

**GARFIELD COUNTY ORDINANCE NO. 2020-3**

**AN ORDINANCE AMENDING GARFIELD COUNTY ORDINANCE NO. 1979-03 AND ORDINANCE NO. 2018-3 WITHIN GARFIELD COUNTY, STATE OF UTAH.**

**WHEREAS**, the Garfield County Commissioners, as the governing body of Garfield County, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the County of Garfield, to amend Business License Ordinance Number 2018-03.

1. It shall be a Class B Misdemeanor for any person to transact, engage in or carry on any business without first receiving a business license from the County. Each day of operation without a business license shall be a separate offense, with a penalty of \$25.00 per day. If a business license has not been approved by the County by March 1st of the current year, any penalties shall relate back to January 1st of the current year. A lien will be recorded on the business' real property for any outstanding penalties.
2. Applications for a business license shall include the following information:
  - a. The name of the business of firm desiring the license.
  - b. The nature of the business to be licensed.
  - c. The place where such business is to be carried on.
  - d. Applicable sales tax license numbers acquired from the Utah State Sales Tax Commission: Sales Tax, Restaurant Tax, and/or Transient Room Tax.
  - e. Prior twelve (12) month Utah Sales Tax Payment Confirmations for applicable sales tax license numbers: TC-62S, TC-62F, and/or TC-62R. The Applicant may redact (black out) payment amounts.
3. Upon receipt of an application for a business license, the County Clerk shall set the matter on the agenda for the next regularly scheduled meeting of the County Commission.
4. The County Commission shall consider each application individually. If the Commission rejects any application, it must state its reason for doing so with particularity in a letter to the applicant. If the Commission accepts any application, the County Clerk may issue a business license to the applicant upon receipt of the business license fee.
5. The cost of a business license shall be \$50.00.

6. Every license issued shall contain the following information:
  - a. The name of the business.
  - b. The place where such business is to be carried on.
  - c. The term of the license, including both the date the license commences and the date it expires.
  - d. The nature of the business to be carried on.
7. Every business required to be licensed shall display the business license in a conspicuous place upon the wall of the building, room or office of the place where the business is carried on.
8. Business licenses are not transferable.
9. A business license may be revoked or denied by the County Commission because
  - a. The failure of the licensee or applicant to comply with the requirements of this or any other County Ordinance, or with the requirements of any State law.
  - b. Unlawful activities conducted or permitted on the premises where the business is conducted.
  - c. Unwillingness to remit applicable sales taxes: TC62S (Sales Tax), TC62F (Restaurant Tax), and/or TC-62R (Transient Room Tax).
10. Prior to the revocation of a license, and prior to the denial of an application for renewal of a license, the licensee-applicant shall be given notice that the County Commission intends to revoke or deny the business license and the reasons for that intention. A hearing shall be held between ten and thirty days from the time of the notice, either at a regular or special meeting of the County Commission, to consider the matter. The licensee-applicant shall have the right to hear the evidence, present his own evidence, cross-examine those present, and be represented by counsel. These provisions do not apply to the denial of an application for a business from a business which has not been previously licensed by the County.
11. A separate license must be obtained for each separate place of business in the County. A warehouse is not considered a separate place of business.

12. Wherever any person is engaged in two or more businesses within the same location in the County, such person shall not be required to obtain a separate license for conducting each of such businesses, but shall be issued one license which shall specify on its face all of such businesses.
  - a. If individual businesses require separate sales tax license numbers and filings, the required information in Section 2 will be required for all businesses on this application.
13. Where two or more persons conduct separate businesses at the same location, each shall obtain a license for his business.
14. No license fee shall be required of a business paying a license fee elsewhere in the State of Utah if that business does not maintain a place of business within this county.
15. "Business" means and includes all activities engaged in within this County carried on for the purpose of gain or economic profit, except farming and ranching operations. Wholesale operations are also excluded if no place of business is maintained in the County.
16. "Place of Business" means each separate location maintained or operated within this County from which business activity is conducted or transacted.
17. Business licenses shall be valid for a period of one year from the date of issuance.
18. Any business operating with an expired business license shall be considered as operating with no license at all.
19. Temporary business licenses may be issued by the County Clerk at the cost of \$15.00 for one day or \$25.00 for one week. No approval is required by the County Commission. Persons operating temporary businesses must have a temporary license at the location of their business.
20. All businesses currently operating in the unincorporated areas of Garfield County must be licensed according to the terms of this act by February 1, 2019.
  - a. If operating a temporary business that requires sales tax, said business will be required to provide all applicable information in Section 2.
21. In the opinion of the Board of County Commissioners, it is necessary to the peace, health and welfare of the inhabitants of the unincorporated areas of Garfield County that this ordinance become effective immediately.

**GARFIELD COUNTY ORDINANCE NO. 2020-3**

**AN ORDINANCE AMENDING GARFIELD COUNTY ORDINANCE NO. 2018-3  
WITHIN GARFIELD COUNTY, STATE OF UTAH.**

**WHEREAS**, the Garfield County Commissioners, as the governing body of Garfield County, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the County of Garfield, to amend Business License Ordinance Number 2018-3.

