

ORDINANCE NO. 281

AN ORDINANCE REQUIRING A BUSINESS LICENSE IN CARBON COUNTY, UTAH AND ADOPTING REGULATIONS FOR ADMINISTERING SUCH LICENSES; AND REQUIRING A LICENSE FOR THE DISPENSING OF LIQUOR IN CARBON COUNTY, UTAH AND ADOPTING REGULATIONS FOR ADMINISTERING SUCH LICENSES.

NOW, THEREFORE, the County Legislative Body of Carbon County, Utah ordains as follows:

Part 1. Ordinance.

BUSINESS LICENSE AND REGULATIONS

CHAPTER 1 GENERAL AND BUSINESS LICENSES
CHAPTER 2 ALCOHOLIC BEVERAGES

CHAPTER 1

GENERAL AND BUSINESS LICENSES

SECTIONS:

- 1-01 Application of Rules
- 1-02 Definitions
- 1-03 Doing Business without a License - Prohibited
- 1-04 Failure to Obtain a License - Penalties
- 1-05 Procedure to Obtain License
- 1-06 Application for License
- 1-07 Inspections
- 1-08 License Fees
- 1-09 License Categories
- 1-10 Type of Business to be licensed - Determination for Multiple Licenses
- 1-11 Reciprocal License - No Fee Required
- 1-12 Code Compliance
- 1-13 Exemptions
- 1-14 Qualifying for Exemptions
- 1-15 Suspension or Revocation - Grounds
- 1-16 Suspension or Revocation - Hearing
- 1-17 Appeal Procedures
- 1-18 Displaying Licenses
- 1-19 New License, Six Months Wait
- 1-20 Current License List
- 1-21 Amending a Current License
- 1-22 Changing a Current License
- 1-23 Out of Area/State License
- 1-24 Lost, Stolen, Misplaced License

Section 1-01. Application of Rules.

Except as otherwise expressly provided, the provisions of this ordinance shall apply to all county business licensing activities.

Section 1-02. Definitions.

(1) “**Agricultural industry or business**” means an industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to commercial greenhouses, feed yards, fur farms, food packaging or processing plants: commercial poultry or egg production, and similar uses. Agricultural industry or business shall not include the raising or sale of unprocessed crops, including hay.

(2) “**Business**” means and includes all activities engaged in within the unincorporated limits of the county carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed.

(3) “**Clerk**” means the Carbon County Clerk.

(4) “**Engaging in business**” Means the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, and the rendering of personal services for others for consideration by persons engaged in any profession, trade, craft, business, occupation or other calling except the rendering of personal services by an employee to an employer under any contract of personal employment. Engaging in business also includes agricultural industries, but not farming or ranching.

(5) “**Farming**” means the tilling of the soil, the raising and sales of unprocessed crops, including hay, horticulture and gardening; breeding; grazing and keeping or raising of domestic animals and fowl; but shall not include any agricultural industry or business.

(6) “**Health Department**” means the Southeastern Utah Health Department.

(7) “**Place of business**” means a location maintained or operated by a person within the unincorporated limits of the county from which a business activity is conducted or transacted.

Section 1-03. Doing Business Without a License - Prohibited.

It shall be unlawful:

(1) To engage in any activity regulated or licensed under the provisions of this ordinance without a license therefor;

(2) To engage in any activity regulated or licensed under the provisions of this ordinance if a license therefor has been suspended or revoked; or

(3) To otherwise violate any provision of this ordinance.

Section 1-04. Failure to Obtain a License - Penalties.

Any person doing business without a license when a license is required, including circumstances where a license has expired, been suspended or revoked, shall, in addition to applicable criminal penalties consisting of \$1,000.00 and/or but not exceeding six months imprisonment, be required to pay all applicable fees and penalties consisting of 100% of the already owing fee, as though a license had been issued during the period of unlawful business activity. The County may collect delinquent fees and penalties through a civil action, in addition to any criminal penalties specified herein.

Section 1-05. Procedure to Obtain License.

Applicants for a license shall submit a properly completed application form, the appropriate fee to the clerk, and attend a regularly scheduled County Commission meeting for Commission approval. Unless otherwise provided, if issuance of the requested license is consistent with applicable and a license shall be issued.

Section 1-06. Application for License.

