

TITLE 8

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Chapter 8.04

HEALTH DEPARTMENT

Sections:

8.04.010	Reporting of contagious disease.
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Section 8.04.010 Reporting of contagious disease.

It is unlawful for physicians or other persons having knowledge of the existence of any contagious or infectious diseases or having reason to believe that any such disease exists, to fail to report the same forthwith to the Utah County Health Department.

(Ord. no. 133 §1 (part), 1985; prior code §13-10. Ord no. 2002-3, amended 1/15/02)

Section 8.04.020 Sanitary food dispensers required.

Whenever it is determined by a member of the Utah County Health Department that filthy or unsanitary conditions exist or are permitted to exist in the operation of any hotel, restaurant, boarding house, food store or other public place where food or beverages are manufactured, processed, stored, deposited, sold or offered for sale, for any purpose whatsoever, the proprietor or any persons operating said place shall first be notified and warned by the Utah County Health Department to place said premises in a sanitary condition within a reasonable length of time, and any such person who fails to obey such notice or who shall continue to deal in such foods or beverages from premises thus failing to comply, shall be guilty of a violation of this chapter. (Ord. no. 133 §1(part), 1985; prior code §13-12. Ord. no. 2002-3, amended 1/15/02)

Section 8.04.030 Authority to close buildings.

Whenever in the opinion of the Utah County Health Department any building or dwelling has, because

of its unsanitary condition, become a menace to life or health or unfit for human habitation, said Utah County Health Department shall have the power to close to occupancy said building or dwelling and/or cause to be vacated said building or dwelling until the same is put in a clean and sanitary condition as required by the rules and regulations of the Utah County Health Department. It shall further be the duty of the Utah County Health Department to notify the owner, agent or lessee in writing of the action taken and post in a conspicuous place on said building or dwelling a sign reading as follows: *“Closed to Occupancy by Order of the Utah County Health Department.”*

(Ord. no. 133 §1 (part), 1985; prior code §13-19; Ord. no. 2002-3, amended 1/15/02)

Section 8.04.040 Occupancy of closed buildings unlawful.

It is unlawful for any person to occupy, lodge or sleep in, or cause or permit any person to occupy, lodge or sleep in, any building or dwelling or other place closed to occupancy by order of the Utah County Health Department. (Ord. no. 2002-3, amended 1/15/02; Ord. no. 133 §1 (part), 1985; prior code §13-20.)

Chapter 8.08

NUISANCES

**(Repealed and Replaced by Section 8.20,
Ord. No. 2002-6, 2/19/02)**

Chapter 8.12

FOOD REGULATIONS

Sections:

8.12.010	Distribution of unwholesome food unlawful.
8.12.020	Raw milk sales--License required.

Section 8.12.010 Distribution of

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unwholesome
food unlawful.

No person shall sell or offer for sale in the city any unwholesome food or drink or any food or beverage which has been condemned by a government inspector or by an inspector of the Utah County Health Department. (Ord. no. 2002-3, amended 1/15/02; Ord. no. 133 §1 (part), 1985; prior code §13-11.)

Section 8.12.020 Raw milk sales--License required.

It is unlawful for any person to sell raw milk within the confines of the city without first having obtained a permit to do so at a fee to be established by the city council. It is further unlawful for any person to operate a business for the purpose of selling raw milk unless they conform in all respects to the regulations of the Utah State Department of Agriculture, Utah State Department of Health and the Utah County Health Department, or any other governmental agency which may have regulatory powers in regard to the sale of such products. (Ord. No. 14, 1965; prior code §8-34.)

Chapter 8.16

GARBAGE

Sections:

8.16.010	Definitions.
8.16.020	Waste removal department-- Establishment.
8.16.030	Waste removal charge authority and fund establishment.
8.16.040	Waste removal department-- Superintendent and employee appointment.
8.16.050	Waste removal department-- Superintendent duties.
8.16.060	Waste removal department-- Examination of sanitary conditions.
8.16.070	Waste removal department--Right of entry.
8.16.080	Waste removal department--Power of superintendent to establish regulations.
8.16.090	Rates--city council authority.
8.16.100	Waste removal service by city required.

8.16.110	Ownership.
8.16.120	No burying or dumping in city limits.
8.16.130	Accumulation unlawful.
8.16.140	Receptacles--Required.
8.16.150	Receptacles to be clean and covered.
8.16.160	Receptacles--Placement within required.
8.16.170	Liquid garbage and bulky waste matter.
8.16.180	Placement in streets unlawful.
8.16.190	Hauling without cover unlawful.
8.16.200	Loaded vehicles not to remain on streets.
8.16.210	When suitable for hog feed.
8.16.220	Weekly removal required.
8.16.230	Occupant responsibility for sanitary condition.
8.16.240	Violation--Penalty.

Section 8.16.010 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include words in the plural number. The word 'shall' is always mandatory and not merely directory.

1. "City" is the city of Lindon.
2. "Garbage" is held to include and mean kitchen and table refuse, leavings and offal, and also every accumulation of putrescible waste of animal and vegetable waste and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, birds, fruits, and vegetables.
3. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
4. "Waste matter" includes and is held to mean crockery, bottles, tin cans, trimmings from lawns and gardens, pasteboard boxes, rags, paper, cold ashes, sawdust, shavings, packing material, but does not include boards and pieces of lumber. (Ord. no. 20 §4, 1970.)

Section 8.16.020 Waste removal
department--

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Establishment.

1. There is created a department of waste removal of the city, and the office of superintendent of the department, which shall be managed, operated and supervised by the superintendent thereof, under the direction of the city council.
2. The waste removal department may be charged with the responsibility of operating and maintaining a garbage and waste matter collection, removal and disposal system for the purpose of collecting and removing garbage and waste matter from the residences and business houses of all persons within the city, and disposing of said garbage and waste matter in a sanitary manner.
3. The city council may by resolution adopt the alternative method of hiring a private company or individuals on a contract basis to handle all garbage collection services. (Ord. no. 20 §1, 1970.)

Section 8.16.030 Waste removal charge authority and fund establishment.

The city council shall place the garbage pickup charge on the water and sewer statement sent out monthly and upon collection of the same, it shall be placed in the city treasury in a separate fund to be known as the "waste removal fund" and disbursed by the city council with the approval of the city council as it sees fit. (Ord. no. 20 §22, 1970.)

Section 8.16.040 Waste removal department-- Superintendent and employee appointment.

The city council may appoint a competent and suitable person to the office of superintendent of the waste removal department, and also shall appoint such other employees as may be required for the operation and maintenance of the waste removal department, and shall have power to remove such superintendent and employees for cause. (Ord. no. 20 §2, 1970.)

Section 8.16.050 Waste removal department-- Superintendent duties.

The superintendent shall have charge of the waste removal department, and all property of the city used by the department. If the waste removal is handled by the city, he shall manage efficiently the system of collection and removal of garbage and waste matters in accordance with law, and under the direction of the city council. (Ord. no. 20 §3, 1970.)

Section 8.16.060 Waste removal department-- Examination of sanitary conditions.

The superintendent of the waste removal department of the city, or other duly authorized representative, may visit all premises within the corporate limits of the city from time to time to examine the sanitary conditions of the premises to determine whether the provisions of this chapter are being complied with. Upon written notification served personally or by mail, postage prepaid, by the superintendent, or his representative, to the owner or occupant, all persons, firms, or corporations, shall within three days from the date of service of such notice, comply with the provisions of this chapter or be deemed guilty of a misdemeanor. (Ord. no. 97-1 §10, effective date 1-7-97; Ord. No. 20 § 16, 1970.)
(Ord. 97-1, Amended, 08/16/2000)

Section 8.16.070 Waste removal department--Right of entry.

The superintendent of the waste removal department of the city, after identifying himself, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter. (Ord. no. 20 §21, 1970.)

Section 8.16.080 Waste removal

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garbage for a period of more than one week, or any waste matter for a period of more than four weeks. (Ord. no. 20 §8, 1970.)

Section 8.16.140 Receptacles--Required.

1. Every owner, tenant, or occupant of any premises where garbage is created shall provide upon such premises, in a suitable place, one or more galvanized metal garbage receptacles, with tightfitting galvanized metal cover, for receiving and holding all garbage created upon such premises between the times of collection and removal. Every owner, tenant, or occupant of any premises where waste matter is created shall, where necessary, in addition to the garbage receptacle, provide upon such premises in a suitable place, one or more receptacles, or depositories, acceptable to the superintendent of the waste removal department, to contain all waste matter which may accumulate upon such premises between removals. All persons must at all times locate such receptacles at places, so as to be readily accessible for removing and emptying the same, but they shall not be placed within the limits of any street or alley within the corporate limits of the city, or anywhere so as to constitute a nuisance.
2. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case must be removed from the street the same day they are emptied.
3. Paper or plastic bags manufactured for the purpose of garbage disposal of a type, quality and size approved by the city may be used. (Ord. no. 20 §9, 1970.)

Section 8.16.150 Receptacles to be clean and covered.

All garbage and waste matter receptacles shall be kept in a clean and sanitary condition by the owner or person using the same, and garbage receptacles shall be kept tightly covered at all times except when garbage is being deposited therein or removed therefrom, and shall at all times be proof against access by flies to the contents thereof.

(Ord. no. 20 §10, 1970.)

Section 8.16.160 Receptacles--Placement within required.

All garbage shall be placed in the garbage receptacle required by Section 8.16.140 of this chapter. All waste matter must be placed in the receptacle or depositories provided for such waste matter, or in the garbage receptacle. (Ord. no. 20 §11, 1970.)

Section 8.16.170 Liquid garbage and bulky waste matter.

No liquid garbage shall be deposited with any garbage or waste matter. All kitchen garbage shall be drained of any moisture and completely wrapped in paper before being placed in the garbage container. Bulky waste matter such as trimmings from lawns or gardens, weeds and cardboard boxes must be bundled so as not to exceed three feet in length nor thirty pounds in weight. (Ord. no. 20 §12, 1970.)

Section 8.16.180 Placement in streets unlawful.

It is unlawful for any person engaged in hauling garbage or waste matter of any kind upon the streets of the city to permit, suffer, allow or cause any of such matter to fall into or to remain in the streets. (Ord. no. 20 §13, 1970.)

Section 8.16.190 Hauling without cover unlawful.

It is unlawful for any person to convey, transport or haul upon the streets of the city any garbage or waste matter unless the same is contained in a sanitary receptacle tightly covered and in good condition and adequate to prevent spillage or escape of noxious odors. (Ord. no. 20 §14, 1970.)

Section 8.16.200 Loaded vehicles not to remain on streets.

It is unlawful for any persons to suffer, permit or allow any vehicle controlled by him and which is loaded with garbage or other waste materials specified herein to be or remain standing on any

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public street with the city any longer than may be necessary for the purpose of loading the same or moving the same to its destination in accordance with applicable traffic laws and regulations. (Ord. no. 20 §15, 1970.)

Section 8.16.210 When suitable for hog feed.

Whenever the superintendent of the waste removal department shall determine that the garbage from any premises is suitable for hog feed, and shall so notify the occupant of such premises, such occupant shall thereafter deposit the garbage designated as hog feed in a separate container and shall keep such garbage free from any rubbish, tin cans, glass, coffee grounds, egg shells, paper, or other indigestible materials. (Ord. no. 20 §17, 1970.)

Section 8.16.220 Weekly removal required.

Removal of garbage or waste matter from the premises shall be made at least once a week from private residences and as many times per week as the superintendent of the waste removal department of the city may order from all meat, fish, game, and vegetable markets, restaurants, boarding houses, hotels, hospitals, retail stores, wholesale stores, manufacturing establishments, and other like places. (Ord. no. 20 §18, 1970.)

Section 8.16.230 Occupant responsibility for sanitary condition.

The owner, or his agent, or the occupant, of any premises within the city shall be responsible for the sanitary condition of the premises occupied by him, and it is unlawful for any person to place, deposit, or allow to be placed or deposited on his premises any waste matter, except as designated by the terms of this chapter. It is unlawful to place or deposit waste matter on another person's premises. (Ord. no. 20 §20, 1970.)

Section 8.16.240 Violation--Penalty.
Any person violating any of the provisions of this

chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty dollars or by imprisonment in the city or county jail for not more than 30 days, or both such fine and imprisonment. (Ord. no. 20 §25, 1970.)

Chapter 8.20

PUBLIC NUISANCES

Sections:

8.20.010	Purpose
8.20.020	Definitions
8.20.030	Nuisances - Definitions
8.20.040	Exceptions
8.20.050	Nuisances - Abatement by Eviction
8.20.060	Finding of a Nuisance
8.20.070	Responsibility for Nuisances
8.20.080	Inspector - Office Created
8.20.090	Inspector - Duties
8.20.100	Notice - Proof of Service
8.20.110	Hearings
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8.20.130	Delivery of Itemized Statement of Expenses
8.20.140	Failure to Make Payment
8.20.150	Collection by Lawsuit
8.20.160	Collection through Taxation
8.20.170	Remedies Cumulative
8.20.180	Nuisance Unlawful- Violation - Penalty

Section 8.20.010 Purpose

The purpose of this ordinance is to provide a means for the City and individuals to identify nuisances within the City and to provide a means for correcting or abating the nuisances. The City needs the ability to abate nuisances in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the City and its citizens, businesses and visitors. This ordinance provides for progressive enforcement measures to abate nuisances; the most aggressive forms of enforcement are generally reserved for the most recalcitrant violators of the

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ordinance. (Ord. No. 2002-6, 2/19/2002; Ord. No. 99-10, 1999; Ord. No. 114 §1, 1986; prior code §10-1)

Section 8.20.020 Definitions

“Abate” means to repair, replace, remove, destroy, correct or otherwise remedy a condition which constitutes a nuisance by such means, in such manner and to such an extent as the Inspector determines is necessary in the interest of the general health, safety and welfare of the community.

“Emergency” means a situation which, in the opinion of the Neighborhood Preservation Officer, requires immediate action to prevent or eliminate an immediate threat to the health or safety of a person or property.

“Inspector” means the City Administrator, Chief Building Official, Planning Director, Public Works Director, Police Officer, Fire Marshal and other code enforcement staff hired by the City to enforce provisions of the Lindon City Code.

“Owner” means any person who, alone or with others, has title or interest in any building or premises, with or without accompanying actual possession thereof. For the purpose of giving notice, the term “Owner” also includes any person in physical possession.

“Premises” means a plot of ground, whether occupied or not.

“Property” means a building or structure, or the premises on which the building or structure is located, or undeveloped land.

“Public Place” means an area generally visibly to public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets, and buildings open to the general public, including those that sell food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

“Responsible Person” means the person(s) responsible for correcting or abating a nuisance pursuant to this ordinance. The Responsible Person includes the property owner and any person who causes or permits a nuisance to occur or

remain upon property in the City, and includes but is not limited to the owner(s), lessors(s), lessee(s), or other person(s) entitled to control, use and/or occupy property where a nuisance occurs. In cases where there are more than one Responsible Person, the City may proceed against one, some or all of them. (Ord. No. 2002-6, 2/19/2002)

Section 8.20.030 Nuisance - Definition.

This section defines “nuisance” by providing five general definitions of what constitutes a nuisance (subsection A), and then providing specific examples of situations, conduct or activities that constitute nuisances (subsection B). The purpose of the general definitions is to allow the City to classify an offending situation, conduct or activity as a nuisance, even though the situation, conduct or activity may not be listed as a nuisance in the specific examples. The first three general definitions are taken directly from Utah State Law. The purpose of listing the specific examples is to identify some of the specific situations, conduct and activities that the City intends to abate as nuisances.

A. **General Definitions of Nuisance.** Any activity that meets any one or more of the five definitions set forth below shall constitute a “nuisance” if it occurs within the City of Lindon:

1. **Nuisance as Defined in U.C.A. §78-38-1(1).** Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
2. **Nuisance as Defined in U.C.A. §76-10-801.** Any item, thing, manner, or condition whatsoever that it is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.
3. **Nuisance as Defined in U.C.A. §76-10-803.** Unlawfully doing any act or omitting to perform any duty, which act or omission:
 - a. annoys, injures, or endangers the comfort, repose, health, or safety of

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- three or more persons;
- b. offends the public decency;
 - c. unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
 - d. in any way renders three or more persons insecure in life or the use of property.
- An act which affects three or more persons in any of the ways specified in this subsection is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.
4. **Nuisance.** A condition which:
 - a. wrongfully annoys, injures, or endangers the comfort, repose, health or safety of others; or
 - b. unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, street or highway, or any other public place; or
 - c. in any way renders other persons insecure in life, or in the use of property, and which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.
 5. **Specific Nuisances Listed in Subsection B.** Anything specifically listed as a nuisance in subsection (B), below.
- B. Nuisances Enumerated.** Every situation, conduct or activity listed below constitutes a nuisance and may be abated pursuant to this ordinance. The listed examples are not exhaustive; a situation, conduct or activity not listed below, but coming within one of the general definitions of nuisances listed above, shall also constitute a nuisance. The first six listed nuisances are also listed as nuisances pursuant to U.C.A. §78-38-9:
1. **Drug Houses.** Every building or premise where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor, or analog specified in Title 57, Chapter 37 of the Utah Code (Utah Controlled Substances Act) occurs.
 2. **Gambling.** Every building or premises where gambling is permitted to be played, conducted, or dealt upon as prohibited in Title 76, Chapter 10, Part 11 of the Utah Code (Gambling) which creates the conditions of a nuisance as defined in Section 8.20.030(A)(1) of this ordinance.
 3. **Gangs.** Every building or premise wherein criminal activity is committed in concert with two or more persons as provided in Section 76-3-203.1 of the Utah Code.
 4. **Party Houses.** Every building or premises where parties occur frequently which create the conditions of a nuisance as defined in Section 8.20.030(A)(1) of this ordinance.
 5. **Prostitution.** Every building or premises where prostitution or the promotion of prostitution is regularly carried on by one or more persons as provided in Title 76, Chapter 10, Part 13 (Prostitution) of the Utah Code.
 6. **Weapons.** Every building or premises where a violation of Title 76, Chapter 10, Part 5 (Weapons) of the Utah Code occurs on the premises.
 7. **Unsafe Conditions.** A condition that unreasonably or unlawfully affects the health or safety of one or more persons.
 8. **Fire Hazard.** A fire hazard.
 9. **Noxious Emanations.** Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
 10. **Noxious Weeds.** Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location which constitute a fire hazard.
 11. **Refuse.** Keeping or storing of any refuse or waste matter which interferes with the

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- reasonable enjoyment of nearby property.
12. **Stagnant Water.** Polluted or stagnant water which constitutes an unhealthy or unsafe condition.
 13. **Improper Accumulations.** Accumulation of soil, litter, debris, plant trimmings, or trash, visible from the street or an adjoining property.
 14. **Accumulation of Junk.** Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premises.
 15. **Attractive Nuisances.** Any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pools.
 16. **Vegetation.** Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin or other pests.
 17. **Dust.** Any premises which causes excessive dust due to lack of landscaping, non-maintenance or other cause.
 18. **Improper Storage.** The keeping, storing, depositing or accumulating on the premises or in the public right-of-way for an unreasonable period of time dirt, sand, gravel, concrete, or other similar materials, or maintenance of such material on public rights-of-way. Material stored as part of an active construction project shall not be considered a nuisance.
 19. **Garbage Can.** The leaving of any garbage can or refuse container in the street, other than on collection day, for more than 24-hours after the collection day.
 20. **Construction Equipment.** Construction equipment or machinery of any type or description parked or stored on property when it is readily visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property, or where the property is zoned for the storage of construction equipment and/or machinery.
 21. **Improper Sign.** Improper maintenance of a sign; or signs which advertise a business that is no longer extant on the property.
 22. **Improper Parking or Storage.**
 - a. Parking or storage of inoperative, unregistered, abandoned, wrecked or dismantled vehicles, boats, trailers or vehicle parts, including recreational vehicles, on a Premises or in the public right-of-way. Storage or parking that is specifically allowed by the City's zoning ordinance shall not be considered a nuisance.
 - b. Parking or storage of registered vehicles, trailers or boats in violation of City ordinance.
 23. **Hazardous Conditions.** Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property.
 24. **Graffiti.** Graffiti which remains on the exterior of any building, fence, sign, or other structure and is visible from a public street.
 25. **Improper Maintenance.** Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to the following:

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- a. Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located.
 - b. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of City ordinances, or any use of land, buildings or premises in violation of City ordinances.
 - c. Buildings which are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. An “unreasonable state of partial construction: is defined as any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable City ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction.
 - d. Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair.
 - e. Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass.
 - f. Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair.
 - g. Building or conditions that violate any building, electrical, plumbing, fire, housing, or other code adopted by the City.
26. **City Code Nuisances.** Any violation of a Lindon City Code section that expressly declares a specific situation, conduct or activity to be a nuisance.
 27. **Alcohol.** Every property or premises not licensed under applicable State law or City ordinances where any intoxicating liquors or alcohol are kept for unlawful use, sale or distribution.
 28. **Inappropriate Conduct.** Every property or premises where there exists an environment which causes, encourages or allows individuals or groups of individuals to commit one or more of the following acts on the property, premises or adjacent public place, including but not limited to:
 - a. Illegally consuming intoxicating liquor or alcohol;
 - b. Publically urinating or defecating;
 - c. By physical action, intentionally causing or attempting to cause another person to reasonable fear imminent bodily injury or the commission of a criminal act upon their person or upon property in the immediate possession;
 - d. Engaging in acts of violence, including fighting amongst themselves;
 - e. Discharging a firearm or explosive in violation of City ordinances or State law;
 - f. Intentionally obstructing pedestrian or vehicular traffic; or
 - g. Soliciting acts of prostitution.
 - h. Violating the Lindon City Curfew Ordinance. (Chapter 9.22.)
 29. **Inappropriate Noise.** It shall be unlawful for any person to make, permit, continue, or cause to be made, or to create any unreasonable loud and disturbing noise in the City. Any noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with

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- peace and good order of persons of ordinary sensibilities shall be prohibited.
30. **Dangerous Conditions.** Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, or loading dock; or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the City, in any one or more of the following particulars:
- By reason of being a menace, threat and/or hazard to the general health and safety of the community.
 - By reason of being a fire hazard.
 - By reason by being unsafe for occupancy, or use on, in, upon, or about or around the aforesaid property.
 - By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.
31. **Illegal Accessory Apartments.** Any violation of the City's accessory apartment ordinance. (Section 17.46.100)
32. **Family.** Keeping or allowing people at a premise in violation of the City's single family residence requirements. (Section 17.02.59)
33. **Parking on Landscaping.** Parking in an area required to be landscaped by City ordinance.

34. **Banner Signs.** Keeping or allowing banner signs in violation of City ordinance.
35. **Required Landscaping.** Failure to install or maintain landscaping required by City ordinance.
36. **Animals.** Nuisance violations with respect to the keeping and maintenance of animals, including odor, shall be regulated by the Lindon City Animal Control Ordinance. (Chapter 6.20.) (Ord. No. 2002-6, 2/19/2002)

Section 8.20.040 Exceptions.

No act which is done or maintained under the express authority of an authoritative statute, ordinance or court ruling shall be declared a nuisance. (Ord. No. 2002-6, 2/19/2002; §10-7, prior code §10-3)

Section 8.20.050 Nuisance - Abatement by Eviction

Whenever there is reason to believe that a nuisance under Section 8.20.030(B)(1-6) is kept, maintained, or exists in the City, the City Attorney, Police Department, or any citizen(s) residing in the City, or any person or entity doing business in the City, in his or her own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant of the property harboring the nuisance. The eviction shall take place as specified in Utah law. (Ord. No. 2002-6, 2/19/2002)

Section 8.20.060 Finding of Nuisance.

If an Inspector finds that a nuisance exists, the Inspector shall attempt to have the Responsible Person abate the nuisance. Although the Inspector's first step in correcting or abating the nuisance will always be to obtain voluntary compliance, the Inspector may pursue any remedy or combination of remedies available pursuant to this ordinance, State law or common law in order to abate the nuisance. Nothing in this section shall be interpreted to prohibit the City from engaging in

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its standard prosecution practices. Therefore, the City may prosecute violators of City ordinances or State laws without first having to comply with the provisions of this ordinance, even though the activity or conduct prosecuted may also constitute a nuisance under this ordinance. Nothing in this ordinance shall be interpreted to prevent the City from enforcing applicable City ordinances, building codes, or the Abatement of Dangerous Buildings Code without first treating the offending conduct, situation or activity as a nuisance pursuant to this ordinance. (Ord. No. 2002-6, 2/19/2002)

Section 8.20.070 Responsibility for Nuisances.

The Responsible Person(s) is responsible for abating nuisances pursuant to this ordinance. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is responsible for the nuisance and is therefore a Responsible Person pursuant to this ordinance. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it. (Ord. No. 2002-6, 2/19/2002)

Section 8.20.080 Inspector - Office Created.

The office of inspector is created for the purpose of administering the provisions of this chapter and the powers delegated to this municipality by said statutes subject to such control and review as the City Council may from time to time direct. Until such time as the City Council may otherwise appoint an inspector by resolution, the City Administrator, Public Works Director, Chief Building Official, Planning Director, Police Officer, Fire Marshal and other code enforcement staff hired by the City shall perform the functions of inspector. (Ord. No 2002-6, 2/19/2002; Ord. No. 133§1(part), 1985; Ord. No. 114§3, 1985; prior code §10-4)

Section 8.20.090 Inspector - Duties.

1. The inspector is authorized and directed to inspect and examine real property situated within the municipality for the purpose of determining whether or not it contains the above-stated object, or similar objects or conditions and for the purpose of determining whether or not the existence of such objects or similar objects or conditions creates a nuisance as above declared.
2. If the inspector concludes that such conditions exist in whole or in part, he shall:
 - a. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist;
 - b. Serve notice in writing upon the owner and occupant of such land, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses, as disclosed by the records of the county assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the inspector may designate, which shall not be less than 10 days from the date of *service* of such notice;
 - c. Inform the owner or occupant or both by means of such notice or an attached document that in the event he disagrees with the determination of the inspector and does not wish to remove the objects or objectionable conditions, he may within five days from the date of service of such notice request in writing a hearing before the City Council at a time and place to be set by the City Council. A written application for a hearing shall stay the time within which the owner or occupant must conform to the decision of the inspector.
3. An inspector may, at his/her discretion, use a *Lindon City Uniform Citation and Notice to Appear* to commence enforcement action on any violation of this

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provision. A Citation may be issued in lieu of the process described in 8.20.090(2)(a-c).

4. In the event the owner or occupant makes a request for a hearing, the City Council shall set the time and place for hearing such objections and the city recorder shall notify the owner or occupant in writing of the time and place at which he may appear and be heard. The hearing shall not be heard within less than five days from the date of service of mailing of the notice to eradicate, or destroy and remove the nuisance. (Ord. No. 2002-6, 2/19/2002; prior code 114 §4, 1985)

8.20.100 Notice - Proof of Service.

One notice served to the property owner by Lindon City shall be deemed sufficient for any violation of the section (8.20.). The inspector shall make proof of service by an Official Notice of Mailing. (Ord. No. 2002-6, 2/19/2002; Ord. No. 133§3 (part), 1985; Ord. no. 114 §5, 1985, prior code §10-5)

8.20.110 Hearing

1. At the written request of an owner or occupant ordered to remove or abate such nuisance from his real property, the City Council shall conduct an informal hearing wherein the owner or occupant may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of such object or conditions is property within the purview of this chapter. The City Council shall also permit the presentation of evidence and argument by the inspector and other interested parties. Thereafter, within not more than 10 days, the City Council, as it may designate by resolution, shall render its written decision, a copy of which shall be mailed to or served upon the owner or occupant by the inspector.
2. In the event the decision of the City Council upholds the determination of the inspector, the notice originally given by the inspector as above provided shall be deemed to be sufficient

to require the owner or occupant to remove or abate such nuisance and he shall have 10 days from the date of notice of the decision within which to conform thereto.

3. In the event that the decision of the City Council either overrules or modified the determination of the inspector, the written decision of the City Council shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the City Council within 10 days after service or mailing of a copy of the decision and the decision shall be deemed to be the modified decision of the inspector.
4. The inspector shall file an amended notice and proof of service of the amended notice and file the same in the office of the county treasurer. (Ord. No. 2002-6, 2/19/2002; prior code 114 §6, 1985)

Section 8.20.120 Failure to Comply.

If any responsible person described in such notice or decision shall fail or neglect to conform to the requirements thereof relating to the eradication or destruction or removal of such nuisance, the inspector shall employ all necessary assistance to abate such nuisance and to cause such materials to be removed and destroyed at the expense of the responsible person. (Ord. No. 2002-6, 2/19/2002; Ord. No. 114 §7, 1985; prior code §10-6)

Section 8.20.130 Delivery of Itemized Statement of Expenses.

The inspector shall prepare an itemized statement of all expenses incurred in the abatement of such nuisance and the removal and destruction of such materials and shall mail a copy thereof to the owner or occupant, or both, demanding payment within 20 days of the date of mailing. Such notice shall be deemed delivered when mailed by Certified U.S. Mail addressed to the property owner's or occupant's last known address as herein set forth.

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(Ord. No. 2002-6, 2/19/2002; prior code 114 §8, 1985)

Section 8.20.140 Failure to Make Payment.

In the event the responsible person fails to make payment of the amount set forth in the statement to the municipal treasurer within said twenty days, the inspector may do any of the following:

1. Cause suit to be brought in an appropriate court of law.
2. May refer the matter to the county treasurer as provided in this chapter.
3. May place a lien, notice of assessment, notice of interest, etc., on the responsible person's property to recover costs for abatement actions. (Ord. No. 2002-6, 2/19/2002; Ord. No. 97-1, 1997; prior code 114 §9, 1985)

8.20.150 Collection by Lawsuit.

In the event collection of expenses of destruction and removal are pursued through the courts, the city shall seek to receive judgement for all expenses of destruction and removal, together with reasonable attorney's fees, interest and court costs, and shall execute upon such judgement in the manner provided by law. (Ord. No. 2002-6, 2/19/2002; prior code 114 §10, 1985)

Section 8.20.160 Collections through Taxation.

In the event that the inspector elects to refer the expenses of abatement, destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make an itemized statement of all expenses incurred in the abatement, destruction and removal of the nuisance and shall deliver three copies of such statement to the county treasurer within 10 days after the completion of the abatement and work of destroying or removing the nuisance. Thereupon, the costs of the work shall be pursued by the county treasurer within accordance with the provisions of Section 10-11-4, U.C.A., 1953, as amended, and the owner or occupant shall have such rights and shall be subject to such powers as are therein granted. (Ord. No 2002-6, 2/19/2002; prior code 114 §11, 1985)

Section 8.20.170 Remedies Cumulative.

All remedies prescribed under this chapter shall be cumulative, and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. (Ord. No. 2002-6, 2/19/2002; prior code 114 §12, 1985)

Section 8.20.180 Nuisance Unlawful-Violation-Penalty.

It is unlawful for any person, firm, or corporation either as owner, agent or occupant to maintain or permit to remain or be maintained upon his premises any nuisance as defined herein. Every such nuisance shall be removed or abated as herein provided for. Any person or persons who shall allow or maintain a nuisance as herein defined, or who shall otherwise be guilty of a violation of any of the provisions of this chapter shall be guilty of a Class C misdemeanor. Each day a nuisance is permitted to remain may be deemed a separate offense. (Ord. No. 2002-6, 2/19/2002; prior code 114 §2, 1985)

Chapter 8.22

Fighting Contests

8.22.010 Definitions.

8.22.020 Ultimate fighting prohibited.

8.22.030 Prize fighting prohibited.

8.22.040 Right of injunction.

8.22.050 Penalty.

Section 8.22.010 Definitions.

For the purpose of this chapter, the following words shall have the following meanings:

1. Bodily injury. Any impairment of physical condition, including physical pain.
2. Extreme fighting. See definition of "ultimate fighting."
3. Full contact fighting. See definition of "ultimate fighting."
4. "Ground 'n' Pound" Challenge. See definition of "ultimate fighting."
5. "No-holds-barred" fighting. See definition

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- of “ultimate fighting.”
6. Prize fighting. Any contest or exhibition in which blows are struck where the participants compete for a cash purse in any amount or a non-cash purse with more than nominal value. This definition shall not apply to a martial arts studio or amateur boxing studio licensed in Lindon that holds an exhibition or contest where the participants compete for a trophy or non-cash purse of nominal value, and where all the participants are bona fide students of that studio or an invited studio licensed in another jurisdiction and are demonstrating the skills and techniques taught by the studio.
7. Serious bodily injury. Bodily injury that creates a substantial risk of death or causes:
- (a) serious permanent disfigurement;
 - (b) unconsciousness;
 - (c) extreme pain; or
 - (d) permanent or protracted loss or impairment of the function of a bodily member or organ.
8. “Tough Man” Contest. See definition of “ultimate fighting.”
9. Ultimate fighting. A live match in which:
- (a) participants compete for a cash purse in any amount, a trophy, or a non-cash purse with more than nominal value; or
 - (b) participants are not licensed as professional contestants in any state or are not employed by or contractually engaged on a long term basis with any professional wrestling, boxing, or martial arts association sponsoring the match; or
 - (c) audiences are charged an admission fee; and
 - (d) match rules permit contestants to use any or a combination of the following combative techniques: boxing, kicking, wrestling, hitting, punching, or other combative contact techniques, and match rules do not:
 - (i) incorporate a formalized

system of combative techniques or a point system against which a contestant’s performance is judged to determine the prevailing contestant;

(ii) divide a match into two or more equal and specified time periods for a match total of no more than fifty (50) minutes; or

(iii) prohibit contestants from:

A. using anything that is not part of the human body, except for boxing gloves, to intentionally inflict serious bodily injury upon an opponent through direct contact or the expulsion of a projectile;

B. striking a person who demonstrates an inability to protect himself from the advances of an opponent;

C. biting; or

D. direct and forceful strikes to the eyes, groin area, adam’s apple area of the neck, and temple area of the head.

Section 8.22.020 Ultimate fighting prohibited.

No person shall promote, conduct, engage, or participate in an ultimate fighting match within the corporate limits of the city of Lindon.

Section 8.22.030 Prize fighting prohibited.

No person shall promote, conduct, engage, or participate in prize fighting within the corporate limits of the city of Lindon.

Section 8.22.040 Right of injunction.

Lindon city or its designated representative may institute in district court a lawsuit seeking

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injunctive relief against any individual violating the provisions of this article.

Section 8.22.050 Penalty.
Any person found in violation of any provision of this chapter shall be guilty of a Class A misdemeanor. Every day that a violation occurs shall constitute a separate offense. (Ord. no. 2004-10, Adopted, 10/19/2004)

Chapter 8.24

PHEASANT HUNTING

Sections:

8.24.010	Lawful--When.
8.24.020	Compliance with state statutes and regulations required.
8.24.030	Children of ages twelve through fourteen.
8.24.040	Children of ages fourteen through sixteen.
8.24.050	Unlawful when in vicinity of building or enclosure.
8.24.060	Unlawful when in designated areas.
8.24.070	Unlawful on posted property.
8.24.080	Violation--Penalty.

Section 8.24.010 Lawful--When.
Notwithstanding any ordinance of the city heretofore adopted to the contrary, it is lawful to shoot pheasants within the city limits of the city during the season established by the State of Utah for the hunting and shooting of pheasants subject to the restrictions set out in Sections 8.24.020 through 8.24.070. (Ord. no. 120 §01 (part), 1985.)

Section 8.24.020 Compliance with state statutes and regulations required.
All Utah State Statutes and Utah Wildlife Board Regulations pertaining to the hunting of pheasants shall be complied with by all persons hunting or shooting pheasants in the city. (Ord. no. 120 §1 (A), 1985.)

Section 8.24.030 Children of ages twelve through fourteen.
Children 12 years of age through 14 years of age who are hunting or shooting pheasants must be accompanied by a parent, legal guardian, or person 21 years of age or older who has been approved by the child's or children's parents. (Ord. no. 120 §1(B), 1985.)

Section 8.24.040 Children of ages fourteen through sixteen.
Children 14 years of age through 16 years of age who are hunting or shooting pheasants must be accompanied by a person 21 years of age or older. (Ord. no. 120 §1 (C), 1985.)

Section 8.24.050 Unlawful when in vicinity of building or enclosure.
It is unlawful for any person to hunt or shoot at pheasants within six hundred feet of any house, garage, barn, shed, corral, or any enclosure where domestic animals are kept, unless express permission of the person in lawful possession of such building or enclosure is first had and obtained. (Ord. no. 120 §1(D), 1985.)

Section 8.24.060 Unlawful when in designated areas.
It is unlawful for any person to hunt or shoot at pheasants at any time within the areas of the city which are designated on the map of the city as "No Hunting," "Such areas are established by resolution and may be revised by resolution as deemed necessary and appropriate by the city council". (Ord. no. 120 §1 (E), 1985.)

Section 8.24.070 Unlawful on posted property.
It is unlawful for any person hunting or shooting pheasants to enter upon any private property which has been posted, "NO TRESPASSING," without the permission of the owner thereof. (Ord. no. 120 §1(F), 1985.)

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Section 8.24.080 Violation--Penalty.

Any person violating, causing or permitting a violation of any provision of any Section of this chapter or the provisions adopted or incorporated by reference herein shall be guilty of a Class B misdemeanor and shall be punished by a fine of not more than two hundred ninety-nine dollars or by a jail sentence not to exceed six months or both. (Ord. no. 120 §2, 1985.)

Chapter 8.28

FIREWORKS

Sections:

8.28.010	Terms of sale.
8.28.020	Terms of discharge.
8.28.030	Permit--Required.
8.28.040	Permit--Application.
8.28.050	Permit--Notice of acceptance or rejection.
8.28.060	Temporary stand--Prohibitions and regulations.
8.28.070	Temporary stand--General requirements.
8.28.080	Display of permit to sell and sales tax permit.
8.28.090	Prohibited discharges.
8.28.100	Violation--Penalty.

Section 8.28.010 Terms of sale.

Fireworks authorized pursuant to the Utah Fireworks Act, U.C.A. 11-3-1 et seq., may be sold within the city on or between June 20th and July 25th, on or between December 20th and January 2nd, and 15 days before and on the Chinese New Year. (Ord. no. 98 (part), 1983.)

Section 8.28.020 Terms of discharge.

Fireworks may be discharged three days prior to, on the day of, and three days following July 4th, July 24th, January 1st and the Chinese New Year. (Ord. no. 98 (part), 1983.)

Section 8.28.030 Permit--Required.

Except as provided herein, no person shall offer for

sale or sell at retail any fireworks without having first applied for and received a permit. (Ord. no. 98 (part), 1983.)

Section 8.28.040 Permit--Application.

All applications for a permit to sell fireworks shall:

1. Be made in writing accompanied by a permit fee of three hundred dollars;
2. Set forth the proposed location of the fireworks stand;
3. Include for delivery to the city or county clerk insurance certificates evidencing public liability coverage in the amount of two hundred thousand/ four hundred thousand dollars; and property damage coverage in the amount of \$2,000 designating the city or county as an additional insured;
4. Include for delivery to the city or county clerk insurance certificates evidencing products liability insurance in an amount in excess of one million dollars' coverage;
5. Include a statement that the applicant agrees to comply strictly with the terms of any permit granted and to furnish any additional information upon request;
6. Include a sales tax permit. (Ord. no. 98 (part), 1983.)

Section 8.28.050 Permit--Notice of acceptance or rejection.

Applicants for a permit shall be notified by the city or county clerk of rejection or acceptance at the earliest possible time but no later than five days after the application is applied for. (Ord. no. 98 (part), 1983.)

Section 8.28.060 Temporary stand--Prohibitions and regulations.

Retail sales of fireworks shall be permitted within a temporary fireworks stand, and from any permanent building or structure. Temporary stands shall be subject to the following prohibitions:

1. No fireworks stand shall be located within 25

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8.30.230	Outcall services--operation requirements
8.30.240	Adult business--design of premises
8.30.250	Semi-nude entertainment business--design of premises
8.30.260	Alcohol prohibited
8.30.270	Semi-nude dancing agencies
8.30.280	Performers--prohibited activities
8.30.290	Patrons--prohibited activities
8.30.300	Nudity--defenses to prosecution
8.30.310	Violation--injunction
8.30.320	Violation--license suspension or revocation
8.30.330	Effect of license revocation
8.30.340	Appeal procedures
8.30.350	Violation--penalty--responsibility
8.30.360	Severability
8.30.370	Effective date

Section 8.30.010 Title for citation

The provisions codified in this chapter shall be known and may be referred to as the "Sexually-Oriented Business and Employee Licensing Ordinance."

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.020 Purpose of provisions

It is the purpose and object of this chapter that the city establish reasonable and uniform regulations governing the time, place, and manner of operation of sexually-oriented businesses and their employees in the city. This chapter shall be construed to protect the governmental interests recognized by this chapter in a manner consistent with constitutional protections provided by the United States and Utah constitutions.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.030 Application of provisions

This chapter imposes regulatory standards and license requirements on certain business activities which are characterized as sexually-oriented businesses, and certain employees of those businesses characterized as sexually-oriented business employees. Except where the context or specific provisions require, this chapter does not supersede or nullify any other related ordinances, including, but not limited to, those codified in Chapter 9 of the Lindon City Code.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.040 Definitions

For the purposes of this chapter, the following words shall have the following meanings:

1. "Adult Bookstore" or "Adult Video Store" mean a commercial establishment which:

- a. excludes minors from more than fifteen percent (15%) of the retail floor or shelf space of the premises; or
- b. as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations, the central theme of which depicts or describes specified sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.

2. "Adult Business" means an adult motion picture theater, adult theater, adult bookstore, or adult video store.

3. "Adult Motion Picture Theater" means a commercial establishment which:

- a. excludes minors from the showing of two (2) consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or
- b. as its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of specified sexual activities or specified anatomical areas.

4. "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which:

- a. holds itself out as such a business; or

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- b. excludes minors from the showing of two (2) consecutive exhibitions (repeated performances of the same presentation shall not be considered a consecutive exhibition); or
 - c. as its principal business, features persons who appear in live performances in a state of semi-nudity or which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
5. "Employ" means hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of employment relationship.
 6. "Escort" means any person who, for pecuniary compensation, dates, socializes, visits, consorts with, or accompanies or offers to date, consort, socialize, visit, or accompany another or others to or about social affairs, entertainment, or places of amusement, or within any place of public or private resort or any business or commercial establishment or any private quarters. "Escort" shall not be construed to include persons who provide business or personal services such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve (12) hours and who provide a service not principally characterized as dating or socializing. "Escort" shall also not be construed to include persons providing services such as singing telegrams, birthday greetings, or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than one (1) hour.
 7. "Escort Service" means an individual or entity who, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.
 8. "Escort Service Runner" means any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort, or patron by contacting or meeting with escort services, escorts, or patrons at any locations within the city, whether or not such third person is employed by such escort service, escort, patron, or by another business, or is an independent contractor or self-employed.
 9. "Operator" means the manager or other natural person principally in charge of a sexually-operated business.
 10. "Outcall Services" means services of a type performed by a sexually-oriented business employee outside of the premises of the licensed sexually-oriented business, including but not limited to escorts, models, dancers and other similar employees.
 11. "Patron" means any person who contracts with or employs any escort services or escort of the customer of any business licensed pursuant to this chapter.
 12. "Pecuniary Compensation" means any commission, fee, salary, tip, gratuity, hire, profit, reward, or any other form of consideration.
 13. "Person" means any person, unincorporated association, corporation, partnership, or other legal entity.
 14. "Semi-nude" means a state of undress in which:
 - a. fully opaque clothing completely covers the human female breast below a point immediately above the top of the areola; and
 - b. the male or female genitals, pubic region, buttocks, and anus, are covered by fully opaque clothing no narrower than four inches (4") wide in the front and five inches (5") wide at the back, which shall not taper to less than one inch (1") wide at the narrowest point.
 15. "Semi-nude Dancing Agency" means any person, agency, firm, corporation, partnership, or any other entity or individual which

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furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer licensed pursuant to this chapter for performance or appearance at a business licensed for adult theaters.

16. "Semi-nude Entertainment Business" means a business, including adult theater, where employees perform or appear in the present of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude entertainment business if the business holds itself out as such a business.
17. "Sexually-oriented Business" means semi-nude entertainment businesses, sexually-oriented outcall services, adult businesses, and semi-nude dancing agencies, as defined by this chapter.
18. "Sexually-oriented Business Employees" means those employees who work on the premises of a sexually-oriented business in activities related to the sexually-oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees, whether or not hired as employees, agents, or as independent contractors. Employees shall not include individuals whose work is unrelated to the sexually-oriented portion of the business, such as janitors, bookkeepers, and similar employees. Sexually-oriented business employees shall not include cooks, serving persons, and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this chapter, including escorts, models, guards, escort runners, drivers, chauffeurs, and other similar employees, shall be considered sexually-oriented business employees.
19. "Specified Anatomical Areas" means:
 - a. The human male or female pubic area, genitalia, buttocks, or anus; or the human female breast below a point immediately above the top of the areola.
20. "Specified Sexual Activities" means:
 - a. Acts, whether real or simulated, of:

- i. masturbation,
- ii. human sexual intercourse,
- iii. sodomy,
- iv. fellatio,
- v. cunnilingus, or
- vi. bestiality.

- b. Manipulating, caressing, or fondling, or simulating the manipulation, caressing, or fondling of any person of:
 - i. the genitals of a human,
 - ii. the pubic area of a human,
 - iii. any part of the breast or breasts of a human female; or
 - iv. any part of the human buttocks or anus.
- c. Actual or simulated sadomasochistic acts, flagellation, or torture by or upon a person clad in undergarments, a mask or bizarre costume, or in the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.
- d. The actual or simulated display of human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.050 Obscenity and lewdness-- statutory provisions

Notwithstanding anything contained in this chapter, nothing in this chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to applicable federal or state statutes prohibiting obscenity.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.060 Location and zoning restrictions

It is unlawful for any sexually-oriented business to do business at any location within the city not zoned for such business. Sexually-oriented businesses licensed as adult business, or semi-nude entertainment businesses pursuant to this chapter shall only be allowed in areas zoned for their use as set forth in Chapter 17.61.

(Ord. 99-19, Add, 10/04/2000)

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Section 8.30.070 Business license required

It is unlawful for any person to operate a sexually-oriented business without first obtaining a general business license and a sexually-oriented business license. The sexually-oriented business license shall specify the type of business for which it is obtained.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.080 Exemptions from license requirements

The provisions of this chapter shall not apply to any sex therapist or similar individual licensed by the state to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, or psychiatrist, nor shall it apply to any educator licensed by the state for activities in the classroom.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.090 Legitimate artistic modeling

1. The city does not intend to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment or similar state protections. The city does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling. Notwithstanding the provisions of this chapter, a licensed outcall employee may appear in a state of nudity before a customer or patron, providing that a written contract for such appearance was entered into between the customer or patron and the employee, and signed at least forty eight (48) hours before the nude appearance. All other applicable provisions of this chapter shall still apply to such nude appearance.
2. In the event of a contract for nude modeling or appearance signed more than forty eight (48) hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this chapter. During such unlicensed nude

appearance, it is unlawful to:

- a. Appear nude or semi-nude in the presence of persons under the age of eighteen (18);
- b. Allow, offer, or agree to any touching of the contracting party or other person by the individual appearing nude;
- c. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor;
- d. Allow, offer, commit, or agree to any sex act as defined by city ordinances or state statute;
- e. Allow, offer, agree, or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude;
- f. Allow, offer, or agree for the individual appearing nude to be touched by any other person or be within five (5) feet of any other person while performing or while nude or semi-nude.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.100 Business categories-- number of licenses

1. It is unlawful for any business premises to operate or be licensed for more than one (1) category of sexually-oriented business, except that a business may have a license for both outcall services and a semi-nude dancing agency on the same premises.
2. The categories of sexually-oriented businesses are:
 - a. Outcall services;
 - b. Adult business;
 - c. Semi-nude entertainment business;
 - d. Semi-nude dancing agency.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.110 Employee license

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

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employee license.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.120 License application-- disclosures required

Before any applicant may be licensed to operate a sexually-oriented business or as a sexually-oriented business employee pursuant to this chapter, the applicant shall submit, on a form to be supplied by the city, the following;

