



GRAND COUNTY COMMISSION SPECIAL MEETING

Held virtually on Zoom
Moab, Utah

See below for instructions to give public comment via Zoom

Dial: (669) 900 - 6833 Meeting ID: 859 7009 1224 # Password (if needed): 056567

Link: <https://us02web.zoom.us/j/85970091224?pwd=THBlanVKOE9RbnNSbjV3ajlxTGNoZ09>

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<https://www.youtube.com/c/GrandCountyUtahGovernment>

AGENDA

Monday, April 12, 2021

Mary McGann, Chair

3:00 p.m.

- Call to Order**
- Discussion Items:**
 - A. Sharing of ideas and concerns with Grand County ATV Businesses regarding proposed efforts to address noise pollution
- Closed Session(s)** (if necessary)
- Adjourn**

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS. In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend County Commission meetings are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at: (435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

It is hereby the policy of Grand County that elected and appointed representatives, staff and members of Grand County Commission may participate in meetings through electronic means. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.

At the Grand County Commission meetings/hearings any citizen, property owner, or public official may be heard on any agenda subject. The number of persons heard and the time allowed for each individual may be limited at the sole discretion of the Chair. On matters set for public hearings there is a three-minute time limit per person to allow maximum public participation. Upon being recognized by the Chair, please advance to the microphone, state your full name and address, whom you represent, and the subject matter. No person shall interrupt legislative proceedings.

Requests for inclusion on an agenda and supporting documentation must be received by 5:00 PM on the Wednesday prior to a regular Commission Meeting and forty-eight (48) hours prior to any Special Commission Meeting. Information relative to these meetings/hearings may be obtained at the Grand County Commission's Office, 125 East Center Street, Moab, Utah; (435) 259-1346.

MAKE ATV BUSINESSES A CONDITIONAL USE IN COMMERCIAL ZONES WITH SPECIFIED CONDITIONS, SUBJECT TO A PERMIT CAP IN TITLE 5 OF THE GENERAL COUNTY ORDINANCES: (IN RED)

Use Table Section 3.1 (relevant selection)

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL					Use-Specific Standards		
		S L R	L L R	R R	M F R	R G	N C	G B	R C	R S	H C		L I	H I
<p align="center">Key: P = Permitted by right C = Conditional Use Permit Required ___ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)</p>														
Commercial Uses (Section 3.4.9)														
Retail Sales and Service	Outfitter, guide service and facility (non-ATV outfitter, guide service and rental businesses)			C				C	C	C	C			3.2.3K.1
	ATV outfitter, guide service and rentals							C	C		C			3.2.3K.2
	All personal service-oriented uses						P	P	P	C	P	P		
	Building materials, sales and yard							P			P	P		
	Greenhouse or nursery, wholesale or retail										P			
	All other sales-oriented uses						P	P	P					
	Repair services, general										P	P		
	Repair services, limited						P	P			P	P		
All other repair-oriented uses														
Vehicle Sales and Service	Auto repair garage							C			P	P	P	3.2.3B
	Car wash							P			P	P	P	3.2.3G
	Fuel Service						C	C	P	P	P	P	P	3.2.3H
	Limited vehicle service										P	P	P	
	Vehicle sales, rental or leasing facility (non-ATV sales)							P			P	P		
	ATV sales							C	C		C			3.2.3K.T
	All other vehicle sales & service uses													

Land Use Code Section 3.2.3

K. Outfitters, Guide Services and Facilities

1. General Outfitters, Guide Services and Facilities

- a. **General** outfitters, guide services and facilities shall:
 - 1. Screen all outdoor storage from view off-site with an 8 foot sight obscuring fence;
 - 2. Be prohibited from renting an ATV to their clients or providing an ATV for their client’s use as part of the outfitting and guide service; provided, however, this Section shall not be deemed to limit the right of the owner or agent of the Business to transport clients and animals by ATV;
 - 3. Provide an inventory list identifying the make, model, and year of each ATV used in their Business;
 - 4. Comply with the ATV identification and maximum sound pressure level requirements set forth in Section 5.02.020.B and C of the Grand County General Ordinances, as amended.

2. ATV Outfitters, Guide Services and Rentals

- a. ATV outfitter, guide service, and rental businesses may be permitted as conditional uses in the zones identified in LUC Section 3.1 (Use Table) only if the maximum number of permits for ATV Businesses allowed in the County are not met as set forth in Chapter 5.02 of the Grand County General Ordinances, as amended.
- b. All ATV outfitter, guide service, and rental businesses shall comply with the ATV Business Regulations set forth in Section 5.02.020 of the Grand County General Ordinances, as amended, which regulations shall constitute conditions of the conditional use permit.
- c. ATV outfitter, guide service, and rental businesses may sell used ATVs as part of maintenance of their ATV Fleet without being classified as “ATV sales” and without being subject to LUC Section 3.2.3.T.

T. ATV Sales

- 1. ATV sales may be permitted as conditional uses in the zones identified in LUC Section 3.1 (Use Table) subject to the following condition:
 - a. All ATVs marketed or sold shall be electric models.

Land Use Code Section 3.4.9 H

H. Vehicle Sales and Service

Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.		
Examples	Accessory Uses	Uses not included
Alignment shop Auto body shop Auto detailing Auto service facilities Auto upholstery shop Boat and recreational vehicle sales Car washes Full-service, mini-service, and self-service fuel stations	Associated offices Sales of parts Towing Vehicle fueling Vehicle storage	Refueling facilities for fleet vehicles that belong to a specific use (See Accessory Use) Retail sales of farm equipment and machinery and earth moving and heavy construction equipment (See Heavy industrial) Vehicle parts sales as a principal use (See Retail Sales and Service)

Limited vehicle service Manufactured home sales Repair and service of RVs, boats, and light and medium trucks Tire sales and mounting Towing service Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles)		ATV sales
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Land Use Code Section 10.2

DEFINITIONS	
Term	Definition
ATV	An all-terrain street-legal vehicle as defined under the Utah Traffic Code, including Utah Code § 41-6a-1509.
ATV Business	A business that sells, rents, or guides ATVs or otherwise provides a client experience involving an ATV, including ATV sales and ATV outfitter, guide service, and rental businesses.
Clustering Development Pattern	A development design technique that concentrates buildings or lots in specific areas on a site to allow the remaining land to be used for recreation, open space, and agricultural uses, or a more efficient use of land and public streets, utilities, and governmental services.
Overnight Accommodations	Except as defined and applied in Section 6.15, short-term accommodations or short-term rentals for a period of less than 30 days. Short-Term Accommodations and Overnight Accommodations may be used interchangeably throughout the Land Use Code.
Short Term Accommodations	Except as defined and applied in Section 6.15, short-term accommodations or short-term rentals for a period of less than 30 days. Short-Term Accommodations and Overnight Accommodations may be used interchangeably throughout the Land Use Code.

