

ORDINANCE NO. 95-2

AN ORDINANCE LICENSING ALL BUSINESSES WITHIN DAGGETT COUNTY
OUTSIDE THE LIMITS OF INCORPORATED AREAS

THE BOARD OF COUNTY COMMISSIONERS OF DAGGETT COUNTY, UTAH, DO HEREBY
ORDAIN AS FOLLOWS:

1. PURPOSE OF CHAPTER. This chapter is designed and enacted for the purpose of promoting the safety, health and prosperity, improving the morals, peace, good order, comfort and convenience of the county and the inhabitants thereof, protecting property therein and regulating all and every kind of businesses and activities not prohibited by law and defined in this chapter and raising revenue therefrom.

2. LICENSE REQUIRED. It shall be unlawful for any person to engage in or carry on or operate any business in the county without first making application for and obtaining a license from the county for such business, and by paying in advance, the license fee required therefor as provided in this chapter. Each day that any person does business without a license is a separate and additional violation.

3. TRANSFERABILITY. No license granted or issued under any of the provisions of any ordinance of the county shall be in any manner assignable or transferable or authorize any person other than the person therein mentioned or named to do business, or authorize any other business than is therein mentioned or named to be done or transacted; provided, that any person to whom one or more licenses have been issued to transact or carry on some business at a definite location in the county may, except as hereinafter provided, make

application for the transfer of any or all of his licenses for the sole purpose of transacting or carrying on the same business as is therein mentioned at some other definite location in the county by himself, by filing the application with the County Clerk of Daggett County, Utah, after receiving reports furnished by the County Commission, the sheriff and the board of health, may in their discretion, deny or grant the transfer of any or all of the licenses strictly within the limitations set out in this section.

4. RULES AND REGULATIONS. Rules and regulations covering health, safety, morals, peace, good order, comfort, and convenience of the general public with respect to any business covered under this chapter shall be adopted by the commission and copies of such rules and regulations shall be made available to and displayed by the licensees affected thereby in a conspicuous place upon the licensed premises.

5. APPLICATIONS FOR LICENSES. All applications for licenses shall be made in writing and submitted to the County Clerk upon a prepared form which may be obtained from the County Clerk. Any false statement on an application shall void the license and is a violation of this ordinance.

6. CONTENTS OF APPLICATION. Each application shall show the following:

A. The name and address of the person desiring the license. If the applicant is a copartnership, the names and addresses of the partnerships and if a corporation the names and addresses of all officers and directors;

B. The kind of license desired, stating the business to be performed, practiced or carried on;

C. The class of license desired, if such licenses are divided into classes;

D. The place where such business is to be carried on, giving the street number, if such business is to be carried on in any building or enclosure or stated location;

E. The period of time for which such license is desired to be issued;

F. The actual cash value of the business sought to be licensed;

G. Such other facts and information as may be required by ordinance, the statutes of the state and the commission;

H. Provided, further, that a written application for a renewal of a license may or may not be required at the option of the county commission.

I. Verification by applicant that applicant and business is in full compliance with all state, federal, and local laws and ordinances and that all taxes and fee payments are current.

7. FILING OF APPLICATION -- FEE. Each application for a license under this chapter shall be filed by the applicant with the County Clerk and shall be accompanied by the license fee required to be paid for the issuance of the license desired. The fee may be in the form of cash, check, or made payable to the county clerk. Applications received by the County Clerk shall be numbered in the order of their receipt and shall be filed in numerical sequence with

the County Clerk. The license fee to be paid by all businesses is hereby fixed at a minimum of \$10.00 per year or for any part of a calendar year or such other amount as the county commissioners shall set by resolution.

8. APPLICATIONS REFERRED TO COMMISSION. After receipt of an application for a license such application shall be submitted to the commission at the next regular commission meeting; unless, in the opinion of the county commission, or as required hereby, the applications or should be referred to the sheriff, board of health, fire department or other official or body for investigation.

9. INVESTIGATION. Within ten days after receipt by the commission of such application for a license, the commission, in its discretion, may refer the application to the fire department, board of health, sheriff or other official or body, for the purpose of investigation and inspection concerning the general reputation or character of the person making the application, or directly interested therein; the general reputation of those who patronize the business; the nature or kind of applicant's business; whether such place is or has been conducted in a lawful, quiet, orderly, and helpful manner; the conditions of health and safety of such premises, together with the other fact or facts, which the commission should know in acting upon the application.

10. REPORT OF INVESTIGATION. Upon being requested to do so by the commission, the sheriff, board of health, fire department or other official or body shall conduct the investigation and inspection provided for in county ordinances, and within five days after

receiving such request, submit to the commission, a report on such investigation and inspection, together with recommendations as to whether the license should be granted or denied.

