
Document Control Changes: Created 3 October 2013, Revised 22 October 2013 (was CF-041-CB-13), New Format February 2018; Revised 22 February 2018; Revised September 2020)

Commercial Business Ordinance

AN ORDINANCE DEFINING AND REGULATING COMMERCIAL BUSINESSES AND PROCEDURES FOR OBTAINING A PERMIT FOR SUCH.

Whereas, commercial zones are established within the Town boundaries for commercial and industrial operations that are separated from residential areas and which require a commercial business license; and,

Whereas, in order to maintain property value and lifestyle in adjacent residential areas, rules and regulations must be established for commercial businesses and occupations;

Now therefore, BE IT ORDAINED by the Town Council of the Town of Cedar Fort, Utah County, Utah that an ordinance pertaining to the regulation of Commercial Businesses within the town be enacted as follows:

1.0 Purpose

A business license is the means whereby Cedar Fort grants permission to engage in a business activity at a specific location within the Town. A separate license shall be required for each type of business and for each place of business located within Cedar Fort.

The purposes of this Ordinance are to:

- 1.1 Permit certain commercial businesses as described herein, which do not detract from the character and quality of the adjoining residential property and neighborhood, based on an evaluation of the tangible impact of such businesses.
- 1.2 Protect adjacent residential areas from any adverse impacts associated with commercial businesses and protect residential property values.
- 1.3 Ensure that the health, safety and welfare of neighbors and residents are protected and that their rights are not compromised by the operation of a particular commercial business within the Commercial Zone.
- 1.4 Safeguard peace, quiet, and domestic tranquility within all adjacent residential neighborhoods.
- 1.5 Protect residents from the adverse effects of business uses from noise, nuisance, traffic, fire hazard and other possible business uses that are in excess of that customarily associated with the neighborhood.
- 1.6 Establish performance criteria and standards for commercial businesses that will provide fair and equitable administration and enforcement of this ordinance.
- 1.7 Provide a means to enforce and regulate the Commercial Businesses that are licensable through the authority of this Ordinance, and if necessary, terminate Commercial Businesses if violations occur.

2.0 Definitions

2.1 Commercial Business: includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods, and the rendering of services to others for consideration.

2.2 Agricultural Pursuits: any business or activity that deals with sale or distribution of food or fiber.

2.3 Business: every craft, trade, occupation, profession or activity engaged in for the purpose of gain or economic profit.

2.4 Tobacco Product: any tobacco cigarette, electronic cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, tobacco paraphernalia, or any substitute for a tobacco product, including flavoring or additives to tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion.

2.5 Beer: The term 'beer' and 'light beer' by statute means a traditionally brewed beer that contains 5% or less of alcohol by volume (ABV) and is sold by beer distributors throughout the state to retail licensees and permit holders. Beer consumed on the premises of a retail business (such as restaurants or bars) must have both local and state licensing.

2.6 General Tobacco Retailers: a retail business or storefront that:

- a. sells a wide variety of products such that the sale of Tobacco Products accounts for less than 35% of the total quarterly gross receipts; and
- b. has less than 20% of the retail floor space and less than 20% of the total shelf space allocated to the offering, display or storage of Tobacco Products; and
- c. there is no self-service display for Tobacco Products.

2.7 Retail Tobacco Specialty Business: All retail businesses or storefronts that sell Tobacco Products and are not a General Tobacco Retailer.

3.0 Commercial Business Application Procedure

Requests for a Commercial Business License must be applied for before engaging in a Commercial Business. Applications will be reviewed and approved by the Town Council Member assigned to oversee Licensing ("Licensing Councilmember"). The Town will take action on the application within 45 days after receipt.

3.0.1 Commercial Business License Requirements

All Commercial Businesses shall be licensed as required by this ordinance, unless specifically provided an exemption in this section. Only the owner or an officer of the company, may apply for a Commercial Business License. The authority to issue a license to conduct a Commercial Business shall be exclusively under the jurisdiction

of the Town Council. Incomplete applications will be denied.

3.0.2 Notification. An applicant for a Commercial Business shall notify, in writing, all property owners within 300' of the proposed Commercial Business location describing with specificity the type and scope of the Commercial Business. If the Town receives any objections to the issuance of the proposed Commercial Business from those within 300' of the proposed Commercial Business within ten (10) days of the notice, the application must be approved only in a Town Council Meeting. If no objections are received in the prescribed period of time, the Town may continue and issue the license consistent with the other provisions of this ordinance.

3.0.3. Required Documentation. The following documents must accompany the application for Commercial Business License:

- Applicant must be registered and in good standing with the Secretary of State A certificate of good standing a copy of the applicants organizational documents must be provided. Sole proprietors doing business under their own name are exempt from this requirement.
- Applicant must provide its Federal Employer Tax Identification Number.
- All applications must include the required fee.
- Commercial Businesses that require additional state or county licenses or approvals must provide copies of such licenses or approvals with its application. Failure to obtain any required license or approval necessary to engage in the Commercial Business, will automatically and immediately revoke any Commercial Business License issued by the Town.