**NOW THEREFORE BE IT ORDAINED** by the Garfield County Commissioners, State of Utah:

**Section 1: Ordinance 2018-3 be amended as follows:**

1. Number 1 shall be amended as follows: Each day of operation without a business license shall be a separate offense, "with a penalty of \$25.00 day. If a business license has not been approved by the County by March 1st of the current year, any penalties shall relate back to January 1st of the current year. A lien will be recorded on the business' real property for any outstanding penalties."
2. Number 2 (5) shall be amended as follows: "Prior twelve (12) month Utah Sales Tax Payment Confirmations for applicable sales tax license numbers: TC-62S, TC-62F, and/or TC-62R. The Applicant may redact (black out) payment amounts.
3. Number 5 shall be amended as follows: "The cost of a business license shall be \$50.00. "
4. Number 9 (3) shall be amended as follows: "Unwillingness to remit applicable sales taxes: TC62S (Sales Tax), TC62F (Restaurant Tax), and/or TC-62R (Transient Room Tax.)"

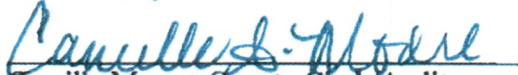
**PASSED, ADOPTED, AND APPROVED** by the Board of Garfield County Commissioners this 23<sup>rd</sup> day of March, 2020, by the following vote:

Those voting aye: 3  
Those voting nay:  
Absent

**Board of Garfield County Commissioners**

  
\_\_\_\_\_  
Leland Pollock, Chairman

**ATTEST to the signing of Ordinance No. 2020-3:**

  
Camille Moore, County Clerk/Auditor

GARFIELD COUNTY ORDINANCE NO. 1979-3

AN ORDINANCE RELATING TO THE LICENSING OF BUSINESS IN THE UNINCORPORATED AREAS OF GARFIELD COUNTY, UTAH.

BE IT ORDAINED by the Board of Commissioners of Garfield County, as follows:

1. It shall be a class B misdemeanor for any person to transact, engage in or carry on any business without first receiving a business license from the County. Each day of operation without a license shall be a separate offense.
2. Applications for a business license shall include the following information:
  - (1) The name of the business or firm desiring the license.
  - (2) The nature of the business to be licensed.
  - (3) The place where such business is to be carried on.
3. Upon receipt of an application for a business license, the County Clerk shall set the matter on the agenda for the next regularly scheduled meeting of the County Commission.
4. The County Commission shall consider each application individually. If the Commission rejects any application, it must state its reasons for doing so with particularity in a letter to the applicant. If the Commission accepts any application, the County Clerk may issue a business license to the applicant upon receipt of the business license fee.
5. The cost of a business license shall be \$25.00
6. Every license issued shall contain the following information:
  - (1) The name of the business.
  - (2) The place where such business is to be carried on.
  - (3) The term of the license, including both the date the license commences and the date it expires.
  - (4) The nature of the business to be carried on.
7. Every business required to be licensed shall display the business license in a conspicuous place upon the wall of the building, room or office of the place where the business is carried on.
8. Business licenses are not transferable.

9. A business license may be revoked or denied by the County Commission because of:
  - (1) The failure of the licensee or applicant to comply with the requirements of this or any other County ordinance, or with the requirements of any State law.
  - (2) Unlawful activities conducted or permitted on the premises where the business is conducted.
10. Prior to the revocation of a license, and prior to the denial of an application for renewal of a license, the licensee-applicant shall be given notice that the County Commission intends to revoke or deny the business license and the reasons for that intention. A hearing shall be held between ten and thirty days from the time of the notice, either at a regular or special meeting of the County Commission, to consider the matter. The licensee-applicant shall have the right to hear the evidence, present his own evidence, cross-examine those present, and be represented by counsel.

These provisions do not apply to the denial of an application for a business from a business which has not been previously licensed by the County.
11. A separate license must be obtained for each separate place of business in the County. A warehouse is not considered a separate place of business.
12. Whenever any person is engaged in two or more business within the same location in the County, such person shall not be required to obtain separate license for conducting each of such businesses, but shall be issued one license which shall specify on its face all of such businesses.
13. Where two or more persons conduct separate businesses at the same location, each shall obtain a license for his business.
14. No license fee shall be required of a business paying a license fee elsewhere in the State of Utah if that business does not maintain a place of business within this County.
15. "Business" means and includes all activities engaged in within this County carried on for the purpose of gain or economic profit, except farming and ranching operations. Wholesale operations are also excluded if no place of business is maintained in the County.
17. "Place of Business" means each separate location maintained or operated within this County from which business activity is conducted or transacted.
18. Business licenses shall be valid for a period of one year from the date of issuance.

19. Any business operating with an expired business license shall be considered as operating with no license at all.
20. Temporary business licenses may be issued by the County Clerk at a cost of \$5.00 for one day or \$10.00 for one week. No approval is required by the County Commission. Persons operating temporary businesses must have a temporary license at the location of their business.
21. All businesses currently operating in the unincorporated areas of Garfield County must be licensed according to the terms of this act by May 1, 1979.
22. In the opinion of the Board of County Commissioner, it is necessary to the peace, health and welfare of the inhabitants of the unincorporated areas of Garfield County that this ordinance become effective immediately.

**PASSED, APPROVED AND ORDERED PUBLISHED** in a regular meeting of the Garfield County Commission held March 12, 1979.

---

George Middleton  
Chairman  
Garfield County Commission

---

Edra Miller  
Garfield County Clerk-Auditor

Commissioner George Middleton voted YES

Commissioner Wallace Ott voted YES

Commissioner H. Dell LeFevre voted YES