

ORDINANCE 2003-41

**AN ORDINANCE AMENDING TOOELE COUNTY CODE TITLE 9
CHAPTER 4, SEXUALLY ORIENTED BUSINESSES;
CONFORMING DISTANCE REQUIREMENTS TO THE ZONING
ORDINANCE; PROHIBITING ALCOHOLIC BEVERAGES AT SUCH
ESTABLISHMENTS; LIMITING WINDOW DISPLAYS; DEFINING
HOURS OF OPERATION; AND MAKING TECHNICAL
CORRECTIONS**

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF
TOOELE COUNTY, UTAH AS FOLLOWS:**

SECTION I-SECTION AMENDED. Tooele County Code Section 9-4-4 is hereby amended
by repealing Subsection 18, defining seminude dancing bars.

SECTION II. SECTION AMENDED. Tooele County Code Section 9-4-6 is hereby
amended to read:

9-4-6. Location and zoning restrictions.

(1) It is unlawful for any sexually oriented business to do business at any location not zoned
for such business, except out call services and nude and seminude dancing agencies are not limited
to locations zoned for sexually oriented businesses.

(2) Each sexually oriented business shall be located not closer than 300 feet to any zoning
district boundary.

(3) Each sexually oriented business shall be located at least 1320 feet from the property line
on which it is located to:

- (a) the property line of any other sexually oriented business; or
- (b) the boundary of any zoning district which allows a church, school, recreational area
frequented by the general public, a day care or pre-school, an establishment that sells beer or liquor
for on- or off-premise consumption, a motel or hotel, a residential dwelling, lodging house, or
dormitory congregate residence.

SECTION III - SECTION AMENDED. Tooele County Code Section 9-4-11 is hereby
amended to read:

9-4-11. Employee licenses.

(1) It is unlawful for any sexually oriented business to employ, or for any individual to be
employed by a sexually oriented business in the capacity of a sexually oriented business employee,
unless that employee first obtains a sexually oriented business employee license.

(2) Each performer, dancer and escort service provider of a sexually oriented business shall have a current certification from the Tooele County Health Department certifying that such person is free of all sexually transmitted diseases and HIV. The employee shall renew the certification annually.

(3) No employee shall be allowed to work at the sexually oriented business who does not have a license or certification or whose certification has expired.

(4) The employer shall retain in the business office copies of all employees' licenses and certifications and will present them upon request of an inspection in accordance with Section 9-4-45.

SECTION IV - SECTION AMENDED. Tooele County Code Section 9-4-12 is hereby amended to read:

9-4-12. License - Application - Disclosures required.

Before any applicant may be licensed to operate a sexually oriented business or as a sexually oriented business employee, the applicant shall submit, on a form supplied by the county clerk the following:

(1) the name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name;

(2) if a corporation, partnership or limited partnership, or individual or entity doing business under an assumed name, such information as would be required for individual applicants for each partner and principal of the applicant, and for each officer, director and any shareholder, corporate or personal, involved in the day-to-day running of the business;

(3) if a corporation, partnership or noncorporate entity, information identifying each individual authorized by the corporation, partnership or noncorporate entity to sign checks for such corporation, partnership or noncorporate entity;

(4) for each applicant:

- (a) any other name or alias used by the individual;
- (b) age, date and place of birth;
- (c) height;
- (d) weight;
- (e) color of hair;
- (f) color of eyes;
- (g) present business address and telephone number;
- (h) present residence and telephone number;
- (i) Utah driver license or identification number; and
- (j) social security number;

(5) documentation that each individual is at least 18 years of age or, in the case of employees to be employed in businesses where a different age is required, proof of the required age;

(6) two color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Sheriff's Office, or for persons not residing in the County, the photographs and fingerprints shall be on a form from the law enforcement jurisdiction

where the person resides, and in all cases fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;

(7) for any sexually oriented business performer, dancer or escort service provider, a copy of a certificate issued by the Tooele County Health Department certifying that such person has been tested for sexually transmitted diseases and HIV and found to be free of any such disease;

(8) a statement of the business, occupation or employment history of the applicant for three years immediately preceding the date of the filing of the application;

(9) a statement detailing the license or permit history of the applicant for the five-year period immediately preceding the date of the filing of the application, including whether such applicant has previously operated or is seeking to operate, in this or any other county, city, or state has ever had a license, permit or authorization to do business denied, revoked or suspended, or has had any professional or vocational license or permit denied, revoked or suspended, and in the event of any such denial, revocation or suspension, the date and the reasons therefor, including an attached copy of any order of denial, revocation or suspension;

