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## MEMORANDUM

**DATE:** December 31, 2019  
**TO:** Staff  
**FROM:** City Attorney  
**RE:** *Direction regarding "Lemonade Stands/Business License"*

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This memo outlines what is known as the "Lemonade Stand Law" and gives directions regarding how to deal with the "Lemonade Stand Law"<sup>1</sup>.

In 2017 the Utah Legislature enacted the "Lemonade Stand Law" relevant portions of which were codified in Utah Code Ann. § 10-1-203(7). It provides as follows:

(7) A municipality may not:

(a) require a license or permit for a business that is operated:

(i) only occasionally; and

(ii) by an individual who is under 18 years of age.

As a result of this legislation a license or permit is not required for a business that operates occasionally<sup>2</sup> by an individual who is under 18 years of age. This also means that such activity is legal and cannot be prohibited. However this does not mean they can operate in unsafe conditions such as blocking traffic flows and access or blocking an emergency exit. If you encounter the operation in an unsafe location we recommend that you identify safe locations<sup>3</sup> and request that the participant move to the safe location. We also recommend that you make a quick observation to determine if the operations are operated by an individual who is under 18 years of age<sup>4</sup>. If problems result or the individual will not move to a safe location contact police and let them handle the matter.

The following are a few examples that will help clarify this direction:

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<sup>1</sup> For your information this Memo is being generated because of an incident that occurred on December 23, 2019, at the Ice Ribbon and is **not** a criticism of those events or how they were handled but is for future direction.

<sup>2</sup> Occasionally is not defined by the statute and if you need clarification please contact the City Attorney

<sup>3</sup> Safe locations should be identified by a Manager or Director.

<sup>4</sup> If you have any questions of who is operating the business or their age ask a Manager or Director for assistance. Do not ask for identification. If you cannot reasonably determine if the individual is under 18 years of age then contact police to assistance.

Example 1: You are assigned to direct traffic at a rodeo event and you observe a young girl who appears to be about 8 year of age selling donuts from a card table in the parking lot. Contact a Manager and advise them of the situation. The Manager reviews the operation and determines that the 8 year old is operating the business. The operation cannot be prohibited and the Manager should identify safe locations for the operation to continue. The Manager should help move the operations to the safe location.

Example 2: You are the Manager assigned to a Fort Herriman Towne Days event and you observe a young boy who appears to be about 12 years of age selling Popsicles near the food trucks. You review the operations and determine that the 12 year old boy is operating the business and he is operating in a safe location. The operation cannot be prohibited.

Example 3: You are the Fort Herriman Towne Days parade director and you observe a woman who is obviously over 18 year of age with two children under 18 years of age walking in the parade selling soda pop. You examine your records and determine that she did not register to be in the parade or have a permit to participate in the parade. She does not have a Herriman business license. If she is operating the business the operation can be prohibited. Contact the police to investigate and make a determination she is operating the business and how to prohibit the operations.