Title 5

BUSINESS LICENSES

Chapters:

- 5.01 General Regulations
- 5.02 Motor Vehicles
- 5.03 Overnight Accommodations
- 5.04 Alcoholic Beverages
- 5.05 Penalties-Violations

Chapter 5.01

GENERAL REGULATIONS

Sections:

- 5.01.010 Purpose
- 5.01.020 Definitions
- 5.01.030 License required; Exemptions
- 5.01.040 Non-Conforming Uses
- 5.01.050 Term; Renewal; Reapplication
- 5.01.060 License fees
- 5.01.070 License application, general
- 5.01.080 Contents of application
- 5.01.090 Display of license
- 5.01.100 Inspection
- 5.01.110 Compliance with law
- 5.01.120 Transferability
- 5.01.130 License issuance or denial
- 5.01.140 Revocation
- 5.01.150 Appeal

5.01.010 Purpose

Pursuant to powers granted by the State of Utah as set forth in various provisions of the Utah Code, as amended, the County intends by this Title to regulate and license businesses and occupations within its unincorporated limits, to maintain a current index of licensed businesses and occupations, and to regulate licensed entities. Where this Chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of law, contract or deed, the provisions of this Title shall control. The amendment of this Title does not preclude enforcement of violations or collection of business license taxes and penalty fees under this chapter which existed at the time of taxation or violation prior to the implementation of any amendment.

5.01.020 Definitions

For the purposes of this Chapter, the following terms shall be defined as follows.

A. “Alcoholic Beverage” shall have the same meaning as that assigned in Utah Code § 32B-1-101, as amended.

B. “ATV” shall mean all-terrain street-legal vehicles as defined under the Utah Traffic Code, including Utah Code § 41-6a-1509.

C. “ATV Business(es)” shall mean all businesses that sell, rent, or guide ATVs or otherwise provide a client experience involving an ATV, including ATV sales and ATV outfitter, guide service, and rental businesses, to the extent permitted in this Title 5 and the Grand County Land Use Code. References to ATV Business shall include its owners, agents, and guides when acting in an official capacity for the ATV Business.

D. “ATV Fleet” shall mean all ATVs rented/leased, driven, or used by an ATV Business, **including ATVs provided to a customer for their use as part of an outfitting or guide service and ATVs driven by an agent.**

E. “Business” means and includes all activities or any enterprise engaged in, carried on, or otherwise operated for the purpose of gain or economic profit regardless of whether profit is made, including Special Events, except that the acts of employees rendering services to employers are not included in this definition.

F. “Community Zone(s)” means an area which is critical to the peace, welfare, health and safety of a community, **including designated School Zones; trails, including parkways; parks, open space, and sports facilities maintained by the County or the City of Moab; and areas in which local, state, and federal government offices are located.**

G. “Engaging in Business” or “Carrying on Business” includes but is not limited to selling property at retail or wholesale, manufacturing goods or property, or rendering personal services for a consideration such as the practice of any profession, trade, craft, business occupation, or other calling. The rendering of personal services by an employee to an employer under any contract of personal employment shall not be considered as engaging in business.

H. “Home Business” or “Home Based Business” means any Business which is conducted entirely within the principal residential building or within a permitted accessory structure and is clearly incidental, secondary and in addition to the use of the structure for residential dwelling purposes.

I. “License” a certificate or document issued by the county evidencing permission or authority of its named holder to carry on a particular business or to pursue a particular occupation.

J. "Licensee" means the person to whom a license has been issued pursuant to the provisions of this chapter or to whom a consent, permit or registration has been granted pursuant to the provisions of this chapter when the term "licensee" is used in a general sense of this definition.

K. "Local Consent" means an authorization to sell, store, or otherwise lawfully use Alcoholic Beverages granted by the Grand County Commission under this Chapter and as required by the Utah Department of Alcoholic Beverage Control ("DABC"). As used herein, Local Consent shall include a Special Use Permit Local Consent for Special Events, as required by DABC.

L. "Non-Conforming Use" means a legal and continued use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use.

M. "Person" means any individual, receiver, assignor, trustee in bankruptcy, trust, estate, firm, general or limited partnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, limited liability company, or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

N. "Place of Business" means a location maintained or operated within the County at which a person engages in business and shall include taverns, cabarets, and any other place where the general public is invited or admitted for business purposes.

O. "Principal Office Address" means the main office or headquarters of the business, at which location business decisions are made.

P. "Retailer" means any person engaged in the sale or distribution of beer to the consumer.

Q. "Special Events" shall have the meaning assigned in Section 8.16.030 of the Grand County General Ordinances.

R. "Owner" means any person or entity with an interest in and often dominion over the property, with exclusive use, control, or possession of property.

S. "Vehicle" or "Motor Vehicle" means any vehicle included within Utah Code § 41-1a-102, including ATVs.

T. "Wholesaler" means any person or persons other than a brewer engaged in the distribution of Alcoholic Beverages in wholesale or jobbing quantities, to retailers.

5.01.030 License required; Exemptions;

A. *Licensed required.*

i. It is unlawful for any Person to engage in, carry on, or operate any Business within the unincorporated area of Grand County, State of Utah without first obtaining a business license required by this Chapter for each Principal Office Address, except as provided in Section 5.01.030.B.

ii. Every Person desiring to engage in business in the unincorporated areas of Grand County on a temporary basis shall be required to obtain a temporary business license before commencing to engage in such business. Temporary business licenses shall be good for thirty-one (31) calendar days from the date of issue.

iii. All Special Events require a general or temporary business license.

iv. Subject to Section 5.01.040, all Non-Conforming Uses require a general business license.

B. *Exemptions.* The following Businesses are exempt from the licensing requirements of this Chapter:

i. Businesses operated only occasionally by a Person under 18 years of age; and

ii. Businesses licensed by the City of Moab or the Town of Castle Valley, provided, however, that any Person doing Business in the unincorporated County shall provide to the office of the County Clerk a copy of its business license application within five (5) business days of submission to the City of Moab or Town of Castle Valley and a copy of its business license within five (5) business days of issuance by the City of Moab or Town of Castle Valley.

5.01.040 Non-Conforming Uses.

A. *Expansions prohibited.* Expansions of Non-Conforming Uses are prohibited.

B. *Abandonment.* Nonconforming uses shall be deemed abandoned if they are discontinued for more than six months or change the location of its Principal Office Address **without obtaining a new business license as required hereunder.**

C. *Burden of Proof.* Any person asserting a right to a Non-Conforming Use has the burden of proof to demonstrate that the nonconformity was legally established prior to and continued since the change in zoning.

5.01.050 Term; Renewal; Reapplication

A. *Term.* Licenses issued under this Chapter shall be valid upon approval until December 31 of the year of issuance. All license fees provided in this Chapter shall be paid annually in advance by the Licensee to the office of the County Clerk upon application and on or before January 31 of each year. No license fee or any part thereof shall be refunded for any reason whatsoever after the license has been granted or issued.

B. *Renewal.*

i. On or before January 1 each year, the office of County Clerk shall send a renewal application to each Licensee which shall state the amount of the license fee imposed for the year. The renewal application shall be returned by the Licensee to the office of the County Clerk according to the renewal application directions.

ii. Renewal of licenses is not of right and no claim of vested rights shall inure to a Licensee who has received licenses in past years.