3.1 Commercial Business Standards

Commercial Businesses shall comply with the following at all times ("Standards"):

3.2.1 Off-Street Parking. All business related vehicles, which park at the location of the Commercial Business, including those of the applicant and its employees must be in a designated parking lot and not on any public street. Additional parking must be provided for the anticipated high-average number of patrons expected during hours of operation.

3.2.2 Renter/Owner Responsibility. Owner must show proof of ownership for the property identified in the application. If the applicant for a Commercial Business license rents or leases the property where the Commercial Business is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the Town together with a copy of a written lease between the Owner of the property and the applicant.

3.2.3 Conformity with Safety Codes. There shall be complete conformity with fire, building, plumbing, electrical and all town, county, state and federal codes. Before a Commercial Business License is issued, the local Fire Chief, or his agent,

will inspect the premises to ensure that the facilities comply with local Fire Code.

3.2.4 Health and Safety. No process can be used which is hazardous to public health, safety, morals or welfare.

3.2.5 No Excessive Utility Uses. The Commercial Business shall not cause a demand for community or utility services that is substantially in excess of those usually and customarily provided. Any utility upgrades required shall be borne by the applicant.

3.2.6 Adjacent Neighborhood Disruptions Not Permitted. The Commercial Business shall not interfere or disrupt the peace, quiet and domestic tranquility of the adjacent neighborhood. The Commercial Business shall not produce, create, or be associated with any of the following ("Environmental Nuisances"):

any obnoxious odor, dust, electrical interference, smoke, heat, fumes, light, glare, noises or vibrations, excessive traffic or other nuisances, including interferences with radio and television reception or any other adverse effects within the neighborhood.

The aforementioned Environmental Nuisances must not be detectible beyond property.

3.2.7 Tobacco Sales. Any commercial business that sells Tobacco products must provide proof of a Tobacco License from the Utah County Health Department. Only General Tobacco Retailers are allowed. Retail Tobacco Specialty Businesses (RTSB) are expressly prohibited per this Ordinance.

3.2.8 Beer Sales: Any commercial business that sells Beer must provide proof of a Beer license from the Utah Department of Alcoholic Beverage Control (DABC) Alcoholic Beverage Control Commission. Beer consumed on the premises of a retail business (such as restaurants or bars) are expressly prohibited per this Ordinance.

3.2.9 Traffic. Vehicular traffic from business related visitors and customers shall not exceed that which normally and reasonably occurs for the Zone.

3.2.10 Delivery Vehicles. The receipt or delivery of merchandise, goods, or supplies for use in a Commercial Business shall be limited to the maximum vehicle weight and length as posted on the public street used to access the Commercial Business.

3.2.11 Signs. Any sign to be used in connection with the Commercial Business must be applied for separately and must conform to the applicable town ordinances.

3.3 License for Commercial Business:

3.3.1 A new Commercial Business License is required if any change or expansion to the scope of the Commercial Business's activities differs from the

scope specifically described in the application or in its operations for the prior year.

3.3.2 All Licenses for a Commercial Business are non-transferable and are issued to a specific applicant for a specific Commercial Business and to a specific site. All such Licenses for a Commercial Business shall be deemed to terminate immediately when the holder thereof moves or relocates from such premises, or discontinues the activity and/or operation of the business which is the subject of such License.

3.3.3 Each License for Commercial Business, if not previously terminated, shall terminate at the end of the calendar year following the date of issuance, but may be renewed. Licenses issued after 1 July shall be charged at one-half the license fee for that first partial year and will be renewed at the normal rate after that. The renewal process shall follow the same procedures as for an original License Application.

3.3.4 The annual fee for a Commercial Business license is \$150. License renewals are due by January 1 each year. Renewal notices may be sent to the business as a courtesy, but the business is responsible for ensuring renewal applications and payments are received by the Town prior to delinquency. A 25% delinquent late fee penalty is assessed on accounts not paid within 30 days of due date. After 60 days, an additional 50% delinquent penalty is assessed. If fees become 90 or more days delinquent, the business license or renewal will be automatically revoked and will require the payment a civil penalty of \$500 plus application/renewal fees for operating the business without a paid license. Collection costs are incurred by the applicant.

4.0 Prohibited Commercial Businesses

The following uses, by the nature of the occupation, substantially impair the use and value of adjacent residentially-zoned areas for residential purposes and are therefore prohibited.

- Commercial Business or activity which requires a Hazardous Materials or Operational Permit;
- Sexually oriented businesses;
- Commercial Business that include any unlawful activities or support or encourage unlawful activities;
- Commercial Business that sells beer consumed on the premises of a retail business (such as restaurants or bars); or
- Retail Tobacco Specialty Businesses.

5.0 Noncompliance and Revocation

A Commercial Business License shall be revoked by the Town Council upon violation of any of the requirements of this ordinance, or upon failure to comply with any condition(s) of the

License, unless the violation is corrected within ten (10) days of receipt of written notice of the violation. A License may be revoked for repeated violations of the requirements of any Town Ordinance notwithstanding compliance to the violation notice.

5.1 Administration and Enforcement:

Responsibility for the administration of the provisions of this ordinance is assigned to the Licensing Councilmember.