(1) An application for a license shall be in writing on a form approved by the clerk and county Commissioners. The application shall show all of the following:

- (A) name, address, and both home and business telephone numbers,
- (B) a description of the business, trade, profession, occupation, or activity for which a license is requested,
- (C) the address of the property where the business is to be carried on,
- (D) a copy of contractor license, food handler permit, state day care license, medical license, Animal Control regulatory permit, or any other license required by the Clerk or County Commissioners, when applicable.
- (E) the state tax number of the business,
- (F) any other information required by this ordinance, by statute, or as reasonably required by the Clerk and/or County commissioners.

(2) It shall be unlawful to incorrectly or fraudulently state or misrepresent any fact as part of applying for or retaining any license.

Section 1-07. Inspections.

As a condition of the issuance, continuation or renewal of a license, the applicant shall, upon demand, permit continuing inspections of the place of business to ensure compliance with all applicable business, zoning, health, or safety regulations. The Clerk and/or County Commissioners may refuse to issue a license or may suspend or revoke a license if the applicant or licensee should, for any reason, fail or refuse to cooperate with such an inspection (ie: food handler, animal shelter, contractor license, etc.).

Section 1-08. License Fees.

(1) Every person intending to engage in business shall be required, before commencing business, to obtain a license for each place of business, or if no place of business is established, for each business activity that takes place within the county.

(2) An employee who is not a partner or owner shall not be required to pay for an individual license.

(3) The County Commissioners shall, from time to time, fix the amount of license fees for any business.

(4) License fees shall be paid in advance for the term of the license. All annual licenses shall commence January 1 through December 31 of the current year. License fees will be prorated in a four quarter year when a new application is made during the license term. If the business has been for any reason discontinued the license fees are not refundable.

(5) In the event such business is engaged in on a part-time basis only, the license fee shall be one-half of that required.

(6) No rebate shall be allowed upon any license.

(7) If any person shall neglect, fail or refuse to pay the amount assessed when it becomes due on

any license by January 31 of that year, a penalty of 100% shall be added to the original amount. Any license fee which is delinquent after April 31 shall be assessed a penalty of 200%.

(8) A statement of closure is required if a business is no longer operating. This notice is due by January 31. If the notice is not received by the due date a penalty of 100% of the already owing license fee will be collected.

(9) License fees and penalties shall be collected by the clerk pursuant to procedures established by the County Auditor and Treasurer. Payments thereon shall be enforced in the manner authorized by law.

(10) This section shall not imply the right of a licensee to continue a licensed activity without the payment of required fees. In addition to any criminal action, the County may bring a civil action to collect the amount of any delinquent or unpaid fee. In the event legal action is filed to collect delinquent or unpaid fees, the debtor shall pay a reasonable attorney's fee and costs.

Section 1-09. License Category.

(A) Large Scale Wholesale and Retail Sales.

Any person, firm or corporation dealing in any manner in motor vehicles, mobile home sales, petroleum, machinery and equipment, steel distribution or supply, cement, and any other type of heavy industrial or commercial sales of any type or description and not otherwise specifically licensed by this ordinance, for each place of business operated shall be required to pay a license fee of \$300.00.

(B) Small Scale Wholesale and Retail Sales

Any person, firm or corporation dealing in any manner in appliances of any kind, hardware, chemicals, milk, food, permanent fruit and vegetable sales, restaurants, fast food sales, coffeehouses, bakery products, groceries, meat, fish, poultry, dry goods, clothing, sporting goods, notions, drugs, jewelry, soft drinks, nurseries, flowers, furniture and real estate or any other good, wares or merchandise of any kind or description and not otherwise specifically licensed by the ordinance, for each place of business operated shall be required to pay a license fee of \$100.00. Production of agricultural products grown in Carbon County shall not require a business license.

(C) Large Scale Industrial Businesses

All businesses dealing with the manufacturing, processing, fabrication of goods, electrical generating plants, coal loading, washing and storage facilities, refineries, wrecking and salvage, and all other large scale industries shall pay \$400.00 per year.

(D) Small Scale Industrial Businesses

All renderies, packing plants, and other smaller scale industrial businesses shall pay \$200.00 per year.

(E) Professional Businesses

All attorneys, auctioneers, insurance brokers, accountants, engineers, surveyors, morticians, and all other professions not herein stated shall pay \$100.00 per year.

(F) Medical Profession Businesses

All physicians, dentists, veterinarians, and all other medical professions not herein stated shall pay \$100.00 per year. A copy of said medical license is required.

(G) Hospitals

All hospitals shall be required to pay \$300.00 per year.

(H) Medical Clinics

All medical clinics shall be required to pay \$100.00 plus \$20.00 per office suite.

(I) Recreational Businesses

All billiard halls, bowling alleys, dance halls and studios, resorts, skating rinks, swimming pools, theaters, amusement centers, recreational centers, spa's, hunting lodges, fishing camps, motocross tracks and all other recreational businesses not herein stated shall pay \$100.00 per year.

(J) Rental Businesses

Warehouses, storage buildings, and cold storage shall pay \$100.00 per year.

(K) Motel, Hotel, Mobile Home Parks

All motels, hotels, and mobile home parks shall pay \$100.00 per year plus \$5.00 per room per year or \$5.00 a pad in the case of mobile home parks.

(L) Apartment and Boarding Houses

All apartment houses and office buildings which rent or lease space shall pay \$100.00 plus \$5.00 per space in the case of office buildings.

(M) Equipment Rental

All equipment rental businesses shall pay \$100.00 per year.

(N) Financial Businesses

All banks, savings and loan, credit unions, etc. and all other financial businesses not herein stated shall pay \$100.00 per year.

(O) Service Related Businesses and Trades

All repair and service facilities, dry cleaning, delivery, printing, laundry supply, barbers, beauty parlors, welding, upholstery, vulcanizing, garbage collection, and all other services not herein stated shall pay \$100.00 per year.

*Businesses dealing in service only (barbers, beauticians, etc.) - no product sales - are exempt from submitting a state sales tax number.

(P) Animal Related Businesses

Dog Kennels, breeding ranches, and all other business involving animals of any kind shall pay \$100.00 per year and give a copy of Animal Control's Regulatory permit and renewal thereof, yearly.

(Q) Taxi Service

All taxi service businesses shall pay \$100.00 per year and give a copy of insurance with yearly updates.

(R) Day Care

All child and adult care businesses shall pay \$100.00 per year and give a copy of all approved state licenses.

*This license shall be temporary for a period not to exceed 60 days until all state licenses can be obtained and brought to the County Clerk.

(S) Contractors

All general contractors and contractors for plumbing, heating and air conditioning, electrical, carpentry, painting, cement, road surfacing, grading and all other contractors not herein stated shall pay \$100.00 per year. A copy of the current Utah State Contractors license must accompany the application.

(T) Handy Man License

All work consisting of plumbing, heating, air conditioning, electrical, carpentry, painting, cement, road surfacing, grading and all other work not herein stated that is less than \$1,000.00 in

cost, is a handy man license. This does not require a state contractor's license and shall pay \$100.00 per year.

(U) Trucking Businesses

All trucking businesses relating to coal hauling, motor freight and other trucking not herein listed shall pay \$200.00 per year for each place of business, outlet, or distribution point.

(V) Temporary Uses

All temporary uses listed on this page shall obtain a business license for the following fee and a maximum of 30 days. Each person obtaining a license shall first show proof of landowner permission for the use of the site on which the temporary use will be undertaken.

Christmas Tree sales	
	\$ 25.00
Temporary Agricultural Product sales	
	\$ 25.00
Temporary Meat & Fish sales	
	\$ 25.00
Flower Stands	
	\$ 7.50
Music Festivals	
	\$100.00
Mobile sales, shows, exhibitions	
	\$100.00
Carnivals and/or Circus'	
	\$200.00

(W) Mining

All mines including coal mines, uranium mines, oil and gas exploration, drilling projects, and other mines not herein stated shall pay \$400.00 per year.

(X) Small Scale Mining Operations

Small scale sand and gravel operations shall pay \$75.00 per year.

(Y) Peddlers and Solicitors

Any person, company, firm, or corporation engaging in door to door and/or phone sales and/or solicitation shall submit a completed background check (not more than 3 months old) on all employees, managers, owners, agents, etc. and a cash bond of \$300.00. All sales and/or solicitation is restricted to the hours of 8:00A.M. to 8:00P.M. This license is granted for a six month period at a cost of \$100.00 for full or part time.

(Z) Omnibus

Any person engaged in business in the unincorporated area of Carbon County of a particular type not specifically herein provided for shall pay \$100.00 per year.

Section 1-10. Type of Business to be Licensed - Determination for Multiple Licenses.

(1) The County Commission, by resolution, shall determine the types of businesses to be licensed

or to be exempted therefrom.

(2) If a person desires to engage in a business which may include two or more businesses at the same location, the person shall be required to obtain a business license per business, paying only for the highest rated business.

Section 1-11. Reciprocal License - No Fee Required.

Wherever any person, firm or corporation doing business in the unincorporated limits of the County which has no office, building or plant location in the county but has previously obtained a license in a city or town located within Carbon County, such license shall be recognized by the county for the purpose of waiving the County license fee.

Section 1-12. Code Compliance.

