

ORDINANCE # 22-12

AN ORDINANCE AMENDING THE SANDY CITY MUNICIPAL CODE TITLE 15, "BUSINESS LICENSING", CHAPTER 15-1, "BUSINESS LICENSE", TO IMPLEMENT NEW STATE LEGISLATION RELATING TO FOOD TRUCKS, ALSO KNOWN IN SANDY CITY AS MOBILE FOOD BUSINESS; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, it is necessary to amend the Sandy City Municipal Code Title 15, "Business Licensing", Chapter 15-1, "Business License", Section 15-1-14, "Exemptions" and Section 15-1-15, "Audit, Corrections" to implement new State legislation relating to food trucks, also known in Sandy City as mobile food business. By bringing the City's codes in line with recent State Code amendments, existing regulations will be reduced, and it will be easier to operate a mobile business in Sandy City; and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 15, Chapter 15-1 is hereby amended as set forth in **Exhibit "A"** which is attached hereto and by this reference made a part hereof. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted of such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective up on publication of a summary thereof.

PASSED AND APPROVED this _____ day of _____, 2022.

Zach Robinson, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2022.

APPROVED this _____ day of _____, 2022.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2022.

Exhibit “A”

TITLE 15 – BUSINESS LICENSING CHAPTER 15-1. – BUSINESS LICENSE

Sec. 15-1-14. Exemptions.

- (a) Persons engaged in the following activities may be exempt from the license provisions under this title:
- (1) A farmer engaged in the production of crops, livestock and other agricultural products and in the sale exclusively of agricultural products by him, provided such crops and other agricultural products are sold on the property where grown;
 - (2) A nonprofit organization or operation where the receipts, when collected by a public educational facility, military, or governmental organization, are appropriated for the purposes and objects for which such organization is formed, and no person directly or indirectly derives a profit therefrom;
 - (3) An employee working in the service of an employer where the employer has been issued a valid license;
 - (4) A general contractor or subcontractor engaged in contract work in the City, who do not have offices in the City, but have offices in a jurisdiction which has reciprocal licensing for contractors with the City, and who have a current valid State and local license from that jurisdiction in which their office is located;
 - (5) A person under the age of 16 conducting a business as a part-time hobby or occupation, who is not engaged in such business activities that would be considered the principal means of that person's support;
 - (6) If the business consists of mere delivery in the City of goods or trade services purchased at a regular and licensed place of business outside of the City, ~~not including, however, mobile food vendor businesses;~~ or
 - (7) Mobile food vendor businesses and ice cream trucks as regulated by State code.
- ~~(78)~~ If the business is an approved vendor at a City-sponsored event.
- (b) Persons engaged in the following activities may be exempt from license fees, but shall obtain a license and shall operate the business in accordance with all applicable laws regulating the business:
- (1) A nonprofit charitable organization, or a fraternal association or organization, exempted by State or Federal law;
 - (2) A private, nonprofit educational facility;
 - (3) A person who can demonstrate, by appropriate medical or institutional proof, that the person is disabled and is thereby restricted to the type of work in which he can be engaged and should be allowed an exemption; or
 - (4) A business that is explicitly described in State or Federal law as having an exemption from local license fees.

(Revised Ords. 1978, § 5-1-14; Ord. No. 16-22, 6-6-2016)

Sec. 15-1-15. Audit, Corrections.

Except as prohibited by law, all ~~l~~license fees and reports shall be subject to audit and correction at the close of any calendar year. The Business License Division may examine the business records of any person engaged in business within the City.

(Revised Ords. 1978, § 5-1-15; Ord. No. 16-22, 6-6-2016)

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