

ORDINANCE No. 2020-10-A

AN ORDINANCE OF THE BOARD OF SAN JUAN COUNTY COMMISSIONERS ESTABLISHING RULES AND REGULATIONS FOR THE LICENSING AND OPERATION OF BUSINESSES WITHIN SAN JUAN COUNTY

WHEREAS, San Juan County has an interest in providing business licensing regulations within the unincorporated areas of San Juan County; and

WHEREAS, San Juan County currently does not have an ordinance pertaining to business licensing; and

WHEREAS, it is in the best interest of San Juan County and its businesses throughout the County to adopt a business licensing ordinance to assist in tracking business as well as for the benefit of our businesses in obtaining grants, outside funding and other resources; and

WHEREAS, San Juan County businesses are encouraged to apply for licensure during this time of the COVID-19 pandemic in which the County is waiving application or licensure fees; and

WHEREAS, the Economic Development Office, in the future, will present a formal fee structure Resolution to be approved by the Board of San Juan County Commissioners.

BE IT HEREBY ORDAINED BY THE BOARD OF SAN JUAN COUNTY COMMISSIONERS that:

SECTIONS:

- 1. LICENSES GENERALLY.**
- 2. APPLICATION.**
- 3. TERM.**
- 4. CATEGORIES AND FEES.**
- 5. FEES FOR UNLISTED CATEGORIES.**
- 6. REVOCATION.**
- 7. VIOLATION AND PENALTY.**
- 8. EFFECTIVE DATE.**

SECTION 1. LICENSES GENERALLY:

- A. Licensing and tracking will be supervised within the San Juan County Economic Development Office.
- B. The Economic Development Office shall have the authority to investigate and may work with the County Administrator to call upon other departments of the County for the purpose of determining whether or not any applicant for a business license has, in fact, qualified for the issuance thereof.

- C. It is unlawful for any person, firm or corporation or any employee thereof, to commence, engage in, carry on, or operate any business in unincorporated San Juan County without first applying for and obtaining a license from the County to do so.

Subject to exceptions listed below, every person, partnership or corporation engaged in, carrying on or operating any business, trade, or occupation, including any internet business, in San Juan County shall secure, from the Economic Development Office, a license for such business or profession.

- D. Every such license shall specify by name the person, firm, or corporation to whom it shall be issued and shall designate the particular place at which the business shall be carried on, provided that when a license is issued to a firm or co-partnership, such license in addition to the firm or co-partnership name, shall specify by name the members of such firm or partnership.
- E. It is unlawful for any licensee to sell, transfer or trade any business license issued under this chapter, and shall not allow any person, firm or corporation other than the one therein named or mentioned to do business as authorized by the business license.
- F. All business license applications must be approved for proper zoning by the County building inspector or zoning administrator.
- G. No license fee or any part thereof shall be refunded for any reason whatsoever once the license has been granted or issued by San Juan County.
- H. No license or fee shall be required under the terms of this chapter for the conducting of home-based businesses, businesses that already have a current and valid business license issued by a City or Municipality within San Juan County, lectures, entertainment, concerts, fairs, exhibitions, bazaars, luncheons, dinners or dances conducted, given or made by the residents of the County residing therein, conducted or given wholly for benevolent or charitable purposes.
- I. Every certificate of license shall be posted by the licensee in a conspicuous place upon the walls of the building, room, or office of the store, or place in which such licensed business, trade, or profession is carried on so that the same may be easily seen. No certificate of license that is not in force shall be permitted to remain posted after the term of such certificate has expired.
- J. Economic Development Staff shall, as needed, make investigation to discover status of all businesses or persons who have been issued a license.
- K. Seasonal businesses shall pay a full license fee if the business is operated during the entire season.
- L. No business license is required for the sale of agricultural products which are produced in San Juan County.

SECTION 2. APPLICATION:

- A. All applications for licenses shall be made in writing and submitted to the Economic Development Office upon a prepared form which may be obtained from the Economic Development Office. The amount of such licenses as herein after provided shall be paid in advance to the Economic Development Office.
- B. Business applications shall show the following information, if applicable, and shall be submitted to the Economic Development Office:
 - 1. The name, physical and mailing addresses, and telephone numbers of the person(s) and partner(s) and/or legal agent(s) desiring the license;
 - 2. Other names the business has been or may be known by;
 - 3. The nature of the business to be licensed;
 - 4. The place where business is to be carried on;
 - 5. Applicable sales tax license numbers acquired from the Utah State Sales Tax Commission: Sales Tax, Restaurant Tax and / or Transient Room Tax.
 - 6. Prior twelve (12) months Utah Sales Tax Filing Confirmation for applicable sales tax license numbers: TC-62S, TC-62F, and / or TC-62R.
 - 7. Proof of one (1) years remittance of Transient Room Taxes paid to the Utah State Tax Commission.
 - 8. Any other information required by the Economic Development Office that may be necessary for the purpose of fixing the amount of the license fee.
- C. The Economic Development Office shall, utilizing predetermined fee schedules set and approved by the Board of San Juan County Commissioners, determine license categories and fees.
- D. Each time the ownership of a business changes a new application for a license shall be submitted. This shall be done prior to the business opening or operating under the new owner.