C. *Reapplication.* A new business license is required where the Business moves its Principal Office Address or desires to add uses to their business license, in which event the Business shall submit a new business license application to the office of the County Clerk with the licensing fee established for new applications in the Grand County Consolidated Fee Schedule.

5.01.060 License fees

License fees shall be established by the Grand County Consolidated Fee Schedule, prorated on a quarterly basis for applications submitted after Quarter 1 (January-March), and paid prior to issuance of any License by the County; provided, however, that Home Businesses, as defined hereunder, are exempt from the license fee pursuant to Utah Statute § 17-53-216, as amended.

5.01.070 License application, general

A. All applications for business licenses shall be submitted to the office of the County Clerk on forms provided for that purpose with the accompanying license fee required by the Grand County Consolidated Fee Ordinance.

B. Submission of a business license application does not constitute approval.

C. ATV Businesses and other vehicle sales, rental or leasing facility businesses shall submit a Vehicle License Application to the office of the County Clerk on forms provided for that purpose. The Vehicle License Application is required in addition to the general business license for all other other businesses uses, even if conducted by the same business entity.

1. Existing businesses which are licensed to sell, rent, or lease vehicles, including ATV Businesses, shall submit a separate Vehicle License Application to the office of the County Clerk on or before July 1, 2021 (no fee due).

2. Beginning January 1, 2022, all ATV Businesses and other vehicle sales, rental or leasing facility businesses shall be required to renew the Motor Vehicle License and pay the renewal fee for the same set forth in the Grand County Consolidated Fee Schedule in addition to any other licensing fees owed under a business entity's separate general business license.

D. The general business license required by this Title is in addition to all other approvals, licenses and permits required by other County ordinances, or state or federal law.

5.01.080 Contents of application

A. All applications for any type of business license shall include:

1. Name and contact information of the Person to whom the license shall be issued,
2. Nature of the Business;
3. Principal Office Address;
4. Mailing address, if different;
5. Place of Business, if different;
6. Fleet Inventory required in Section 5.02, as applicable;
7. Noise Compliance Certificate required in Section 5.02, as applicable;
8. Signatures of County officials and designees, including:
 - i. Building Inspector;
 - ii. Planning and Zoning;
 - iii. Fire Department; and
 - iv. Sanitarian/Health Department;
9. Fee(s) established by the Grand County Consolidated Fee Schedule, prorated on a quarterly basis for applications submitted after Quarter 1 (January-March); and
10. Additional documentation as the County may reasonably require.

5.01.090 Display of license

Every License granted under this Chapter shall be displayed in a prominent place and shall be available for inspection by any official or officer of Grand County. Every Licensee not having a fixed Place of Business shall carry such license, or a copy thereof, with them at all times while carrying on their Business and shall produce the License for inspection when requested to do so by any person.

5.01.100 Inspection

A. Prior to issuance of a new License required hereunder, the applicant shall permit inspections to be made of the prospective Principal Office and Place of Business, if different, by the appropriate department of the county or other governmental agency to ensure compliance with zoning, fire, health and safety codes. No license shall be granted without the approval of all such required inspections.

B. Licensed Places of Businesses may be inspected periodically by departments of the county for compliance with License conditions, law or policy, and/or zoning, fire, health and safety codes and orders.

C. Written notice of violation shall be given by the inspecting agent of the County to a Licensee upon the finding of any violation, which notice shall provide for a reasonable period not to exceed thirty (30) days in which to cure such violations. If a Licensee fails to cure such violations, the County may pursue all remedies available to it under law, including those civil and criminal penalties specifically set forth in Chapter 5.04.

5.01.110 Compliance with Law

Every Licensee and other Person doing Business in Grand County shall be in compliance with all local, state, and federal law and regulations pertaining to licensure, including this Chapter. Non-compliance shall be a violation of this Chapter.

5.01.120 Transferability

A. Except as expressly permitted in this Section 5.01.120.D, no License granted under this Title 5 may be assigned, transferred, or sold by the Licensee nor used for any purpose or Business other than that for which said License was issued.

B. A License issued for a particular location may not be transferred for use to another location.

C. Any License transferred or used in violation of this Section shall be deemed revoked.

D. An ATV Business may transfer its Business License upon the following conditions:

1. The ATV Business is in compliance with local, state, and federal law and all conditions of its license;

2. The ATV Business terminates its existing Business License simultaneously with approval of the new ATV Business License;

3. The new applicant complies with the requirements of this Title; and

4. The County approves the new ATV Business License hereunder.

5.01.130 License issuance or denial

A. Within thirty (30) days of the County Clerk's receipt of a complete application that includes all of the items required by Section 5.01.080, the office of the County Clerk shall either a) issue the license requested, with or without conditions; or b) deny the license in writing. If the County Clerk determines the application is incomplete, the County Clerk shall provide written notice to the Licensee, and shall

reconsider the complete application once submitted. Nothing herein shall limit the County Clerk from conferring with the Commission Administrator or County Attorney when reviewing applications.

B. An application submitted hereunder may be denied if:

1. The Applicant has:

- i. Obtained a license by fraud, misrepresentation, or deceit;
- ii. Failed to pay personal property or real property taxes or other required taxes or fees imposed by the County, including prior licensing fees;
- iii. Violated the laws of the state of Utah, the United States, or Grand County;
- iv. Failed to comply with the conditions or requirements of a conditional use permit; or
- v. Failed to comply with the terms of any agreement with the County, including a development agreement or approval; or

2. For conditional uses, reasonable conditions cannot be imposed to substantially mitigate the reasonably anticipated detrimental effects of the proposed use or reasonable conditions cannot be imposed to achieve compliance.

5.01.140 Revocation

A. The County Clerk or County Commission may revoke a License issued hereunder if the Licensee has:

1. Obtained a license by fraud, misrepresentation, or deceit;
2. Failed to pay license fees or other fees imposed by the County within thirty (30) days of their due date;
3. Failed to pay personal or real property taxes or other required taxes imposed by the County, including prior licensing fees, within thirty (30) days of their due date;
4. Violated the laws of Grand County, the State of Utah, or the United States;
5. Failed to comply with the conditions or requirements of the License or a conditional use permit; or
6. Failed to comply with the terms of any agreement with the County, including a development agreement or approval.

5.01.150 Appeal

An applicant may appeal a revocation or denial of a License issued under this Chapter by submission of a written request for administrative hearing pursuant to Chapter 1.16 of the Grand County General Ordinances, as amended, within thirty (30) days of the County's written decision.