11. ACTION OF THE COMMISSION. After receipt of the report and recommendation of the sheriff, board of health, fire department or other official or body, the commission shall act upon the application as it shall deem just and proper in regard to granting or denying the same, or may order further information or investigations concerning the same. The county commission will not issue a business license to any business that the commission is aware is in violation of any state or county ordinance or is delinquent in any taxes owed to the State or local government. The Commission may require proof from the applicant of compliance before the license is issued.

12. APPROVAL OF APPLICATION. In the event the commission shall approve any application for a license such approval shall be endorsed on the application and signed by the chairman of the commission and forthwith issue a license certificate therefor.

13. DENIAL OF APPLICATION. In the event the commission shall deny any application for license, the reason therefor shall be endorsed on the application by the chairman of the commission and the county clerk shall return the fee deposited with the application to the applicant forthwith, together with notice that the applicant may appear before the commission for the purpose of presenting reasons for setting aside such denial. If applicant makes such appearance and presents adequate justification, the commission may, in its discretion, set aside the denial and approve the application.

14. PAYMENT OF LICENSE FEES--LICENSE PERIOD. All licenses provided for in this chapter shall, except as hereinafter provided, be payable annually in advance commencing January 1st of each year and, unless revoked as provided in this chapter, shall be effective through the following December 31st, unless otherwise provided herein. A license for any business to be established may be issued at any time during the year. In the event a business fails to renew a license by January 31st of any year, a late fee of twenty-five dollars shall be collected before issuance of a new license.

15. FEES NOT REFUNDED. No license fee, or any part thereof, shall be refunded for any reason whatsoever, once the license has been granted or issued by the county.

16. INSPECTIONS. Nonconsensual, nonemergency searches of the nonpublic portions of licensed businesses shall be pursuant to an appropriate search warrant. Searches of premises covered by specific provisions of the Utah Code or regulations adopted thereunder shall be made as provided for in such code or regulation.

17. LICENSE CERTIFICATES--CONTENTS. Every certificate of license shall bear upon its face the following:

- A. The name of the person to which such certificate has been issued;
- B. The amount paid for such license;
- C. The kind of license and the class of such license;
- D. The terms of the license with the commencing date and the date of its expiration;
- E. The place or places where such business is to be carried on;
- F. The signature of the county clerk.

18. POSTING OF CERTIFICATES. A. Every certificate of license issued shall be posted by the licensee in a conspicuous place upon the wall of the building, room, or office of the store or place in which such licensed business is carried on, so that the same may be easily seen.

B. When such certificates of license have expired the licensee shall remove the same from the place in which it has been posted.

19. CERTIFICATE TO BE SHOWN TO OFFICIALS. It shall be the duty of each and every person to whom a certificate of license has been issued to show the same at a proper time when requested to do so by the county commission, sheriff or their deputies or any law enforcement officer.

20. MISUSE OF CERTIFICATES. It shall be unlawful to counterfeit a license certificate or to deface or mutilate the same while it is required to be posted in the licensed premises or upon any amusement device, contrivance, game or machine or vehicle required by this chapter to be licensed, or to remove it or attempt to remove it therefrom without destroying it, or use, or permit the same to be used at any place other than that designated therein, or for any licensee to place or permit it to be placed or be in any other place of business or be upon one amusement device, contrivance, game, machine or vehicle after it has been placed in or upon another, or to place it or permit it to be placed in or upon any place of business, amusement device, game machine or vehicle prohibited or declared to be unlawful by this chapter or any other ordinance or law.

21. BUSINESS LICENSE CLASSIFICATIONS AND FEES. Fees charged for business licenses and the classification of various classes of businesses shall be pursuant to resolution adopted by the board of county commissioners. any change in classification or fee as applicable to a currently licensed business shall not be enforced until the current license expires.

22. REAPPLICATIONS. A new application for license shall be filled out and submitted on behalf of existing businesses every third year. A new application shall be submitted any time the ownership or management of a business has changed during the preceding year or when the nature or size of the business has substantially changed during the preceding year.

23. BEER LICENSES EXCLUDED. It is further provided that the license ordinance does not exceed to the license of taverns or beer parlors which are covered by other ordinances.

24. VIOLATIONS--PENALTY. All persons violating the provisions of the chapter shall be guilty of a misdemeanor and upon conviction be fined in a sum not to exceed one thousand dollars or imprisoned in the county jail not to exceed six months or punished by both such fine and imprisonment.

This Ordinance shall take effect on the 15th day of February, 1995.

Passed by the Board of County Commissioners, Daggett County, State of Utah this 1st day of February, 1995.

Commissioner Sharon Walters voting "Aye."

Commissioner James M. Briggs voting "Aye."

Commissioner Chad L. Reed voting "Aye."

/s/ Sharon P. Walters

Chairman, Board of County Commissioners