Civil Penalties for Violations of Business Licensing Ordinances
(Chapter 5.88 of the Salt Lake City Code)

The civil penalties ordinance provides a new enforcement tool to the Business Licensing Office. The list of violations that can trigger civil penalties include ALL violations of Salt Lake City Code Title 5 Business Taxes, Licenses and Regulations except for the below list of business types that have stricter and more specific enforcement procedures. One of the more common Title V violations is operating without a business license.

A business in violation of Title V regulations could be issued a fine before the violation escalates to a misdemeanor level, which requires a police officer to issue a criminal citation. If a fine goes unpaid the City could seek a legal judgment and lien against the business property. This tool acts as a significant deterrent because liens affect property owners’ credit access, ratings and typically must be resolved before a property can be sold or transferred. If the deterrent effect is realized, this ordinance may free up some police officer time because fewer criminal citations would be issued. Ultimately, a business may lose its license if multiple violations of the same regulation occur within the same 24 month period.

If someone observes a suspected Title 5 violation it can be reported to the City’s Business Licensing Office for investigation at business.license@slcgov.com or 801-535-7943.

The Salt Lake City Code is publicly available online at http://bit.ly/1k3XT1k.

Summary of Civil Penalties for Title 5 Violations (from Section 5.88.040 of City Code)

Section A: Lists penalties for multiple violations within a 24 month period as follows:

Written warning for first violation
1. $250 civil penalty for second violation
2. $500 civil penalty for third violation
3. $500 civil penalty for fourth violation and one year probation
4. If a notice of violation is issued during the probation period under the same ordinance, then a $500 civil penalty, revocation of business license and mandatory six month waiting period begins before reapplication for a business license will be accepted.

Section B: Establishes 24-month period for counting multiple violations.

Section C: Confirms business license revocation will follow due process requirements in Chapter 5.02 sections 250, 260 and 290.

Section D: Reaffirms specific enforcement provisions in other Title V chapters supersedes the Civil Penalties process in Chapter 5.88. Business types with specific enforcement procedures include:

- 5.08 Burglary & Robbery Alarm Systems
- Fire Alarms
- 5.14 Rental Dwellings
- 5.15 Landlord/Tenant Initiative
- 5.20 Video Services Systems
- 5.21 Cable Communications Service Standards
- 5.51 Alcohol Establishments & Off Premise Beer Retailers
- 5.61 Sexually Oriented Businesses
- 5.71 Ground Transportation Requirements
- 5.72 Taxicabs.
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The Utah State definition of private nuisance statute further defines nuisances as *buildings or places* where the following activity occurs:

- Unlawful sale or distribution of controlled substances
- Gambling
- Criminal gang activity
- Parties that create nuisances (‘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’)
- Prostitution
- Weapons offenses as defined in Utah code 76-10-500 et seq