the granting of a license, the division shall issue a certificate of license signed by the director. The certificate shall show the name of the licensee, the business or occupation to be carried on thereunder, the place where the licensed business is to be carried on if at a fixed place, and the date of expiration of such license.

5.20.040: RESPONSIBLE PARTY IDENTIFICATION:

Each applicant, whether a partnership, sole proprietorship, or other entity shall designate an individual that shall be responsible for the business, and this individual shall:

A. Furnish the division with two (2) recent photographs, one of which shall be affixed to the certificate issued to the licensee and the other shall be retained in the files and records of the division;

B. Sign the registration record kept by the director; and

C. Provide valid driver's license number, date of birth and vehicle identification information.

5.20.050: MOBILE FOOD VENDOR CONDITIONS AND REQUIREMENTS:

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

A. The motor vehicle shall have a clearly audible backup warning device that activates whenever the vehicle is shifted into reverse gear and shall have a flashing yellow beacon on the roof of the vehicle that is visible from all sides of the vehicle and is activated whenever merchandise is being sold, offered for sale or displayed for sale.

B. The motor vehicle shall be inspected and approved by the Bear River Health Department on an annual basis.
C. The motor vehicle shall be inspected by the City for safety, appearance, signage and accessibility.

D. Food or beverages may only be sold or offered for sale between the hours of seven o’clock (7:00) A.M. and ten o’clock (10:00) P.M. On a temporary basis, extended hours may be approved by the Director of Community Development, upon application by the merchant showing substantial justification why extended hours on a temporary basis is appropriate.

E. Food or beverages shall not be sold or offered for sale on public streets where the speed limit exceeds twenty five (25) miles per hour.

F. Food or beverages shall only be sold or offered for sale when the vehicle is completely stopped and lawfully parked, and only from the rear or side of the vehicle nearest to the curb or edge of the roadway on the right side of the vehicle. The operator of the mobile food vendor shall not sell to any person standing in the roadway.

G. Food or beverages shall not be sold within 300 feet of any public property that already contains a concessionaire licensed and approved by the City of Logan.

H. The motor vehicle selling food or beverages shall not be parked in one location on public property for longer than 30 minutes.

I. The applicant shall submit evidence of insurance as set forth in Logan Municipal Code Section 5.04.040.

5.20.060: MOBILE FOOD VENDOR SALES ON PRIVATE PROPERTY:

Each mobile food vendor conducting business on private property, in addition to the other requirements of this Chapter, shall:

A. Submit written permission from the private property owner and provide proof of access and availability to restroom facilities within 300 feet of the business location.

B. Limit sales to a period of not more than one hundred twenty (120) consecutive days on any parcel of land within a twelve (12) month period. Within any twelve (12) month period no more than one mobile food vendor shall be permitted on any one site or parcel of real property.

C. Be temporary in nature with no permanent facilities constructed on site. All aspects of the business shall be removed from the premises each day at the end of operation. No overnight parking or outdoor storage shall be allowed.

D. Obtain a separate license for each individual private property location.

E. Be fully self-contained with respect to gas, water, and waste.

F. Only be permitted in the Commercial, Commercial Services or Industrial zoning districts as per the Logan Land Development Code.
5.20.080: REVIEW AND APPROVAL PROCESS:

A. Applications shall be subject to review by code authorities, including those for public works, planning, zoning, building, fire, police, health, and others as required for the product, vendor or special event.

B. Approvals shall be based on a combination of code compliance in all applicable areas.

C. The applicant must obtain and maintain proper business and sales tax registration for all aspects of the operation prior to operating.

D. Approvals shall be based on any other factors or circumstances review authorities consider necessary to protect the public and enhance the community, such as:
   1. Pedestrian traffic and site compatibility with proposed operation; and
   2. Ability of the applicant to manage the operation and maintain compliance with all laws and local codes.

E. Based on the recommendations from the different reviewing entities, the license administrator may issue the license which shall specify the operational limitations as may be required.

Chapter 5.24
PUBLIC DANCE HALLS AND CABARETS

5.24.120: EXHIBITIONS:

It is unlawful for any person to conduct or maintain any walk-a-thon, marathon or other exhibition of human endurance to which the public is admitted as spectators. It is unlawful for any person to attend any walk-a-thon, marathon or other exhibition of human endurance.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS ___ DAY OF MARCH 2012, BY THE FOLLOWING VOTE:
AYES: Ward, Daives, Quayle, Jones, Olson
NAYS: none
ABSENT: none

/s/ Dean Quayle, Chair

ATTEST:
/s/ Teresa Harris, City Recorder
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this ___ day of March, 2012.

/s/ Dean Quayle, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this ___ day of March, 2012.

/s/ Randy Watts, Mayor
### Summary of an Ordinance

**LOGAN MUNICIPAL COUNCIL**

**SUMMARY OF AN ORDINANCE** passed by the Logan Municipal Council, Logan, Utah is as follows:

**ORD.12-17.** An ordinance was adopted and approved March 6, 2012 amending Section 5.04 of the Logan Municipal Code regarding Special Events, Licenses, Itinerant or Transient Merchants, Mobile Food Vendor Licenses and Public Dance Halls/Cabarets.

**ORD.12-18.** An ordinance was adopted and approved March 6, 2012 rezoning approximately 30 acres of the intersection located at 1200 East and 1400 North (Gravel Pit).

These ordinances are effective immediately upon publication. Full text of the ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 290 North 100 West, Logan, Utah during regular business hours.

Teresa Harris,
City Recorder

Publication date: March 13, 2012

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Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.
STATE OF UTAH
COUNTY OF CACHE, ss

On this 28th day of February, A.D. 2012 personally appeared before me Monica Christensen who being first being duly sworn, deposes and says that she is the Assistant to the Finance Director of the Cache Valley Publishing Co., publishers of The Herald Journal a daily newspaper published in Logan City, Cache County Utah, and that the Legal Notice, a copy of which is hereto attached was published in said newspaper for 1 issue(s) and that said notice also published on utahlegals.com on the same days(s) as publication in said newspaper

Commencing on the following days:
02/28/2012

Subscribed and sworn to before me on this 28th day of February, A.D. 2012

Assistant to the Finance Director

Subscribed and sworn to before me on this 28th day of February, A.D. 2012

Amanda Marie Nye
Commissioned in the State of Utah
My Commission expires August 1, 2015

NOTARY PUBLIC
AMANDA MARIE NYE
800362
COMMISSION EXPIRES
AUGUST 18, 2014
STATE OF UTAH

NOTICE OF PUBLIC HEARING
Logan Municipal Council

The Municipal Council of the City of Logan, Utah will hold a public hearing to consider a proposed amendment to Section 5.04 of the Logan Municipal Code regarding Special Events, Licenses, Itinerant or Transient Merchants, Mobile Food Vendor Licenses and Public Dance Halls/Cabarets.

The public hearing will be held Tuesday, March 6, 2012, at 7:00 p.m. in the Logan Municipal Council Chamber, 290 North 100 West, Logan UT.

Full text of the resolution is available for inspection at the City Recorder’s Office during business hours.

Teresa Harris
City Recorder
Publication Date: February 28, 2012