Chapter 5.02

MOTOR VEHICLES

Sections:

- | | |
|----------|--------------------------|
| 5.02.010 | Purpose |
| 5.02.020 | Fleets |
| 5.02.030 | ATV Business Regulations |

5.02.010 Purpose

With this Chapter 5.02, the County's primary purpose is to protect and preserve its residential areas and Community Zones from avoidable noise impacts caused by motor vehicles, including but not limited to street-legal ATVs, creating Excessive or Unusual Noise. The County's secondary purpose is to balance the natural quiet of the surrounding desert landscape with its world-class recreation economy that depends on a variety of users and recreational experiences including mountain bikers, motorized Jeep/4x4 users, hikers, equestrians, boaters, climbers, dirt bikers, motorcyclists, bird watchers, road bikers, and adventure athletes such as basejumpers and slackliners.

5.02.020 Fleets

A. *Inventory Required.* Each Business which rents or leases Motor Vehicles, or otherwise provides a Motor Vehicle to a customer for their use as part of an outfitting or guide service, shall file with the office of the County Clerk an inventory list identifying the make, model, year, and type (Jeep/Truck/ATV, Sedan, etc.) of each Motor Vehicle included in their fleet on or before January 31 of each year upon licensing renewal.

B. *Maximum Fleet Size.* An ATV Fleet shall not exceed twelve (12) street-legal ATVs.

1. This Section does not limit the right of an ATV Business to maintain the ATV Fleet size disclosed in its written inventory filed with the office of the County Clerk prior to adoption of this Title 5.

5.02.030 General Regulations for ATV Businesses

A. *Maximum Number of ATV Licenses.* The office of the County Clerk may issue no more than five (5) Business Licenses to ATV outfitter, guide service, and rental businesses.

B. *ATV Identification.* Each ATV Business shall install a sticker with a white background and large black numbering on the rear or passenger side of the ATV and a whip flag in a location and of a size that is legible from fifty (50') identifying each ATV in the ATV Fleet by a unique number provided by the County (CO 1, CO 2, etc.) within ten (10) business days of filing of its ATV Fleet Inventory required hereunder.

C. *Maximum Sound Pressure Levels, db(A) for ATVs.* All ATVs in an ATV Fleet, including all those ATVs sold, rented, or driven by an ATV Business (or their owners, agents, and guides), shall not exceed the maximum sound pressure levels established in Title 11 of the Grand County General Ordinances of 80 db(A) at 25 feet. Each ATV Business shall file a certificate of compliance with the 20" stationary test Section ("Noise Compliance Certificate") issued by the Grand County Sheriff's Office ("GCSO") annually upon renewal of the business license, at the sole cost of the ATV Business pursuant to the fees charged by GCSO as set forth in the Grand County Consolidated Fee Ordinance.

1. Each ATV Business shall demonstrate compliance with this Section by January 31, 2022; provided, however, that an ATV Business may elect to trailer their ATVs to trailheads in lieu of meeting the sound pressure level requirement until January 31, 2023 at which time all ATVs in an ATV Fleet must comply with this Section.

D. *Maximum Caravan Size.* Each ATV Business shall limit the number of ATVs travelling together on paved County B Roads as follows:

1. In a guided tour, the maximum caravan shall be six (6) ATVs, one of which must be driven by a guide representing the ATV Business; and
2. In an unguided rental group, the maximum caravan shall be four (4) ATVs.

E. *Compliance with County Law.* Each ATV Business, their owners, agents or guides, and clients or lessees, shall comply with County law, including the OHV speed limit and noise regulations set forth in Title 11 (Noise Pollution) of the Grand County General Ordinances.

F. *Enforcement.* Violations of this Section ~~5.02.020~~ by an ATV Business (including its owner, agent or guide acting in official capacity), or three (3) or more violations of this Section 5.02.020 by a client or lessee of an ATV Business in any calendar year, shall constitute grounds for revocation of the business license under Section 5.01.140.

Chapter 5.03

OVERNIGHT ACCOMMODATIONS

5.03.010 General Regulations for Overnight Accommodations

A. *Notification.* All Overnight Accommodations shall post a laminated 8.5x14” (or larger) sign in a form provided by the County in a conspicuous location near each primary ingress and egress which summarizes the County’s Noise Pollution Ordinance and states that the Ordinance is strictly enforced.

B. *Compliance with County Law.* Each Overnight Accommodation, their owners, agents and customers shall comply with County law, including the OHV speed limit and noise regulations set forth in Title 11 (Noise Pollution) of the Grand County General Ordinances.

C. *Enforcement.* Three (3) or more violations of this Section 5.03.010 by a customer of an Overnight Accommodation in any calendar year shall constitute grounds for revocation of the Business License under Section 5.01.120.

Chapter 5.04

ALCOHOLIC BEVERAGES

Sections:

5.04.010 Local Consent required

5.04.020 Compliance with Law

5.04.010 Local Consent required

It is unlawful for any Person to knowingly permit or allow customers, guests, or any other person to possess Alcoholic Beverages upon which the seal has been broken, or to consume Alcoholic Beverages at such Place of Business, including a Special Event held in the unincorporated County, without first obtaining a Local Consent under this Chapter on forms provided by the County Clerk and/or Utah Department of Alcoholic Beverage Control (“DABC”) for that purpose with the accompanying Local Consent fee, as applicable.

5.04.020 Compliance with Law

Every Licensee and other Person doing Business in Grand County shall be in compliance with all local, state, and federal law and regulations pertaining to licensure relating to the sale, manufacture, possession, keeping, giving, storing and transporting of Alcoholic Beverages, as applicable, and any other relevant health and safety codes and orders. Non-compliance shall be a violation of this Chapter.

Chapter 5.05

PENALTIES-VIOLATIONS

Sections:

5.05.010 Civil and Criminal Penalties

5.05.020 Civil Fines - Administrative Review and Appeal

5.05.010 Penalties-Violation

Violations of any provision of this Title may be punishable by Civil Fines, as defined in Chapter 1.04 of the Grand County General Ordinances, as amended, in the amounts set forth in the Grand County Consolidated Fee Schedule or \$100 per violation per day, whichever is greater, and/or criminal citation of a class B misdemeanor upon conviction thereof.

5.05.020 Civil Fines - Administrative Review and Appeal

All Civil Fines provided for in this section shall be in addition to the criminal penalties available to the County and shall be enforced as provided in Chapter 1.16 of the Grand County General Ordinances.

Title 5

BUSINESS LICENSES

Chapters:

- 5.01 General Regulations
- 5.02 Motor Vehicles ~~Rentals~~
- 5.03 Overnight Accommodations**
- 5.04 Alcoholic Beverages
- 5.05 Penalties-Violations

Chapter 5.01

GENERAL REGULATIONS

Sections:

- 5.01.010 Purpose
- 5.01.020 Definitions
- 5.01.030 License required; Exemptions
- 5.01.040 **Non-Conforming Uses**
- 5.01.050 Term; Renewal; **Reapplication**
- 5.01.060 License fees
- 5.01.070 License application, **general**
- 5.01.080 Contents of application
- 5.01.090 Display of license
- 5.01.100 Inspection
- 5.01.110 Compliance with law
- 5.01.120 **Transferability**
- 5.01.130 License issuance or denial
- 5.01.140 Revocation
- 5.01.150 Appeal

5.01.010 Purpose

Pursuant to powers granted by the State of Utah as set forth in various provisions of the Utah Code, as amended, the County intends by this Title to regulate and license businesses and occupations within its unincorporated limits, to maintain a current index of licensed businesses and occupations, and to regulate licensed entities. Where this Chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of law, contract or deed, the provisions of this Title shall control. The amendment of this Title does not preclude enforcement of violations or collection of business license taxes and penalty fees under this chapter which existed at the time of taxation or violation prior to the implementation of any amendment.