Issuance of a business license or any other regulatory license does not excuse a licensee from compliance with applicable zoning codes, building codes, fire codes, electrical codes, health codes, or other regulatory requirements. No license shall be issued without first obtaining written preliminary approval of the business location from the planning and zoning director, or his designee, indicating that the proposed business complies with the County's zoning regulations.

Section 1-13. Exemptions.

This ordinance shall not be deemed or construed to require the payment of a license fee or acquisition of a business license for any person or organization for an activity which is conducted, managed or carried on wholly for charitable or religious purposes from which profit is not derived, directly or indirectly by any individual, firm or profit corporation, neither shall any license be required on any farming or ranching operation, yard sales of less than 7 days in duration, activities of minors in short term entrepreneurial activities such as lemonade stands, or any person engaged in a business specifically exempted from municipal licensing by the laws of the United States or the State of Utah.

Section 1-14. Qualifying for Exemptions.

(1) With respect to exemptions claimed, the person claiming the exemption shall have the burden of establishing such exemption.

(2) The County may demand any person engaged in business to obtain a license. Such person shall immediately obtain a license or establish entitlement to an exemption.

Section 1-15. Suspension or Revocation - Grounds.

The Clerk and/or County Commissioners may suspend or revoke a license for any of the following reasons:

- (1) the license was issued when it should not have been;
- (2) failing or refusing to permit or cooperate with an audit or inspection;
- (3) failing to pay a required fee;
- (4) when continuing operation of the licensed activity would constitute a nuisance or present a

danger to health, general welfare or morals of the community; or
(5) violating this ordinance or any Utah State or County law, including zoning, building or health regulations.

Section 1-16. Suspension or Revocation - Hearing.

No license issued under this ordinance shall be suspended or revoked until an informal hearing is held before the Clerk and /or County Commissioners. Written notice of such hearing shall be served at least 10 days prior to the date thereof upon the licensee. Service shall be effective when sent by first class mail to the address indicated in the business license application. Such notice shall state the basis of the complaint and the time and place of the hearing. The decision of the Clerk and/or County Commissioners may be appealed. No part of the license fee shall be refunded in cases of suspension or revocation.

Section 1-17. Appeal Procedures.

(1) If a business is denied by the Clerk and /or County Commissioners or if the Clerk and/or County Commissioners suspend or revoke a license or if a citation of a civil fine is imposed, the applicant or licensee may file an appeal from such action.

(2) Filing of an appeal must be within 10 days of the date of service of the notice of any denial, qualified approval, suspension, revocation or civil fine. Upon receiving the notice of such appeal, a hearing shall be scheduled.

Section 1-18. Displaying License.

Every certificate of license shall be displayed by the licensee in a conspicuous place easily viewed by the public, where the licensed business is carried on. When such certificate of license has expired it shall be removed from public view. A license without a fixed place of business shall carry certificates of license while engaged in business. It shall be the duty of each licensee, agent, and employee to show the certificate of license upon demand.

Section 1-19. New License - Six Months Wait.

No person who has been denied a license or whose license has been revoked, and no person associated in any way with such a person in the conduct of business, shall be granted a new license until a period of 6 months after such denial or revocation has elapsed.

Section 1-20. Current License List.

A current list of licenses is available upon request to any person or company at a fee of \$15.00.

Section 1-21. Amend a Current License.

A current license may be amended by only the stated owner (with proper identification). A new application form and amendment form (provided by the County Clerk) will be completed. This amendment is limited to business name, adding or deleting a manager or partner (with their signature) or any required license addition (contractor, food handler, etc.).

Section 1-22. Changing a Current License.

A new license must be obtained when an ownership change, business location changes, or an

additional business at the same location is initiated. All procedures of obtaining a new license are required along with a closure statement (issued by the County Clerk) for the previous business. In the event of an ownership change all license fees will be assessed. In the event of a business location change license fees only will be waved in the event the business activity remains the same.

Section 1-23. Out of Area/State Business.

Proof of a current license from the home area is required of any person, business, firm, or corporation, contracted to this area to conduct business. Any person, business, firm, or corporation in violation of the provision will be charged the maximum penalty as stated in this ordinance. A person, business, firm, or corporation initiating business (not contracted) in this area must obtain a license to conduct business.

Section 1-24. Lost, Stolen, Misplaced License.

A copy of a current license will be on file with the County Clerk, in the event a license is lost, stolen, or misplaced, a copy of said license will be reissued for a charge of \$8.00 at the request of the owner (with proper identification). A request form will be provided by the County Clerk.