5.1.1 An application for a License, amendment, renewal, or extension, shall be on the form prescribed by the Town and submitted to the Town Clerk.

5.1.2 The Town, and its authorized representatives, in the exercise of reasonable discretion may inspect the premises before and after issuance of a Commercial Business License if such is deemed necessary in light of the documentation submitted or other information received, but is not required to inspect the premises for every application. If Licensing Councilmember should determine that such application is should be denied, such denial shall include a statement of reasons for such denial.

5.1.3 The issuance of a License under the provisions of this ordinance shall not constitute a commitment or assurance that the License will be renewed or extended, or that any renewal or extension will be on the same terms and conditions as the original License.

5.1.4 The issuance of a License for a Commercial Business as provided herein shall not be construed as permitting or authorizing any construction or plan revision.

5.1.5 When the Town has reasonable cause to believe that any holder of a License for a Commercial Business may be in violation of the terms of the provisions of this ordinance or of the terms of such License, the Town shall conduct such investigation as may be warranted by the circumstances including an inspection of the premises, and upon finding of a violation may direct that the violations be corrected within a period of ten (10) days. If such violations remain uncorrected upon the expiration of that ten (10) day period, the License will be revoked.

5.1.6 Within thirty (30) days of the denial of a License or of the revocation of a License, the applicant may appeal the Licensing Councilmember's decision to the Town Council which may conduct such hearing as it may deem appropriate and affirm or reverse the decision of the Licensing Councilmember.

5.1.7 Upon reasonable cause to believe that any person is in violation of the terms of this ordinance by conducting a Commercial Business without a valid License, the Town shall issue a notice to the would-be applicant and, if such violations is uncorrected for a period of ten (10) days thereafter, shall file a complaint to be prosecuted by the Court.

5.1.8 Any person aggrieved by the issuance of a Commercial Business License or by the operation of a Commercial Business may apply for a hearing and review before the

Town Council.

6.0 Penalties and Violations

Any person, firm or corporation who knowingly violates any provision of this ordinance shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for not more than ninety (90) days, or to both such fine and imprisonment, in the discretion of the Court. Each day that a violation exists shall constitute a separate and distinct offense.

7.0 Severability

If any part of this ordinance is declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration will not affect the remaining parts, which will remain in effect.

8.0 Repeal

Ordinance #CFO-130-TS-2016 Tobacco Sales is hereby repealed in its entirety.
Ordinance #CFO-320-BS-2016 Beer Sales is hereby repealed in its entirety.
All prior versions of Ordinance #CFO-311-CB-XXXX Commercial Businesses are hereby repealed in entirety.

9.0 Effective Date

This ordinance shall become effective upon approval and posting.




Passed by the majority vote of the Town Council of the Town of Cedar Fort this 5th day of September 2020.


Mayor

Attest:


Town Clerk/Clerk

Mayor David T. Gustin
Councilmember Laura Ault
Councilmember Ellen Cibula
Councilmember Wyatt Cook
Councilmember Rett Messersmith

Voted Yea 
Voted Yea 
Voted Yea 
Voted ABSENT
Voted ABSENT

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, JULIA COSPER, Town Clerk of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 5 day of September 2020 entitled

"COMMERCIAL BUSINESS ORDINANCE"

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 8 day of September 2020.



JULIA COSPER
Cedar Fort Town Clerk

(SEAL)



SECRET
 14-00000

NAME OF VENDOR

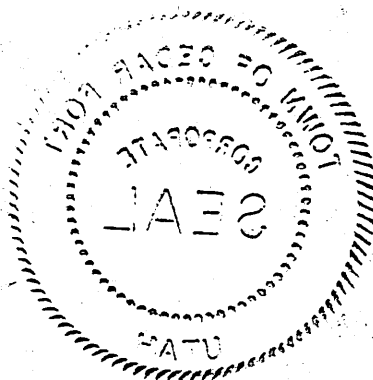
1. The first step is to identify the problem. This involves understanding the symptoms and the context in which they are occurring.

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of 1000 in the year 1900, and 1700 in 1917. At
this time, the total population of the United States was 100,000,000.

1940-1941

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AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Julia Cospers, Town Clerk of Cedar Fort Town, Utah, do hereby certify and declare that I posted in two (2) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 5 day of September 2020 and herein referred to as:

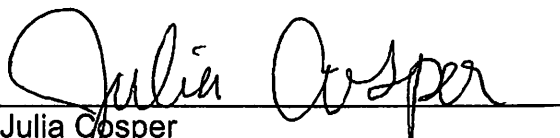
"COMMERCIAL BUSINESS ORDINANCE"

SUMMARY:

The above-named ordinance was enacted to define and describe the requirements, limitations and restrictions for Commercial Business Licenses within the Town of Cedar Fort and consolidates, amends, restates, and repeals all of the following: CFO-130-TS-2016 and CFO-320-BS-2016.

The three places are as follows:

1. Post Office
2. Town Hall
3. Town Recreation Center



Julia Cospers
Cedar Fort Town Clerk

Date of Posting Sept. 8, 2020