SECTION 3. TERM:

- A. No license, unless otherwise provided for, shall be issued for a shorter period than three months or for a longer period than one year. All annual licenses shall commence February 1st and shall be effective through the following January 31st. New business

licenses issued between February 1st and January 31st shall pay a pro-rated fee based on a quarterly assessment.

- B. Economic Development Office Staff shall, on December 30th of every year, or the next business day immediately following the 30th, mail renewal notices to all businesses or persons holding an active business license. The renewal notice shall state the renewal fee amount, the date by which the fee must be remitted to the Economic Development Office, and information regarding penalties for non-renewal. The renewal notice shall be accompanied by a request for updated information regarding all particulars of the business or person holding the license. Updated information must be provided prior to renewal of the license.
- C. The Economic Development Office shall not issue a business license until all penalties associated with business licensing and legally assessed against the applicant have been paid in full.
- D. Any business commencing operation without a license shall be assessed the fee as set forth and is subject to all criminal and civil penalties as set forth herein.

SECTION 4. LICENSE CATEGORIES AND FEES:

- A. Fees charged for business licenses and classification of various classes of businesses shall be set in accordance with the following fee schedule: A fee of \$50.00 for a standard business license and \$15.00 for a home-based business license. Home based business licenses are not required, however if a business would like to obtain a license there is a fee in place to cover administrative costs. Any changes in classification or fee as applicable to a currently licensed business shall not be in force until the current license expires.
- B. Every person, firm, or corporation before engaging in any business, or profession hereinafter listed in this section shall obtain a license therefore and make payment to the County Clerk in advance as follows:
 - 1. **Large Scale Wholesale and Retail Sales.** Any person, firm or corporation dealing directly or indirectly in any manner in motor vehicles, petroleum, mining machinery and equipment and all other types of machinery and equipment, steel distribution or supply, appliances of any kind, hardware, chemicals, milk, food, permanent fruit and vegetables sales, restaurants, fast food sales, coffee houses, 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 goods, wares or merchandise of any kind or description, and any other type of heavy industrial or commercial sales of any type or description and not otherwise specifically licensed by this chapter for each place of business operated.

2. **Small Scale Wholesale and Retail Sales.** Any person, firm or corporation dealing directly or indirectly in any manner in appliances of any kind, hardware, chemicals, milk, food, permanent fruit and vegetables sales, restaurants, fast food sales, coffee houses, 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 goods, wares or merchandise of any kind or description and not otherwise specifically licensed by this chapter, for each place of business operated.
3. **Large Scale Industrial Business.** All businesses dealing with the manufacturing, processing, fabrication of goods, electrical generating plants, coal loading and washing and storage facilities, refineries, and other similar industries.
4. **Small Scale Industrial Business.** All rendering and packing plants, wrecking and salvage, and other smaller scale industrial businesses.
5. **Professional Businesses.** All attorneys, auctioneers, insurance brokers, physicians, dentists, veterinarians, accountants, engineers, surveyors, morticians and all other professions not herein stated.
6. **Hospitals and Medical Clinics.** All hospitals and medical clinics offering medical services.
7. **Recreational Businesses.** All billiard halls, bowling alleys, dance halls and studios, resorts, skating rinks, swimming pools, theatres, amusement centers, recreation centers, spas, hunting lodges, fishing camps, and all other recreational businesses not herein stated.
8. **Rental Storage Business.** All rental storage businesses including warehouses, storage buildings and cold storage units. The fee shall include a base fee plus an assessment for each separate rental unit.
9. **Motels, Hotels, Mobile Home Parks and Recreational Vehicle Courts.** All motels, hotels, mobile home parks and recreational vehicle courts. The fee shall include a base fee plus an assessment for each separate rental unit.
10. **Apartment and Board Houses.** All apartment houses (three apartments or more) and office buildings which rent or lease space.
11. **Equipment Rental.** All equipment rental businesses.
12. **Financial Businesses.** All banks, savings and loan, credit unions, etc. and all other financial businesses not herein stated.
13. **Service Related Businesses and Trades.** All repair and service facilities, dry cleaning, delivery, dog kennels, printing, junk collecting, laundry supply, barbers,

beauty parlors, taxis, welding, upholstery, vulcanizing, garbage collection, and all other services.

14. **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.
 15. **Trucking Businesses**. All trucking businesses related to oil hauling, motor freight, and other trucking not herein listed. The fee shall include a base fee plus an assessment for each separate transport vehicle.
 16. **Mining and Oil and Gas**. All mining, oil and gas exploration, drilling projects, and other mines not herein stated.
 17. **Small Scale Mining Operations**. Small scale sand and gravel operations.
 18. **Home Businesses**. All businesses conducted solely within the confines of the home of the operator. Home Businesses shall consist of craft assembly, seamstress and alterations, book-keeping, word processing, proofreading, scrap booking, genealogical research, pet grooming, custom cake decoration, dance instruction, gift baskets, medical transcription, and all other similar services not herein stated.
 19. **Itinerant Merchant**. An Itinerant Merchant shall be identified as any person, whether a resident of San Juan County or not, who engages in a temporary business activity located within the unincorporated limits of San Juan County selling and/or delivering goods, wares or services, or who conducts meetings open to the general public where franchises, distributorships, contracts, or business opportunities, goods, wares or services are offered to the public during the course of, or any time within, six months after a lecture or public meeting pertaining to such items. 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.
- C. Whenever more than one business, trade, profession, calling or occupation is being carried on by one licensee under one roof, the licensee is required to apply for a business license for each business, trade, profession, calling or occupation. Multiple business activities will be defined and delineated by the entity numbers issued by the Utah Department of Commerce.
- D. Any person whose only business activity in San Juan County is the delivery in the County of a service or merchandise sold or provided by him and whose regular place of business is maintained by him/her outside of the unincorporated San Juan County limits shall procure a business license based upon the category corresponding to his principle business activity.

- E. It is unlawful for any person to engage in the business of an itinerant merchant without first having procured a license from the county licensing department. All itinerant merchant licenses shall expire one hundred twenty (120) days after the date of issuance thereof.
- F. Reciprocal recognition of licenses. No license fee shall be required by San Juan County for any business that already has a current and valid license issued by a City or Municipality within San Juan County.

SECTION 5. CATEGORIES NOT LISTED:

It shall be unlawful for any person to conduct any business not hereinbefore listed without paying the license fee as assessed by County. It shall be the duty of the Economic Development Office by and with the approval of the Board of San Juan County Commissioners to determine the applicable category in which a business falls by comparing the nature of business to those listed and determining which category is most appropriate. If the business is of a nature that it cannot be compared to any category then the appropriate category and fee shall be established by the Economic Development Office and the Board of San Juan County Commissioners.

SECTION 6. DENIALS OF LICENSE:

- A. In the event the Economic Development Office shall deny any application for a business license, the reason therefore shall be endorsed on the application by the Chairman of the County Commission, and the Economic Development Office shall return the fee deposited with a copy of the application to the applicant together with notice that the applicant may appear before the Commission within forty five (45) days of the denial or revocation for the purpose of presenting reasons for setting aside such denial. If the applicant makes such appearance and shows by a preponderance of evidence that they should be licensed, the Commission shall set aside the denial and approve the application. If the Commission denies the request, appeals can be made to District Court.
- B. The Economic Development Office may deny or revoke any license upon finding that any person, firm or corporation or any employee of said firm or corporation licensed under this chapter has been convicted of a felony, or that false information has been given in the license application or that the business is being operated in a manner detrimental to the public good, may revoke that business license. The business license fee shall not be refunded.

SECTION 7. VIOLATION AND PENALTY:

- A. Annual license renewals not paid by March 15th shall be subject to a penalty of \$100.00 plus the license fee. Any license renewal not made before April 15th shall be subject to an additional penalty of \$250.00 plus the license fee and previous penalty. Any license renewal not made after April 15th may be collected by civil action in any court of this state having jurisdiction, or subject to criminal action set forth below.

- B. Any person, firm or corporation who has commenced or carried on any business, trade, or occupation specified in this chapter prior to obtaining a business license shall be assessed a double license fee, which double assessment shall be paid before a license shall be issued.
- C. The Economic Development Office shall work with the County Administrator in an effort to call upon other departments of the County for the purpose of examining all places of business or persons required to obtain or maintain business licenses.
- D. The Economic Development Office shall monitor business activity within the County by locating existing or new businesses or persons that have either not applied for a new license or renewed an existing license. The Economic Development Office shall then, in writing, notify said businesses or persons of business license requirements and penalties. The Economic Development Office shall make reasonable attempts to encourage compliance.
- E. At least once a year, the Economic Development Office shall report to the County Attorney all businesses or persons that have failed to obtain or renew business licenses. It shall be the duty of the County Attorney to cause complaints to be filed against all persons violating any of the provisions of this chapter.
- F. Any person who operates a business in violation of the provisions of this chapter shall be subject to a fine not exceeding one thousand dollars (\$1,000.00). Each month that person shall violate or continue to violate this ordinance after written notice of such violation by county or its officers or agents, shall be considered to be separate violation, and shall be punished as such.

Any violation of this chapter may be appealed Subject to the same procedures indicated in Section 6.

SECTION 8. EFFECTIVE DATE:

This ordinance shall take effect, fifteen (15) days after enactment, and after depositing of a copy in the Clerk/Auditor’s Office and publication in a newspaper having general circulation in the County, as required by Utah Code Annotated section 17-53-208.

PASSED AND APPROVED on this ____ day of _____ 2020.

 Kenneth Maryboy, Chair
 Board of San Juan County Commissioners

Attest:

John David Nielsen, County Clerk