5.01.020 Definitions

For the purposes of this Chapter, the following terms shall be defined as follows.

A. “Alcoholic Beverage” shall have the same meaning as that assigned in Utah Code § 32B-1-101, as amended.

B. “ATV” shall mean all-terrain street-legal vehicles as defined under the Utah Traffic Code, including Utah Code § 41-6a-1509.

C. “ATV Business(es)” shall mean all businesses that sell, rent, or guide ATVs or otherwise provide a client experience involving an ATV, including ATV sales and ATV outfitter, guide service, and rental businesses, to the extent permitted in this Title 5 and the Grand County Land Use Code. References to ATV Business shall include its owners, agents, and guides when acting in an official capacity for the ATV Business.

D. “ATV Fleet” shall mean all ATVs rented/leased, driven, or used by an ATV Business.

E. “Business” means and includes all activities or any enterprise engaged in, carried on, or otherwise operated for the purpose of gain or economic profit regardless of whether profit is made, including Special Events, except that the acts of employees rendering services to employers are not included in this definition.

F. “Engaging in Business” or “Carrying on Business” includes but is not limited to selling property at retail or wholesale, manufacturing goods or property, or rendering personal services for a consideration such as the practice of any profession, trade, craft, business occupation, or other calling. The rendering of personal services by an employee to an employer under any contract of personal employment shall not be considered as engaging in business.

G. “Home Business” or “Home Based Business” means any Business which is conducted entirely within the principal residential building or within a permitted accessory structure and is clearly incidental, secondary and in addition to the use of the structure for residential dwelling purposes.

H. “License” a certificate or document issued by the county evidencing permission or authority of its named holder to carry on a particular business or to pursue a particular occupation.

I. “Licensee” means the person to whom a license has been issued pursuant to the provisions of this chapter or to whom a consent, permit or registration has been granted pursuant to the provisions of this chapter when the term “licensee” is used in a general sense of this definition.

J. “Local Consent” means an authorization to sell, store, or otherwise lawfully use Alcoholic Beverages granted by the Grand County Commission under this Chapter and as required by the Utah Department of Alcoholic Beverage Control (“DABC”). As used herein, Local Consent shall include a Special Use Permit Local Consent for Special Events, as required by DABC.

H. ~~“Motor Vehicle Rental Fleets” means motor vehicles that a company owns and that customers pay to use, with or without drivers.~~

K. “Non-Conforming Use” means a legal and continued use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use.

L. “Person” means any individual, receiver, assignor, trustee in bankruptcy, trust, estate, firm, general or limited partnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, limited liability company, or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

M. “Place of Business” means a location maintained or operated within the County at which a person engages in business and shall include taverns, cabarets, and any other place where the general public is invited or admitted for business purposes.

N. “Principal Office Address” means the main office or headquarters of the business, at which location business decisions are made.

O. “Retailer” means any person engaged in the sale or distribution of beer to the consumer.

P. “Special Events” shall have the meaning assigned in Section 8.16.030 of the Grand County General Ordinances.

Q. “Owner” means any person or entity with an interest in and often dominion over the property, with exclusive use, control, or possession of property.

R. “Vehicle” or “Motor Vehicle” means any vehicle included within Utah Code § 41-1a-102, including ATVs.

S. “Wholesaler” means any person or persons other than a brewer engaged in the distribution of Alcoholic Beverages in wholesale or jobbing quantities, to retailers.

5.01.030 License required; Exemptions;

A. *Licensed required.*

i. It is unlawful for any Person to engage in, carry on, or operate any Business within the unincorporated area of Grand County, State of Utah without first obtaining a business license required by this Chapter for each Principal Office Address, except as provided in Section 5.01.030.B-E.

ii. Every Person desiring to engage in business in the unincorporated areas of Grand County on a temporary basis shall be required to obtain a temporary business license before commencing to engage in such business. Temporary business licenses shall be good for thirty-one (31) calendar days from the date of issue.

iii. All Special Events require a general or temporary business license.

iv. Subject to Section 5.01.040, all Non-Conforming Uses require a general business license.

B. *Exemptions.* The following Businesses are exempt from the licensing requirements of this Chapter:

- i. Businesses operated only occasionally by a Person under 18 years of age; and
- ii. Businesses licensed by the City of Moab or the Town of Castle Valley, provided, however, that any Person doing Business in the unincorporated County shall provide to the office of the County Clerk a copy of its business license application within five (5) business days of submission to the City of Moab or Town of Castle Valley and a copy of its business license within five (5) business days of issuance by the City of Moab or Town of Castle Valley.

5.01.040 Non-Conforming Uses.

A. *Expansions prohibited.* Expansions of Non-Conforming Uses are prohibited.

B. *Abandonment.* Nonconforming uses shall be deemed abandoned if they are discontinued for more than six months or change the location of its Principal Office Address.

C. *Burden of Proof.* Any person asserting a right to a Non-Conforming Use has the burden of proof to demonstrate that the nonconformity was legally established prior to and continued since the change in zoning.

5.01.050 Term; Renewal; **Reapplication**

A. *Term.* Licenses issued under this Chapter shall be valid upon approval until December 31 of the year of issuance. All license fees provided in this Chapter shall be paid annually in advance by the Licensee to the office of the County Clerk upon application and on or before January 31 of each year. No license fee or any part thereof shall be refunded for any reason whatsoever after the license has been granted or issued.

B. *Renewal.*

i. On or before January 1 each year, the office of County Clerk shall send a renewal application to each Licensee which shall state the amount of the license fee imposed for the year. The renewal application shall be returned by the Licensee to the office of the County Clerk according to the renewal application directions.

ii. Renewal of licenses is not of right and no claim of vested rights shall inure to a Licensee who has received licenses in past years.

C. *Reapplication.* A new business license is required where the Business moves its Principal Office Address or desires to add uses to their business license, in which event the Business shall submit a new business license application to the office of the County Clerk with the licensing fee established for new applications in the Grand County Consolidated Fee Schedule.

5.01.060 License fees

License fees shall be established by the Grand County Consolidated Fee Schedule, prorated on a quarterly basis for applications submitted after Quarter 1 (January-March), and paid prior to issuance of any License by the County; provided, however, that Home Businesses, as defined hereunder, are exempt from the license fee pursuant to Utah Statute § 17-53-216, as amended.

5.01.070 License application, **general**

A. All applications for business licenses shall be submitted to the office of the County Clerk on forms provided for that purpose with the accompanying license fee **required by the Grand County Consolidated Fee Ordinance**.