(10) all criminal convictions or pleas of nolo contendere, except misdemeanor traffic offenses, stating the date, place, nature of each arrest and sentence of each conviction or other disposition identifying the arresting or convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers, noting that an application for a sexually oriented business employee license shall constitute a waiver of disclosure of any criminal arrests or convictions for the purposes of any proceeding involving the business or employee license;

(11) in the event the applicant is not the owner of record of the real property upon which the business is to be located, a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property, also the name, address and phone number of the owner of record of the property as well as the copy of the lease or rental agreement pertaining to the premises in which the business will be located;

(12) a description of the services to be provided by the business, with sufficient detail to identify what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee, and any rules, regulations or employment guidelines under or by which the business intends to operate, including:

(a) the hours that the business or service will be open to the public and the methods of promoting the health and safety of the employees and patrons and preventing them from engaging in illegal activity;

(b) the methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities;

(c) the methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this chapter or other statutes or ordinances;

(d) the methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity; and

(13) such other information and identification as the Sheriff's Office, Health Department, or County licensing authority may reasonably require in order to discover or verify the truthfulness and completeness of the matter as required to be set forth in the application.

SECTION V. SECTION REPEALED. Tooele County Code Section 9-4-26 is hereby repealed.

SECTION VI. SECTION AMENDED. Tooele County Code Section 9-4-27 is hereby amended to read:

9-4-27. Alcohol prohibited. Alcoholic beverages shall not be served or consumed on any premise of a sexually oriented business.

SECTION VII. SECTION ENACTED. Tooele County Code 9-4-42 is hereby enacted to read:

9-4-42. Window displays. No merchandise or pictures of the products or entertainment on the premises shall be displayed in the window areas of a sexually oriented business or any area where they can be viewed from outside the building.

SECTION VIII. SECTION ENACTED. Tooele County Code 9-4-43 is hereby enacted to read:

9-4-43. Hours of operation. A sexually oriented business shall be open for business only between 10 a.m. to 2 a.m. of the following day.

SECTION IX. SECTION ENACTED. Tooele County Code 9-4-44 is hereby enacted to read:

9-4-44. Parking area lighting. Each sexually oriented business shall provide sufficient lighting to adequately illuminate the establishment's public and employee parking lots for safety purposes. The lighting must be on during the night when the establishment is open for business and until the last employee has left the building. The lighting shall comply with county ordinances.

SECTION X. SECTION ENACTED. Tooele County Code 9-4-45 is hereby enacted to read:

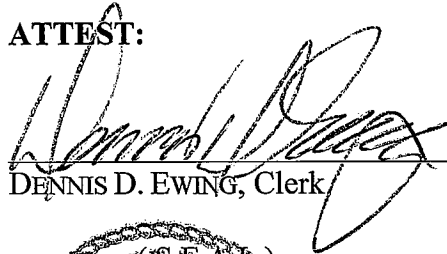
9-4-45. Inspections. The sheriff, zoning administrator, county planners, and health department shall provide continuing inspections of each sexually oriented business to ensure compliance with all applicable business, zoning, health, safety, and public safety regulations.

SECTION XI. REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

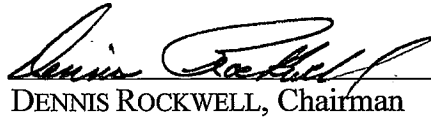
SECTION XII. EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date, if more than 15 days after passage.

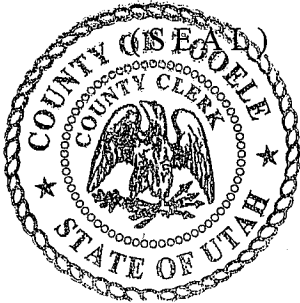
IN WITNESS WHEREOF, the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 23rd day of December 2003.

ATTEST:


DENNIS D. EWING, Clerk

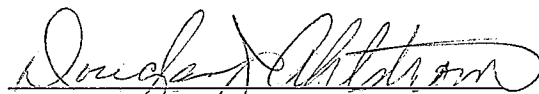
TOOELE COUNTY COMMISSION


DENNIS ROCKWELL, Chairman



Commissioner Rockwell voted aye
Commissioner White voted aye
Commissioner Lawrence voted aye

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney