MIDVALE CITY, UTAH
ORDINANCE NO. 2018-O-08

An Ordinance Amending Chapters 5.04.020 and 5.26.040
of the Midvale Municipal Code

WHEREAS, The City has an interest in regulating the conduct and practices of businesses and employees of its businesses within Midvale City

WHEREAS, The City’s regulation of its businesses is enforced under Title 5 of the Midvale Municipal Code;

WHEREAS, Midvale City Council has determined that it is necessary to amend certain portions of its ordinance under Title 5, specifically Chapters 5.04.020 and 5.26.040;

WHEREAS, Midvale City Council feels that it is in the best interest of the City to amend its ordinance to provide clarification and inclusion under Title 5;

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

Section 1. The City Council desires to amend Midvale Municipal Code Chapters 5.04.020 and 5.26.040 as set forth in Exhibit A.

Section 2. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstance is held invalid or unconstitutional by a court of competent jurisdiction, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

Section 4. This Ordinance shall be effective upon date of first publication.

PASSED AND APPROVED this 17th day of July, 2018.

Robert Hale, Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

Voting by the City Council
Bryant Brown “Aye” “Nay”
Dustin Gettel
Published: July 22, 2018
EXHIBIT “A”

5.04.020 Reasons for suspension or revocation.
An existing business license or alcoholic beverage license shall be suspended or revoked if any of the following criteria apply:

A. The licensee does not now meet the qualifications for a licensee as provided under this title;
B. False or incomplete information was given on an application;
C. Violation of any provision of this title by the licensee;
D. Violation of any other law by the licensee committed while acting in the licensee’s business capacity;
E. The licensee has obtained or aided another person to obtain a license by fraud or deceit;
F. The licensee has failed to file the appropriate documents with the State Tax Commission distributing the local portion of sales tax to Midvale City;
G. The licensee has refused authorized representatives of the city to make an inspection or has interfered with such representatives while in the performance of their duty in making such inspection;
H. The licensee is not complying with a requirement or condition set by the planning commission or planning and zoning division, if applicable, under a conditional use permit or administrative conditional use permit; if applicable, granting a variance or special exception; by the city council or board of adjustment; or by agreement;
I. Violation of this title by an agent, independent contractor, or employee of a licensee;
J. Violations of any other laws by an agent, independent contractor, or employee of the licensee;
K. Any other reason expressly provided for in this title.

For purposes of subsections (D) and (J) above, a violation of a law by a licensee, agent, independent contractor, or employee at the licensee’s place of business is presumed to have occurred while the individual was acting in the licensee’s business capacity or acting as an agent, independent contractor, or employee of the licensee.

The following acts are prohibited:

A. It is unlawful for any person to practice or engage in or attempt to practice or engage in massage, without first being licensed by the state of Utah as a massage technician or massage apprentice.
B. It is unlawful for any massage establishment to employ or contract with, for the purpose of performing massage, any individual who is not licensed by the state of Utah as a massage technician or massage apprentice.
C. It is unlawful to serve, store, allow to be served, or allow to be consumed any alcoholic beverage on the licensed premises of a massage establishment.
D. It is unlawful for a massage technician, massage therapist, massage apprentice, employee, or independent contractor of a massage establishment to touch or offer to touch or massage the genitalia of customers.
E. It is unlawful for a massage technician, massage therapist, massage apprentice, employee, independent contractor, or customer of the massage establishment to display to any other person any specified anatomical area or to engage in any specified sexual activity, as defined in Section 5.12.050, while on the premises of the massage establishment.
5.04.020 Reasons for suspension or revocation.
An existing business license or alcoholic beverage license shall be suspended or revoked if any of the following criteria apply:

A. The licensee does not now meet the qualifications for a licensee as provided under this title;

B. False or incomplete information was given on an application;

C. Violation of any provision of this title by the licensee;

D. Violation of any other law by the licensee committed while acting in the licensee’s business capacity;

E. The licensee has obtained or aided another person to obtain a license by fraud or deceit;

F. The licensee has failed to file the appropriate documents with the State Tax Commission distributing the local portion of sales tax to Midvale City;

G. The licensee has refused authorized representatives of the city to make an inspection or has interfered with such representatives while in the performance of their duty in making such inspection;

H. The licensee is not complying with a requirement or condition set by the planning commission or planning and zoning division, if applicable, under a conditional use permit or administrative conditional use permit; if applicable, granting a variance or special exception; by the city council or board of adjustment; or by agreement;

I. Violation of this title by an agent, independent contractor, or employee of a licensee;

J. Violations of any other laws by an agent, independent contractor, or employee committed while acting as an agent, independent contractor, or employee of the licensee; or

K. Any other reason expressly provided for in this title.

For purposes of subsections (D) and (J) above, a violation of a law by a licensee, agent, independent contractor, or employee at the licensee’s place of business is presumed to have occurred while the individual was acting in the licensee’s business capacity or acting as an agent, independent contractor, or employee of the licensee. (Ord. 2014-10 § 1 (Exh. A) (part); Ord. 10/28/2003O-12 (part), 2003; Ord. 12-09-97G (part), 1997)
The following acts are prohibited:

A. It is unlawful for any person to practice or engage in or attempt to practice or engage in massage, without first being licensed by the state of Utah as a massage technician or massage apprentice.

B. It is unlawful for any massage establishment to employ or contract with, for the purpose of performing massage, any individual who is not licensed by the state of Utah as a massage technician or massage apprentice.

C. It is unlawful to serve, store, allow to be served, or allow to be consumed any alcoholic beverage on the licensed premises of a massage establishment.

D. It is unlawful for a massage technician, massage therapist, massage apprentice, employee, or independent contractor of a massage establishment to touch or offer to touch or massage the genitalia of customers.

E. It is unlawful for a massage technician, massage therapist, massage apprentice, employee, independent contractor, or customer of the massage establishment to display to any other person any specified anatomical area or to engage in any specified sexual activity, as defined in Section 5.12.050, while on the premises of the massage establishment. (Ord. 2015-11 § 1 (Exh. A) (part); Ord. 10/28/2003O-12 (part), 2003: Ord. 12-09-97O (part), 1997)