B. Submission of a business license application does not constitute approval.

C. **ATV Businesses and other vehicle sales, rental or leasing facility businesses shall submit a Vehicle License Application to the office of the County Clerk on forms provided for that purpose. The Vehicle License Application is required in addition to the general business license for all other other businesses uses, even if conducted by the same business entity.**

1. Existing businesses which are licensed to sell, rent, or lease vehicles, including ATV Businesses, shall submit a separate Vehicle License Application to the office of the County Clerk on or before July 1, 2021 (no fee due).

2. Beginning January 1, 2022, all ATV Businesses and other vehicle sales, rental or leasing facility businesses shall be required to renew the Motor Vehicle License and pay the renewal fee for the same set forth in the Grand County Consolidated Fee Schedule in addition to any other licensing fees owed under a business entity's separate general business license.

D. The general business license required by this Title is in addition to all other approvals, licenses and permits required by other County ordinances, or state or federal law.

5.01.080 Contents of application

A. All applications for any type of business license shall include:

1. Name and contact information of the Person to whom the license shall be issued,
2. Nature of the Business;
3. Principal Office Address;
4. Mailing address, if different;
5. Place of Business, if different;
6. **Fleet Inventory required in Section 5.02, as applicable;**
7. **Noise Compliance Certificate required in Section 5.02, as applicable;**
8. Signatures of County officials and designees, including:
 - i. Building Inspector;
 - ii. Planning and Zoning;
 - iii. Fire Department; and
 - iv. Sanitarian/Health Department;
9. Fee(s) established by the Grand County Consolidated Fee Schedule, prorated on a quarterly basis for applications submitted after Quarter 1 (January-March); and
10. Additional documentation as the County may reasonably require.

5.01.090 Display of license

Every License granted under this Chapter shall be displayed in a prominent place and shall be available for inspection by any official or officer of Grand County. Every Licensee not having a fixed Place of Business shall carry such license, or a copy thereof, with them at all times while carrying on their Business and shall produce the License for inspection when requested to do so by any person.

5.01.100 Inspection

A. Prior to issuance of a new License required hereunder, the applicant shall permit inspections to be made of the prospective Principal Office and Place of Business, if different, by the appropriate department of the county or other governmental agency to ensure compliance with zoning, fire, health and safety codes. No license shall be granted without the approval of all such required inspections.

B. Licensed Places of Businesses may be inspected periodically by departments of the county for compliance with License conditions, law or policy, and/or zoning, fire, health and safety codes and orders.

C. Written notice of violation shall be given by the inspecting agent of the County to a Licensee upon the finding of any violation, which notice shall provide for a reasonable period not to exceed thirty (30) days in which to cure such violations. If a Licensee fails to cure such violations, the County may pursue all remedies available to it under law, including those civil and criminal penalties specifically set forth in Chapter 5.04.

5.01.110 Compliance with Law

Every Licensee and other Person doing Business in Grand County shall be in compliance with all local, state, and federal law and regulations pertaining to licensure, including this Chapter. Non-compliance shall be a violation of this Chapter.

5.01.120 Transferability

A. Except as expressly permitted in this Section 5.01.120.D, no License granted under this Title 5 may be assigned, transferred, or sold by the Licensee nor used for any purpose or Business other than that for which said License was issued.

B. A License issued for a particular location may not be transferred for use to another location.

C. Any License transferred or used in violation of this Section shall be deemed revoked.

D. An ATV Business may transfer its Business License upon the following conditions:

1. The ATV Business is in compliance with local, state, and federal law and all conditions of its license;
2. The ATV Business terminates its existing Business License simultaneously with approval of the new ATV Business License;
3. The new applicant complies with the requirements of this Title; and
4. The County approves the new ATV Business License hereunder.

5.01.130 License issuance or denial

A. Within thirty (30) days of the County Clerk's receipt of a complete application that includes all of the items required by Section 5.01.080, the office of the County Clerk shall either a) issue the license requested, with or without conditions; or b) deny the license in writing. If the County Clerk determines the application is incomplete, the County Clerk shall provide written notice to the Licensee, and shall reconsider the complete application once submitted. Nothing herein shall limit the County Clerk from conferring with the Commission Administrator or County Attorney when reviewing applications.

B. An application submitted hereunder may be denied if:

1. The Applicant has:
 - i. Obtained a license by fraud, misrepresentation, or deceit;
 - ii. Failed to pay personal property or real property taxes or other required taxes or fees imposed by the County, including prior licensing fees;

- iii. Violated the laws of the state of Utah, the United States, or Grand County;
- iv. Failed to comply with the conditions or requirements of a conditional use permit; or
- v. Failed to comply with the terms of any agreement with the County, including a development agreement or approval; or

2. For conditional uses, reasonable conditions cannot be imposed to substantially mitigate the reasonably anticipated detrimental effects of the proposed use or reasonable conditions cannot be imposed to achieve compliance.

5.01.140 Revocation

A. The County Clerk or County Commission may revoke a License issued hereunder if the Licensee has:

- 1. Obtained a license by fraud, misrepresentation, or deceit;
- 2. Failed to pay license fees or other fees imposed by the County within thirty (30) days of their due date;
- 3. Failed to pay personal or real property taxes or other required taxes imposed by the County, including prior licensing fees, within thirty (30) days of their due date;
- 4. Violated the laws of Grand County, the State of Utah, or the United States;
- 5. Failed to comply with the conditions or requirements of the License or a conditional use permit; or
- 6. Failed to comply with the terms of any agreement with the County, including a development agreement or approval.

5.01.150 Appeal

An applicant may appeal a revocation or denial of a License issued under this Chapter by submission of a written request for administrative hearing pursuant to Chapter 1.16 of the Grand County General Ordinances, as amended, within thirty (30) days of the County’s written decision.

Chapter 5.02

MOTOR VEHICLES ~~RENTALS~~

Sections:

5.02.010 ~~Fleets Inventory of Motor Vehicle Rental Fleets~~

5.02.020 ~~ATV Business Regulations~~

5.02.010 ~~Fleets Inventories of Motor Vehicle Rental Fleets~~

A. *Inventory Required.* Each Business which rents or leases ~~Applications involving the rental or lease of Motor Vehicles, or otherwise provides a Motor Vehicle to a customer for their use as part of an outfitting or guide service, with or without drivers,~~ shall file with the office of the County Clerk ~~also include~~ an inventory list identifying the make, model, year, and type (Jeep/Truck/ATV, Sedan, etc.) of each Motor Vehicle included in their fleet ~~. In addition, each business renting or leasing Vehicles, with or without drivers, shall file an inventory of Motor Vehicle Rental Fleet~~ on or before January 31 of each year upon licensing renewal.

B. *Maximum Fleet Size.* An ATV Fleet shall not exceed twelve (12) street-legal ATVs.

1. This Section does not limit the right of an ATV Business to maintain the ATV Fleet size disclosed in its written inventory filed with the office of the County Clerk prior to adoption of this Title 5.

