

**Rich County Ordinance Requiring Businesses to Obtain a Business License
to Operate in Unincorporated Rich County**

Whereas, the Utah Code states “the legislative body of a county may by ordinance provide for the licensing of businesses within the unincorporated areas of the county for the purpose of regulation, and may impose fees on businesses to recover the county’s costs of regulation;” and

Whereas, it is in the best interest of Rich County to maintain some local control and regulation of businesses operating in unincorporated Rich County.

Now therefore, the County Legislative Body of Rich County, Utah ordains as follows:

Section 1. Definitions.

“Business” means any enterprise carried on for the purpose of gain or economic profit, except for the acts of employees rendering services to employers. Business does not include agricultural activity for the purpose of this ordinance.

Section 2. Business license required.

Any business operating in unincorporated Rich County shall first obtain and hold at all times a current business license issued by the County.

Section 3. Exemptions.

The following businesses are exempt from the requirement in Section 2:

- A. A business operated only occasionally and by an individual under 18 years old.
- B. Any other business activity specifically exempted elsewhere by state law.

Section 4. Application for new business license.

- A. Each application for a business license shall be filed with the County Clerk.
- B. The County Clerk shall schedule the application for a new business license to be heard by the Board of County Commissioners.

- C. The County Clerk shall provide the application to the Board of County Commissioners for review and shall notify the applicant of the time and place of the meeting.
- D. An approved business license shall be valid for one year.

Section 5. Renewal of business license.

- A. An application to renew a business license shall be filed with the County Clerk.
- B. An application to renew a business license may be approved by the County Clerk without further consideration or may be set before the Board of County Commissioners if needed.

Section 6. License fees.

- A. An application for a new business license or to renew an existing business license is \$50 per year.
- B. An application fee is refundable if the application is denied.
- C. There is no fee charged for a home-based business in which the off-site impact of the home-based business does not materially exceed the off-site impact of the use of the home as a primary residence alone.

Section 7. Additional investigation of application.

The board may, in its discretion, refer an application for additional investigation to the fire department, board of health, sheriff, or other official body for the purpose of investigation and inspection concerning the general reputation of the licensee; whether the business is or can be conducted in a lawful, quiet, orderly and helpful manner; and the conditions of health and safety of such premises, together with any other fact which the council should know in acting upon the application. Upon being requested to do so by the board, the department being asked to investigate shall quickly return a written report to the board together with any recommendations.

Section 8. Approval of application.

The County Clerk shall keep a record of all applications and current business licenses. The County Clerk shall also provide the information for each approved business license to the County Assessor within 60 days after approval.

Section 9. Denial of application.

- A. The board may deny a business license application or an application to renew a business license if any of the following apply:
- (1) The applicant has been convicted of a felony or any crime involving moral turpitude.
 - (2) The application contains fraud or deceit.
 - (3) The applicant has failed to pay property taxes or other required fees.
 - (4) The business has violated the laws of the state, federal law, or the ordinances of Rich County.
 - (5) The premises or building to be used for the business do not fully comply with legal requirements.
 - (6) Conduct of the business would involve a violation of law: state, federal, or county ordinance.
 - (7) The business could not be conducted without unreasonably disrupting the peace, quiet and enjoyment of the surrounding community.
- B. The reason(s) for the denial shall be endorsed on the application by the Clerk and the Clerk shall return the application and fee by certified mail to the applicant. The Clerk shall also advise the applicant that he/she may appear before the board within thirty (30) days for the purpose of presenting reasons for setting aside the denial.
- C. When an application is denied, the board shall hold a hearing at the request of the applicant. The applicant may appear in person, through an officer, or through counsel to present any relevant information in support of the application. The board shall also provide any information to the applicant relied upon to deny the application. The applicant may confront and question any witnesses. If the applicant makes such appearance and presents adequate justification or assurances, the board may, in its discretion, set aside the denial and approve the application. An official record of the hearing shall be kept by the board. Following the hearing, the board shall issue a written decision to the applicant.

Section 10. Violation.

Operating a business without a valid business license in violation of this ordinance is a class-B misdemeanor.

Section 11. Prior ordinance repealed.

The County's prior business ordinance license (82-4) is hereby repealed and replaced.

Section 12. Effective date.

This ordinance shall take effect fifteen days after posting as provided by law.

APPROVED and ADOPTED this 3rd day of April, 2023.

BOARD OF RICH COUNTY COMMISSIONERS


Chairman

ATTEST:


Rich County Clerk

Commissioner Bill Cox voted yes
Commissioner Sim Weston voted yes
Commissioner Jonathan Lee voted yes