

Minutes of a Planning and Zoning meeting held on March 27, 1984, in City Hall at 7:00 P. M.

Present were Commission members Kim Barlow, Steve Parsons and Sherman Jones. Also present were Helen Kester and David Smith.

Mr. Barlow called the meeting to order at 7:10 P. M. and gave the prayer. He then introduced everyone.

Mrs. Kester said she felt that designating anyone with three dogs as a kennel was not right as someone who is a groomer or who offers stud service does not necessarily own any dogs and so maybe is not a kennel and she feels this should be clarified in the business license ordinance. She said she felt that if a dog breeder needed a business license then anyone breeding horses or cattle would also need a license as this was discrimination. Mr. Barlow said he felt if someone charged for any service then they were in business and not just a hobby. Mrs. Kester said they might charge for stud service but not make a profit and so they were not a business. Mr. Barlow said it could be a hobby until they started charging then it became a business.

There was a discussion of the difference between a hobby and a business with Mr. Jones saying it was hard to know where to draw the line and perhaps it could be determined by the number of customers. Mrs. Kester said there would be no way to enforce this so why have a bad ordinance. Mr. Jones said if they had an ordinance they would have some way to control problems when they arise. Mrs. Kester suggested that it be based on who paid sales tax. It was pointed out there was no way to enforce this either. Mrs. Kester said if someone was purposely trying to make money maybe then they could be classed as a business. Mr. Barlow asked how this could be determined and he felt if they were charging a fee even if they came out even, they were in business.

Mrs. Kester said she felt her raising of dogs for showing, some of which may not even be registered is a hobby and not a business as what few she sells does not cover the cost of their food and veterinary service. Mr. Smith mentioned people who buy and sell guns as a hobby and Mrs. Kester mentioned stamp collectors saying they would all have to be classed as businesses also. Mr. Smith said that if someone was running a breeding kennel, etc. to make a living, they would know they needed a license but he did not feel someone like Mrs. Kester or himself should need a business license. Mr. Barlow asked how this could be enforced unless it was in an ordinance.

Mrs. Kester said Sandy City has a provision in their ordinance for "Sportsman breeder" to cover people who occasionally sold a litter or just pets. She said you would need 60 or 70 dogs to make money and if you were going to license dogs then you needed to license everything else. Mr. Jones suggested that if they advertise maybe this could be a way of defining a business instead of a hobby and Mr. Parsons said if they are actively pursuing it they are a business. Mrs. Kester said she would be the only one in the United States being charged a license for her type of kennel.

Mr. Barlow said he felt it was a matter of principal not price and that no matter how well written an ordinance was even if done by a lawyer, it would be no more enforceable. He said they need an agreement on what is a hobby and what is a business.

Mr. Parsons said what if the person was listed as a business with the I.R.S. and Mrs. Kester said they only had to show a profit 2 out of 5 years. It was pointed out that it is next to impossible to obtain I.R.S. records so it could not be enforced. The dictionary was consulted for a definition of a business but it was felt this was no help. Mr. Jones suggested that maybe if someone made over a certain amount annually and if they advertise they should have a license. Mr. Barlow said he has a business and does not advertise so this definition would eliminate some businesses. He suggested they change the ordinance to say grooming, boarding and training kennels would have to be licensed.

While reading in the proposed Business License Ordinance, Mr. Jones said he could not remember that they recommended a seasonal license for people in town selling agricultural products. After a short discussion of this, Mr. Jones made a motion that Section 7 be changed to read "A Seasonal Agricultural License shall be required by those individuals who live within the City limits and bring produce or agricultural products from outside the city limits into the city for sale to others on a seasonal bases." Mr. Parsons seconded the motion and it passed unanimously.

Mr. Barlow made a motion that the proposed business license ordinance be changed to read "Pet Shops and Grooming, Training or Boarding Kennels". Mr. Parsons seconded the motion and it passed unanimously.

Minutes of the meeting held on March 13, 1984, were read and accepted.

Work was continued on the proposed trailer court ordinance and when Standards and Requirements were discussed, it was decided to check with some existing courts in Spanish Fork and Orem to find out how much space they allow for each trailer, both double-wide and single ones. It was decided the commission needed to do some calculating to determine how much space should be allowed for each pad and for the immediate area around each trailer and bring this information to the next meeting so they could better determine how many trailers would be allowed per acre. Mr. Barlow said he would check with the Lamp Lighter Court in Orem and Mrs. Rosenlund said she would check with Millers in Payson where they have just recently opened a new one.

Mr. Barlow made a motion that this meeting adjourn. Mr. Jones seconded the motion. Motion passed. Meeting adjourned at 8:54 P. M.

Keri Barlow  
Chairman  
April 28, 1984  
Date approved

Ramona Rosenlund  
Secretary