5.02.020 General Regulations for ATV Businesses

A. *Maximum Number of ATV Licenses.* The office of the County Clerk may issue no more than five (5) Business Licenses to ATV outfitter, guide service, and rental businesses.

B. *ATV Identification.* Each ATV Business shall install a sticker with a white background and large black numbering on the rear or passenger side of the ATV, and a whip flag, in a location and of a size that is legible from fifty (50') identifying each ATV in the ATV Fleet by a unique number provided by the County (CO 1, CO 2, etc.) within ten (10) business days of filing of its ATV Fleet Inventory required hereunder.

C. *Maximum Sound Pressure Levels, db(A) for ATVs.* All ATVs in an ATV Fleet, including all those ATVs sold, rented, or driven by an ATV Business (or their owners, agents, and guides), shall not exceed the maximum sound pressure level of 80 db(A) at 25 feet. Each ATV Business shall file a certificate of compliance with this Section ("Noise Compliance Certificate") issued by the Grand County Sheriff's Office ("GCSO") annually upon renewal of the business license, at the sole cost of the ATV Business pursuant to the fees charged by GCSO as set forth in the Grand County Consolidated Fee Ordinance.

1. Each ATV Business shall demonstrate compliance with this Section by January 31, 2022; provided, however, that an ATV Business may elect to trailer their ATVs to trailheads in lieu of meeting the sound pressure level requirement until January 31, 2023 at which time all ATVs in an ATV Fleet must comply with this Section.

D. *Maximum Caravan Size.* Each ATV Business shall limit the number of ATVs travelling together on paved County B Roads as follows:

1. In a guided tour, the maximum caravan shall be six (6) ATVs, one of which must be driven by a guide representing the ATV Business; and
2. In an unguided rental group, the maximum caravan shall be four (4) ATVs.

E. *Compliance with County Law.* Each ATV Business, their owners, agents or guides, and clients or lessees, shall comply with County law, including the OHV speed limit and noise regulations set forth in Title 11 (Noise Pollution) of the Grand County General Ordinances.

F. *Enforcement.* Violations of this Section 5.02.020 by an ATV Business (including its owner, agent or guide acting in official capacity), or three (3) or more violations of this Section 5.02.020 by a client or lessee of an ATV Business in any calendar year, shall constitute grounds for revocation of the business license under Section 5.01.140.

Chapter 5.03

OVERNIGHT ACCOMMODATIONS

5.03.010 General Regulations for Overnight Accommodations

A. *Notification.* All Overnight Accommodations shall post a laminated 8.5x14" (or larger) sign in a form provided by the County in a conspicuous location near each primary ingress and egress which summarizes the County's Noise Pollution Ordinance and states that the Ordinance is strictly enforced.

B. Compliance with County Law. Each Overnight Accommodation, their owners, agents and customers shall comply with County law, including the OHV speed limit and noise regulations set forth in Title 11 (Noise Pollution) of the Grand County General Ordinances.

C. Enforcement. Three (3) or more violations of this Section 5.03.010 by a customer of an Overnight Accommodation in any calendar year shall constitute grounds for revocation of the Business License under Section 5.01.120.

Chapter 5.04

ALCOHOLIC BEVERAGES

Sections:

5.04.010 Local Consent required

5.04.020 Compliance with Law

5.04.010 Local Consent required

It is unlawful for any Person to knowingly permit or allow customers, guests, or any other person to possess Alcoholic Beverages upon which the seal has been broken, or to consume Alcoholic Beverages at such Place of Business, including a Special Event held in the unincorporated County, without first obtaining a Local Consent under this Chapter on forms provided by the County Clerk and/or Utah Department of Alcoholic Beverage Control (“DABC”) for that purpose with the accompanying Local Consent fee, as applicable.

5.04.020 Compliance with Law

Every Licensee and other Person doing Business in Grand County shall be in compliance with all local, state, and federal law and regulations pertaining to licensure relating to the sale, manufacture, possession, keeping, giving, storing and transporting of Alcoholic Beverages, as applicable, and any other relevant health and safety codes and orders. Non-compliance shall be a violation of this Chapter.

Chapter 5.05

PENALTIES-VIOLATIONS

Sections:

5.05.010 Civil and Criminal Penalties

5.05.020 Civil Fines - Administrative Review and Appeal

5.05.010 Penalties-Violation

Violations of any provision of this Title may be punishable by Civil Fines, as defined in Chapter 1.04 of the Grand County General Ordinances, as amended, in the amounts set forth in the Grand County Consolidated Fee Schedule or \$100 per violation per day, whichever is greater, and/or criminal citation of a class B misdemeanor upon conviction thereof.

5.05.020 Civil Fines - Administrative Review and Appeal

All Civil Fines provided for in this section shall be in addition to the criminal penalties available to the County and shall be enforced as provided in Chapter 1.16 of the Grand County General Ordinances.

Title 11

NOISE POLLUTION

Chapters:

- 11.01 Purpose; General
- 11.02 Definitions
- 11.03 Noise Disturbance Prohibited
- 11.04 Specific Noise Prohibitions Levels
- ~~11.04 Specific Noise Prohibitions~~
- 11.05 Noise Levels
- 11.06 Motor Vehicles
- 11.06 Exemptions; Exceptions Relief
- 11.07 Enforcement

CHAPTER 11.01

PURPOSE; GENERAL

- 11.01.010 Purpose
- 11.01.020 General Prohibition of Noise
- 11.01.030 Powers and Duties

11.01.010 Purpose.

These regulations establish minimum standards to:

- A. Reduce the making and creation of excessive, ~~unnecessary~~, or unusual ~~ly loud~~ noises in the unincorporated areas of Grand County; and
- B. Prevent excessive, ~~unnecessary~~, or unusual ~~ly loud~~ noises that are prolonged, ~~unusual~~, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of and visitors to the unincorporated areas of Grand County; and
- C. Secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of and visitors to the unincorporated areas of Grand County.

11.01.020 General Prohibition of Noise.

It is unlawful for any person to produce, continue, or cause to be produced or continued, any Excessive or Unusual Noise during any hours or Loud Noise during Restricted Hours within the unincorporated areas of Grand County that violates this Title.

11.01.030 Powers and Duties.

The Sheriff, **County Attorney**, and Planning and Zoning Administrator, or their official designees, shall be responsible for the administration of these rules and regulations and any other powers vested in them by law and shall make inspections of any premises and issue orders as necessary to effect the purposes of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

CHAPTER 11.02

DEFINITIONS

11.02.010 Definitions.

A. “Commercial Zones” shall mean Neighborhood Commercial, General Business, Highway Commercial, Resort Commercial and Resort Special and associated permissible overlays established by the Grand County Land Use Code. Commercial Zones shall not include the Heavy or Light Industrial Zones.

B. “db(A)” shall mean the sound pressure level using the “A” weighting network and the Fast Response on a Sound Level Meter, unless otherwise noted or required by testing standards established by the County.

C. “Device” means any mechanism that is intended to produce, or that actually produces noise when operated or handled.

D. “Domestic Power Tools and Equipment” shall mean any device powered mechanically, by electricity, by gasoline, by diesel fuel or by any other fuel, which is intended to be used, or is actually used for residential construction, repair, and maintenance.