1. The correct legal name of each applicant, corporation, partnership, limited partnership, or entity doing business under an assumed name;
2. If the applicant is a corporation, partnership, limited partnership, or individual or entity doing business under an assumed name, the information, required below for each individual applicant shall be submitted for each partner and each principal of an applicant, and for each officer, director, and any shareholder (corporate or personal) of more than ten percent (10%) of the stock of any applicant. Any holding company, or any entity holding more than ten percent (10%) of an applicant, shall be considered an applicant for purposes of disclosure under this chapter;
 - a. These shareholder disclosure requirements shall only be applicable for outcall service licenses;
3. All corporations, partnerships, or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership, or non-corporate entity to sign the checks for such corporation, partnership, or non-corporate entity.
4. For all applicants or individuals, the application must also state:
 - a. any other names or aliases used by the individual,
 - b. the 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 address and telephone number,
 - i. Utah drivers license or identification number, and
 - j. social security number;
5. Acceptable written proof that any individual is at least eighteen (18) years of age;
6. Two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the police department. For persons not residing in the city, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;
7. For any individual applicant required to obtain a sexually-oriented business license as an escort of a semi-nude entertainer, a certificate from the Utah County Health Department, stating that the individual has, within thirty (30) days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases;
8. A statement of the business, occupation, or employment history of the applicant for three (3) 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 (5) period immediately preceding the date of the filing of the application, including whether such applicant 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. In the event of any such denial, revocation, or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation, or suspension. A copy of any order of denial,

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revocation, or suspension shall be attached to the application;

10. All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere and sentence of each conviction, or other disposition, identifying the convicting jurisdiction and sentencing court, and providing the court identifying case numbers or docket numbers. Application for a sexually-oriented business or employee license shall constitute a waiver of confidentiality for any criminal conviction or pleas of nolo contendere 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 or proposed business is or will be located, the application must be accompanied by 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. In addition to furnishing such notarized statement, the applicant shall furnish 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 service is or will be located.
12. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the license, and any rules, regulations, or employment guidelines under or by which the business intends to

operate. This description shall also include:

- 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 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.

It is unlawful to knowingly submit false or materially misleading information on or with a sexually-oriented business license application or to fail to disclose or omit information for the purpose of obtaining a sexually-oriented or employee license.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.130 License--fees

1. The owner or employee of a sexually-oriented business shall pay the application fees and annual fees set forth in the annual fee schedule adopted by the city.
2. An application fee shall not be prorated.
3. The fees described in this section are in addition to fees paid for general business licenses or beer licenses.
4. An application is not complete until all appropriate fees have been paid.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.140 License--Bond

Each application for a sexually-oriented business license shall post, with the city administrator or his designee a cash or corporate surety bond payable to Lindon City in the amount of two thousand

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dollars (\$2,000). Any fines assessed against the business, officers, or managers for violations of city ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of the fine, unless appeal is filed as provided by this chapter. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to two thousand dollars (\$2,000) with fifteen (15) days of the date of notice of any draw against it.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.150 License--premises location and name

1. It is unlawful to conduct business under a license issued pursuant to this chapter at any location other than the licensed premises. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.
2. It is unlawful for any sexually-oriented business to do business in the city under any name other than the business name specified in the application.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.160 License--issuance conditions

The city administrator or his designee shall approve the issuance of a license to the applicant within thirty (30) days after receipt of a completed application, unless the official finds one or more of the following:

1. The applicant is under eighteen (18) years of age.
2. The applicant is overdue in payment to the city of taxes, fees, fines, or penalties assessed against the applicant or imposed on the applicant in relation to a sexually-oriented business.
3. The applicant has falsely answered a material question or request for information as authorized by this chapter.
4. The applicant has violated a provision of this chapter or similar provisions found in statutes or ordinances from any jurisdiction within two

years immediately preceding the applications; a criminal conviction for a violation of a provision of this chapter or similar provisions from any jurisdiction, whether or not it is being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation.

5. The premises to be used for the business have been disapproved by the Utah County Health Department, the fire department, the police department, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinances of the city. If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain from the city administrator or his designee an extension of time of no more than fifteen (15) days for their review. The total time for the city to approve or deny a license shall not exceed forty-five (45) days from the receipt of a completed application and payment of all fees. Businesses located outside of the corporate boundaries of the city but requiring a license under this chapter may be denied a license pursuant to this chapter if the business does not have a valid business license to conduct business at the business location from the appropriate jurisdiction for that location.
 - a. Upon receipt of an application, all departments required to review the application shall determine whether or not the application is incomplete in items needed for processing. Incomplete applications shall be promptly returned to the applicant with a note indicating the items which are incomplete.
 - b. The time for processing applications specified in this section shall begin to run from the receipt of a complete application.
 - c. In the event that a license for semi-nude entertainment, semi-nude dancing agencies, adult businesses, or semi-nude entertainment businesses has not been disapproved within thirty (30) days or the

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forty five (45) days allowed after an extension, the city shall issue a temporary license pending completion of the city's review.

- d. Any license issued pursuant to Subsection 8.30.160 (5) (c) above may be revoked by the city, if the completed review determines that the license should have been denied.
6. The required license fees have not been paid.
7. All applicable sales and use taxes have not been paid.
8. An applicant for the proposed business is in violation of or not in compliance with this chapter or similar provisions found in statutes or ordinances from any jurisdiction.
9. An applicant has been convicted or pled nolo contendere to a crime:
 - a. Involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:
 - i. Less than two (2) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five (5) years if the convictions are of two (2) or more misdemeanors within five (5) years, or
 - ii. Less than five (5) years have elapsed from the date of conviction, if the offense is a felony;

- b. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this section.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.170 License--term

Sexually-oriented business and employee licenses issued pursuant to this chapter shall be valid from the date of issuance through December 31 of the year in which the license was issued. The license fees required under the fee schedule shall not be prorated for any portion of the year the license is applied for.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.180 License--notice of change of information

Any change in the information required to be submitted under this chapter for either a sexually-oriented business license or sexually-oriented business employee license shall be given, in writing to the city administrator or his designee and the police department within fourteen (14) days after such change.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.190 License--transfer limitations

Sexually-oriented business licenses granted under this chapter shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership, or other non-corporate entity to transfer any part in excess of ten (10) percent thereof, without filing a new application and obtaining prior city approval. If any transfer of the controlling interest in a business licensee occurs, the license is immediately null and void, and the business shall not operate until a separate new license has been properly issued by the city as provided in this chapter.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.200 License--display

It is unlawful for any sexually-oriented business location within the boundaries of the city to fail to

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display the license granted pursuant to this chapter in a prominent location within the business premises. It is unlawful for any individual licensed pursuant to this chapter to fail to carry, at all times while engaged in licensed activities within the corporate boundaries of the city, their employee license on their person. If the individual is nude, such license shall be visibly displayed within the same room the employee is performing. When requested by police, city licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the city.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.210 License--statement in advertisements

It is unlawful for any advertisement by the sexually-oriented business or employee to fail to state that the business or employee is licensed by the city, and shall include the city license number.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.220 Regulations and unlawful activities

It is unlawful for any sexually-oriented business or sexually-oriented business employee to:

1. Allow persons under the age of eighteen (18) years on the licensed premises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas;
2. Allow, offer, or agree to conduct any outcall business with persons under the age of eighteen (18) years;
3. To allow, offer, or agree to allow any alcohol to be stored, used, or consumed on or in the licensed premises;
4. Allow the outside door to the premises to be locked while any customer is in the premises;
5. Allow, offer, or agree to gambling on the licensed premises;
6. Allow, offer, or agree to any sexually-oriented business employee touching or being touched by any patron or customer; except that outcall

employees and customers may touch, except that any touching of specified anatomical areas, whether clothed or unclothed, is prohibited;

7. Allow, offer, or agree to illegal possession, use, sale, or distribution of controlled substances while engaged in the activities of the business;
8. Allow sexually-oriented business employees to possess, use, sell, or distribute controlled substances while engaged in the activities of the business;
9. Allow, offer, or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or activities harmful to a minor to occur on the license premises or, in the event of an outcall employee or business, the outcall employee committing, offering, or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor;
10. Allow, offer, commit, or agree to any specified sexual activity as validly defined by city ordinances or state statutes in the presence of any customer or patron;
11. Allow, offer, or agree to any outcall employee appearing before any customer or patron in a state of dress that violates this chapter;
12. Allow, offer, or agree to allow a patron or customer to masturbate in the presence of the sexually-oriented business employee or on the premises of a sexually-oriented business;
13. Allow, offer, or agree to commit an act of lewdness as defined in Section 76-9-702 or 76-9-702.5.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.230 Outcall services--operation requirements

It is unlawful for any business or employee providing outcall services contracted for in the city to fail to comply with the following requirements:

1. All businesses licensed to provide outcall services pursuant to this chapter shall provide to each patron a written contract in receipt of

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pecuniary compensation for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount such services shall cost the patron, and any special terms or conditions relating to the services to be performed. The contract need not include the name of the patron. The business licensee shall keep and maintain a copy of each written contract entered into pursuant to this section for a period not less than one (1) year from the date of provision of services. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract, and pecuniary compensation paid.

2. All outcall businesses licensed pursuant to this chapter shall maintain an open office or telephone at which the licensee or licensee's designated agent may be personally contacted during all hours outcall employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For outcall businesses with premises within the city, private rooms or booths where the patrons may meet with the outcall employee shall not be provided at the open office, nor shall patrons meet outcall employees at the business premises.
3. Outcall services shall not advertise in such a manner that would lead a reasonable prudent person to conclude that specified sexual activities would be performed by the outcall employee.
4. All employees of outcall services who provide outcall services within the city shall be licensed in accordance with this chapter, regardless of the primary location of the business.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.240 Adult business--design of premises

1. In addition to the general requirements of disclosure for a sexually-oriented business, any

applicant for license as an adult business shall also submit a diagram, drawn to scale, of the premises. The design and construction shall conform to the following requirements:

- a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
 - b. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted stating that only one (1) person per stall will be allowed in the restroom, and only one (1) person may be in any stall at a time, and that patrons shall not be allowed access to the manager's station areas.
 - c. For businesses which exclude minors from the entire premises, all windows, doors and other openings to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded.
 - d. The required diagram shall not necessarily be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures, and ratings for illumination capacity.
2. It shall be the duty of the licensee and the licensee's employees to insure that the views from the manager's station in Subsection 8.30.240 (1) (a) remain unobstructed by any doors, walls, merchandise, display racks, or any other materials at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

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3. The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) footcandle, measured at floor level. It shall be the duty of the licensee and the licensee's employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.250 Semi-nude entertainment business--design of premises

1. It is unlawful for a business premises licensed for semi-nude entertainment to:
 - a. Permit a bed, sofa, mattress, or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater such items may be on the stage as part of a performance;
 - b. Allow any door in any room used for the business (except for the door to an office to which patrons shall not be admitted, outside doors, and restroom doors) to be lockable from the inside;
 - c. Provide any room in which the employee or employees and the patrons are alone together without a separation by a solid physical barrier at least three (3) feet high and six (6) inches wide, the patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier;
2. Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet (3'), which separation shall be delineated by a physical barrier at least three feet (3') high.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.260 Alcohol prohibited

1. It is unlawful for any sexually-oriented business licensed pursuant to this chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the premises.
2. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any sexually-oriented business.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.270 Semi-nude dancing agencies

It is unlawful for any individual or entity to furnish, book, or otherwise engage the services of a professional dancer, model, or performer to appear in a state of semi-nudity for pecuniary compensation in or for any semi-nude entertainment business or adult theater licensed pursuant to this chapter, unless such agency is licensed pursuant to this chapter.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.280 Performers--prohibited activities

It is unlawful for any professional dancer, model, or performer while performing in any business licensed pursuant to this chapter to:

1. Touch in any manner any other person;
2. Throw any object or clothing off the stage area;
3. Accept any money, drink, or any other object directly from any person;
4. Allow another person to touch the performer or to place any money or object on the performer or within the costume or person of the performer; or
5. Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.290 Patrons--prohibited activities

It is unlawful for any person or any patron of any business to touch in any manner any performer; to place any money or object on or within the costume

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or person of any performer; or to give or offer to give to any such performer any drinks, money, or object while such performer is performing; except that money may be placed on the stage, which shall not be picked up by the performer except by hand. (Ord. 99-19, Add, 10/04/2000)

Section 8.30.300 Nudity--defenses to prosecution

It is a defense to prosecution or violation under this chapter that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school licensed by the state, or a college, junior college, or university supported entirely or partly by taxation; or
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.310 Violation--injunction

An entity or individual who operates or causes a sexually-oriented business to be operated without a valid license, or who employs or is employed as an employee of a sexually-oriented business, or who operates such a business or functions as such an employee in violation of the provisions of this chapter is subject to a suit for injunction in addition to civil and criminal violations, and any other remedy available at law or in equity.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.320 Violation--license suspension or revocation

1. The city may issue a notice suspending or revoking a sexually-oriented business or employee license granted under this chapter if a licensee or an employee of the licensee has:
 - a. Violated or is not in compliance with this chapter;
 - b. Refused to allow any inspection of the premises of the sexually-oriented business specifically authorized by this chapter or by any other law;

- c. Failed to replenish the cost bond as provided in this chapter (such suspension shall extend until the bond has been replenished);
- d. Given materially false or misleading information in obtaining the license;
- e. Knowingly operated the sexually-oriented business or worked under the employee license during the period when the business licensee or employee licensee's license was suspended;
- f. Committed an offense which would be grounds for denial of a license for which the required time period required has not elapsed;
- g. A licensee is delinquent in payment to the city for ad valorem taxes or sales taxes related to the sexually-oriented business.

2. Suspension or revocation shall take effect within fifteen (15) days of the issuance of the notice, unless an appeal is filed as provided by this chapter.
3. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.330 Effect of license revocation

When a license issued pursuant to this chapter is revoked, the revocation shall continue for one (1) year from its effective date, and the licensee shall not be issued a sexually-oriented business or employee license for one (1) year from the date of such revocation.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.340 Appeal procedures

The denial, suspension, or revocation of any license issued pursuant to this chapter may be appealed as set forth in Chapter 5 of the Lindon City Code and according to the administrative procedure policies of the city.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.350 Violation--penalty--

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responsibility

1. In addition to revocation or suspension of a license as provided in this chapter, each violation of this chapter shall, upon citation require the licensee to pay a civil penalty in the amount of five hundred dollars (\$500). Such fines shall be deducted from the cost bond posted pursuant to this chapter, unless paid within ten (10) days of notice of the fine or the final determination after any appeal. In addition to the civil fines provided in this chapter, the violation of any provision of this chapter shall be a Class B misdemeanor. Each day of violation shall be considered a separate offense.
2. Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the sexually-oriented business licensee and/or operator, if such act or omission occurs either with the authorization, knowledge, or approval of the licensee and/or operator, or as a result of the licensee's employee, and the sexually-oriented business licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.
3. A sexually-oriented business licensee and/or operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omissions of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the licensee and/or operator for the purposes of determining whether the licensee's license shall be revoked, suspended, or renewed.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.360 Severability

If any provision or clause of this chapter or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications which can be implemented without the invalid provision, clause, or

application. To this end, the provisions of this chapter are declared to be severable.

(Ord. 99-19, Add, 10/04/2000)

Section 8.30.370 Effective date

This ordinance shall take effect immediately upon its passage and publication as prescribed by law.

(Ord. 99-19, Add, 10/04/2000)

Chapter 8.32

CEMETERIES AND BURIALS

Sections:

8.32.010	Definitions.
8.32.020	Interment in cemeteries.
8.32.030	Burial above ground prohibited.
8.32.040	Cemetery hours.
8.32.050	Only human burials permitted.
8.32.060	Vaults required.
8.32.070	Burial rights and ownership.
8.32.080	Burial permit required.
8.32.090	Exhumations.
8.32.100	Double depth burials.
8.32.110	Burials per grave.
8.32.120	Traffic regulations.
8.32.130	Funeral processions.
8.32.140	Right to maintain city cemeteries.
8.32.150	Plantings in city cemeteries.
8.32.160	Grave decorations.
8.32.170	Artificial flowers.
8.32.180	Private improvements prohibited.
8.32.190	Grave markers.
8.32.200	Burial of indigents.
8.32.210	Infant or youth burial plot.
8.32.220	American veteran burial plot.
8.32.230	Animals prohibited.
8.32.240	Persons and activities not permitted in city cemeteries.
8.32.250	Holiday funerals.
8.32.260	Fees.
8.32.270	Resale restricted.
8.32.280	No right to burial in specific location.
8.32.290	Care of lots.
8.32.300	Damaging property.
8.32.310	Burial information.
8.32.320	Forfeiture of burial rights.
8.32.330	Rules and regulations.
8.32.340	Violation misdemeanor.

Section 8.32.010 Definitions.

1. "Burial" means the opening and closing of a

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grave for the interment of a human body.

2. "Cemetery" means any cemetery owned or operated by Lindon City for the purpose of receiving the remains of deceased humans. The term also includes any cemetery operated within the city limits of Lindon City.
3. "City" means Lindon City.
4. "Double Depth Burial" means the burial of the remains of two human bodies in the same burial lot in separate vaults, one on top of the other.
5. "Double Burial" means the burial of two human bodies in adjacent burial lots.
6. "Infant" or "Youth" mean any human under the age of 13 years.
7. "Lot" means a grave site in any cemetery owned by the City.
8. "Lot Owner or Purchaser" means the purchaser of burial rights or privileges evidenced by a Burial Rights Certificate. (Ord. no. 3-94, amended 2-94, effective date 2-17-94; Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.020 Interment in cemeteries.
No dead human body shall be interred within the city limits of Lindon City except in a cemetery operated by the city or a cemetery otherwise established and operated in accordance with the laws of the State of Utah. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.030 Burial above ground prohibited.

It is unlawful for any person to bury the body of a deceased person in any structure above the ground. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.040 Cemetery hours.

It shall be unlawful for any person other than city and cemetery employees performing their duties to be in any cemetery between the hours of 11:00 p.m. and 6:00 a.m. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.050 Only human burials permitted.

There shall be no burial of anything other than the

remains of human bodies in any cemetery. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.060 Vaults required.

It shall be unlawful for the remains of any dead human body to be buried in any cemetery unless the casket is placed in a concrete or steel vault approved by the city sexton. No wood or fiberglass shall be used in the construction of any part of any vault. Exceptions to the provisions of this Section may be granted for infant or cremation burials only. In such instances, the design and construction of the burial vaults shall be approved by the city sexton. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.070 Burial rights and ownership.

1. All property in a city cemetery, including lots, blocks, and grave sites, is the exclusive property of the city. A burial right granted by the city is merely a right to be buried on city property.
2. Burial rights in a city cemetery are granted to the person or persons named in the Burial Rights Certificate.
3. No person, except the owner of the burial rights on a Lot, shall be buried on that Lot, unless a form provided by the city sexton has been signed by the owner giving permission for someone else to be buried on the Lot.
4. Upon the death of the owner of the burial right, the burial right may be used for the burial of the owner. If not so used, the burial right shall pass to the owner's heirs or beneficiaries in accordance with applicable law, provided however, the burial right to any one Lot shall not be divided in fractional interests. (Ord. no. 3-94, amended, 2-94, effective date 2-17-94; Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.080 Burial permit required.

No remains of any dead human body shall be buried within any cemetery unless a proper burial permit has been issued by the city sexton. Burial

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shall not begin any sooner than 24 hours after the issuance of a burial permit. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.090 Exhumations.

No exhumations shall be permitted without written permission of the city sexton. It is unlawful, within two years from the date of burial, for any person to exhume the body of a person who has died of a contagious disease unless such body has been buried in a hermetically sealed coffin and is found to be so encased. All exhumations must comply with applicable state law. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.100 Double depth burials.

Double depth burials are not allowed in any location in any cemetery. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.110 Burials per grave.

Only one burial shall be allowed per grave space. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.120 Traffic regulations.

The provisions of the city traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall apply in all city cemeteries. In addition the following traffic regulations apply in all city cemeteries:

1. It is unlawful for any person to drive a motor vehicle upon any cemetery lot, back over any grave, cut a corner or drive such vehicle upon any part of the cemetery which is not an established roadway; provided, however, that this provision shall not apply to city employee's in the discharge of their duties.
2. It is unlawful for any person to drive a motor vehicle within a city cemetery at a speed greater than ten (10) miles per hour in areas where speed limits are not posted, or at such other lesser speed as is reasonable and prudent under existing conditions, having regard for actual and potential hazards. Where speed limits are posted, it is unlawful for any person

to drive a motor vehicle in excess of the posted speed limit.

3. Whenever signs have been installed by the city, directing traffic to proceed in one direction only upon any street in a city cemetery, it is unlawful for any person to disobey such signs and drive a motor vehicle in the opposite direction.
4. It is unlawful for any person to ride a motorcycle or a bicycle within the limits of a city cemetery. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.130 Funeral processions.

Funeral processions passing through the city shall proceed to the place of interment under the direction of the funeral director. Within city cemeteries, city employees shall direct traffic for the purposes of maintaining traffic flow and for the proper parking of vehicles. All vehicles in city cemeteries shall be driven in a careful and orderly manner. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.140 Right to maintain city cemeteries.

The city sexton shall have the right to enter upon any Lot to perform all work necessary for the maintenance of any city cemetery. The city sexton shall be responsible for the total maintenance of city cemeteries. The city shall not be responsible for the repair or replacement of grave markers of any nature. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.150 Plantings in city cemeteries.

No planting shall be allowed in city cemeteries by private individuals, except when such planting has been approved by the city sexton. In determining whether to allow private planting, the city sexton shall consider whether the planting is in harmony with the cemetery landscape and if the planting will interfere with cemetery maintenance and safety. Any object, flower, shrub, tree, or decoration not in compliance with this Section may be removed immediately by the city sexton. (Ord. no. 11-92,

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enacted 11-5-92.)

Section 8.32.160 Grave decorations.

All natural floral arrangements in city cemeteries shall be allowed to remain until removal is required for maintenance purposes, but in any event not longer than five days. All floral arrangements may be removed by the city sexton at any time. Glass containers shall not be allowed. Any objects such as wires, sticks, pegs, irons driven into the ground, or any other objects which interfere with maintenance of a city cemetery shall not be permitted. All grave decorations and other personal property left in the city cemetery shall be presumed to have been abandoned to the city. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.170 Artificial flowers.

Artificial flowers, windmills, toys, rocks, wrought iron, or other ornamentation shall not be placed in city cemeteries. The city sexton may remove and dispose of any such ornamentation at any time. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.180 Private improvements prohibited.

It shall be unlawful for any private person to erect or maintain any structure, fence, corner post, coping, or hedging of any kind upon any lot, street, or driveway in a city cemetery, or grade the ground or land thereof. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.190 Grave markers.

All headstones or grave markers in city cemeteries shall comply with the size, type, placement, and other requirements of this Section. All grave markers shall be installed under the direction of the city sexton. Within 30 days after the interment of any dead human body in any Lot, the owner of any burial rights or relatives of the interred person shall place or cause to be placed upon the grave a suitable grave marker with the name of the deceased person plainly inscribed thereon. If any person does not comply with this requirement, the

city may install a grave marker to identify the deceased and collect the cost of the purchase and installation of the grave marker from the persons otherwise responsible for the placement of such marker. Markers, monuments, or structures other than those explicitly provided for in this Section shall not be placed upon any Lot.

1. Size of markers. All grave markers shall be placed on a concrete foundation at least six inches thick and shall have a maximum length of 40 inches for single burials, and 80 inches for double burials, and shall have a maximum width of 40 inches for single burials, and double burials.
2. Type of markers. All grave markers shall be placed flush with the ground. No upright headstones shall be allowed in the cemetery.
3. Placement of markers. All grave markers shall be placed at the head of the grave. Exceptions to this rule shall apply only in the Veteran's Section of city cemeteries, if such Section exists, where one additional grave marker, supplied by the Veteran's Administration, may be placed at the foot of the grave. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.200 Burial of indigents.

A portion of any cemetery (either as a group of plots together or plots dispersed throughout the cemetery) may be designated by the City Council for the burial of indigents, provided however that indigents shall have no inherent right of burial in city cemeteries. Whenever it is determined by the City Administrator that any resident of Lindon who has died, who does not have funds or an estate sufficient to pay the cost of a burial right in the cemetery, and whose nearest relative or representative desires to have the body of such deceased interred in the city cemetery, the City Administrator may grant a burial right for such deceased person at no cost and waive all city fees associated with the burial. All strangers without known relatives or funds who die in the City may be accorded the same privilege. (Ord. no. 11-92, enacted 11-5-92.)

(Ord. 2000-7, Amended, 10/04/2000)

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Section 8.32.210 Infant or youth burial plot.

A portion of any cemetery may be reserved for the burial of infants or youths. Vaults used in such portion of a cemetery shall be a maximum of 70 inches in length. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.220 American veteran burial plot.

A portion of any cemetery may be reserved for the burial of American Veterans and their spouses. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.230 Animals prohibited.

No animal shall be allowed in a city cemetery except in the confines of a vehicle. It shall be unlawful for the owner, agent, caretaker, or other person or persons in charge of any animal to permit any animal to run at large or trespass on any city cemetery grounds. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.240 Persons and activities not permitted in city cemeteries.

1. Only cemetery patrons are allowed in city cemeteries.
2. Children under 12 years of age must be accompanied at all times on the cemetery property by a parent or some supervising adult 18 years of age or older.
3. It shall be unlawful to engage in recreational activities in city cemeteries. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.250 Holiday funerals.

Interments or exhumations shall not be allowed on Christmas Day, New Year's Day, Thanksgiving, Fourth of July, Labor Day, Sundays, or on Memorial Day weekend beginning on the Saturday preceding Memorial Day through Memorial Day; provided, however, that a burial may be permitted on any of the days described above if the deceased

died of a contagious disease. (Ord. 2010-5, adopted 8/17/2010, Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.260 Fees.

All prices, fees, and charges pertaining to city cemeteries shall be established by resolution of the city Council. No burial, opening, closing, interment, or exhumation shall take place until all appropriate fees have been paid to the city sexton; and no certificate of burial rights shall be given to a purchaser until the entire cost of the burial right has been paid in full. In addition, reasonable charges may be imposed for digging of graves, inspections, and other services performed. Fees, prices, and charges may be changed at any time, shall be part of the city budget, and shall be available for public inspection. The city may charge different fees for residents and non-residents. Residency shall be determined by the residency of the named owner as shown on the Certificate at the time of purchase of a right of burial. If a person to be buried is deceased at the time of purchase of the burial right, residency shall be determined by the residency of the deceased person, at the time of death. (Ord. no. 3-94, amended 2-94, effective date 2-17-94; ord. no. 11-92, enacted 11-5-92.)

Section 8.32.270 Resale restricted.

No person who owns any burial right in a city cemetery shall sell such burial right to any buyer except the city. In the event the city elects to repurchase the burial rights, the repurchase price shall be the lesser of the original purchase price of the rights or the current selling price at the time of repurchase. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.280 No right to burial in specific location.

A burial right granted by the city does not entitle the owner thereof to any right to burial in a specific location or Lot in a specific city cemetery or even the right to burial in a city cemetery. The city may substitute another Lot if more than one right to

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burial for a specific Lot has been sold or if title to the Lot or parcel has been sold by the municipality. The city may also refuse to bury any person in a city cemetery and repurchase the burial right by paying the owner thereof the reasonable value of the right on the date the certificate is presented to the city, or may provide for burial rights in another private or public cemetery. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.290 Care of lots.

The City Council shall determine the extent of care to be given to the city cemetery, including lots related to sold and unsold burial rights. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.300 Damaging property.

It shall be unlawful for any person to damage, injure, deface, take, or carry away any monument, tree, shrub, lawn, building, structure, or facility, on the grounds of any city cemetery except with the prior written permission of the city sexton. The city shall not be responsible or liable for flowers or other personal property left at a city cemetery. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.310 Burial information.

Relatives of a deceased person, funeral directors, and any other person requesting burial of a body in the city cemetery shall provide the sexton information identifying the deceased, including but not limited to decedent's name, place of death, and name and address of the funeral director or other person making the interment. Written authorization must be made by a burial right owner or successor in interest of the decedent prior to interment of a body in a Lot. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.320 Forfeiture of burial rights.

Any burial right or lot which remains unused for a period of 60 years after the date of issuance of the Certificate of Burial Right shall automatically expire and become null and void, and the burial

right and lot shall automatically revert to the city, unless, prior to the expiration of said 60 year period, the Owner obtains a new Certificate from the city. The city shall also have the right to reclaim any burial right or lot which has remained unused in accordance with Title 8, Chapter 5, U.C.A., or other applicable law. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.330 Rules and regulations.

The city sexton, with approval of the City Council, may prepare and enforce such other printed rules and regulations for the operation of city cemeteries as will cover matters necessary for, or useful in, the operation of city cemeteries, and which are not contained in this Code. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.340 Violation misdemeanor.

Any person who violates any provision of this Chapter is guilty of a class C misdemeanor. (Ord. no. 11-92, enacted 11-5-92.)