E. “Emergency” means a situation or occurrence which may present an imminent threat to the health, safety or welfare of any person, place or property.

F. “Excessive or Unusual Noise” means any Sound or Noise that exceeds the “Maximum Sound Pressure Levels, db(A), during all hours” set forth in Chapter 11.05 when measured at the distances provided therein as measured on a Sound Level Meter of standard design and quality on the “A” weighting scale db[A], aka the “A” weighting network.

G. “Loud Noise” means any Sound or Noise that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace or safety of another person(s), including any Sound or Noise that exceeds the “Maximum Sound Pressure Levels, db(A), during Restricted Hours” set forth in Chapter 11.05 when measured at the distances provided therein as measured on a Sound Level Meter but not limited to those Noises expressly prohibited in Chapter 11.04.

H. “Motor Vehicle” means a self-propelled vehicle intended primarily for use and operation on the highways, as defined in Utah Code § 41-1a-102, including street-legal all-terrain vehicles as defined in and regulated by Utah Code § 41-6a-1509. Motor Vehicle and Vehicle may be used interchangeably herein.

I. “Muffler” means an apparatus consisting of a series of chambers or baffle plates designed to transmit gases while reducing sound, or as otherwise defined by Utah law.

J. “Noise” means any sound that is harmful to the health, well-being, or quality of life of humans or animals ~~means any Sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.~~

K. “Noise Disturbance” means any sound in an environment which is (a) is harmful to the health, well-being, or quality of life of humans or animals; (b) unreasonably annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property. Noise Disturbance constitutes noise pollution.

L. “Off-Highway Vehicle” means every all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle as defined in Utah Code § 41-22-2, including street-legal all-terrain vehicles as defined in and regulated by Utah Code § 41-6a-1509.

M. “Plainly Audible Noise” means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound. ~~for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.~~

N. “Property Boundary” means an imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that property owned by another person.

O. “Residential Property” shall mean any property used for living or dwelling by individuals.

P. “Residential Zones” shall mean the Small Lot Residential, Large Lot Residential, Rural Residential and Multi-Family Residential Zones and

associated permissible overlays established by the Grand County Land Use Code. As used herein, Residential Zone does not include the Range and Grazing Zone.

Q. “Restricted Hours” are from 9 pm to 7 am (and 9 pm to 9 am on Sunday), except during the summer months, defined as May through September, when the Restricted Hours are from 10 pm to 6 am.

R. “Sound” means a temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates at finite speed to distant points.

S. “Sound Level Meter” or “SLM” means a sound level meter meeting the ANSI S1.4 Type 1 or Type 2 standard for sound level meters, or the IEC 61672 Class 1 or Class 2 standard for sound level meters.

T. “Vehicle” means all Motor Vehicles and Off-Highway Vehicles as defined by Utah Code, Title 41, **including street-legal all-terrain vehicles as defined in and regulated by Utah Code § 41-6a-1509. Vehicle and Motor Vehicle may be used interchangeably herein.**

CHAPTER 11.03

NOISE DISTURBANCE PROHIBITED

11.03.010 Noise Disturbance Prohibited

No person shall make, continue, or cause to be made or continued any Noise Disturbance.

CHAPTER 11.04

SPECIFIC NOISE PROHIBITIONS ~~LEVELS~~

Sections:

11.04.010 ~~Measurement~~ Specific Noise Prohibitions **During Restricted Hours**

11.04.020 **Certain Noises Prohibited on Public Rights-of-Way**

11.04.010 Specific Noise Prohibitions **During Restricted Hours**

Regardless of the Maximum Sound Pressure Level, the following Noise is ~~declared to be Loud Noise and~~ expressly prohibited **outdoors** in Residential or Commercial Zones during the Restricted Hours, unless permitted by Grand County; ~~provided, however, that this Section shall not be construed to exclude other Noise violating this Title 11:~~

~~A. *Horns and Signaling Devices.* Sound any horn or signaling device on any Vehicle, except as a danger warning signal as provided by the Utah Vehicle Code;~~

~~B.—Radios, Receivers, Televisions, Stereos, Speakers, Musical Instruments and Similar Devices. Use, operate or permit the use or operation of any radios, receivers, televisions, stereos, speakers, musical instruments, or similar devices for the production or reproduction of Sound **if**~~

Plainly Audible one hundred feet (100') from a Property Boundary or fifty feet (50') from the source of the Sound if on public property;

B. Public Loudspeakers. ~~Use or operate a loudspeaker~~ or sound amplifying equipment in a fixed or moveable position or mounted upon any sound vehicle ~~on in or upon any street, alley, sidewalk, park, place or~~ public or private property for the purposes of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons;

C. Animals. ~~Own, keep, possess or harbor any animal or animals~~ that makes frequent or habitual Noise, which prohibition shall apply to all private and public facilities, including any animal facilities that hold or treat animals;

D. Loading Operations **within five hundred feet (500') of Residential Property**, ~~Load, unload, open, or otherwise handle boxes, crates, containers, garbage containers, or other objects~~ except as necessary for the collection of garbage, waste, refuse or recyclables by an operator approved by Grand County;

E. Domestic Power **Tools and** Equipment. ~~Operate or permit the operation of any power equipment rated five horsepower or more, including, but not limited to, power saws, lawn mowers, garden equipment, or snow removal equipment for home or building repair or ground maintenance outdoors;~~

F. Fireworks, Explosives, Guns or other Explosive Devices; ~~provided, however, that this provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity;~~

~~K. *Racing Events*. Operate, permit, or cause any Vehicle or other motor racing event;~~

G. Powered Model Mechanical Devices. ~~Fly, operate, permit, or fire a model aircraft~~ powered by internal combustion engines, whether tethered or remote-controlled, or a model rocket vehicle, drone or other similar noise-producing devices; ~~or~~ **and**

H. Bells and Alarms. ~~Sound, operate, or permit the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime, or clock,~~ including but not limited to, bells, chimes, or clocks in schools, houses of religious worship or governmental buildings for longer than five (5) minutes in any hour except in the event of emergency or natural disaster.

CHAPTER 11.05

NOISE LEVELS

11.05.010 Noise Levels.

Except as expressly provided herein, no person shall make Noise which creates Excessive **or Unusual Noise during any hours** ~~at any time~~ or Loud Noise during the Restricted Hours, **as set forth in Tables 1, 2 and 3 below.**

**Table 1
Motor Vehicles (Stationary/Equipment Test)
Maximum Sound Pressure Levels, db(A)**

Measured at a distance of 20” from Exhaust Outlet at an Angle of 45 degrees		
Motor Vehicle Type	Stationary Test (Equipment Test)	Maximum Sound Pressure Levels during All Hours
ATVs manufactured in 2021 or earlier	SAE J1287 (at 50% of Maximum RPM)	92 db(A)
ATVs manufactured in 2022 or 2023	SAE J1287 (at 50% of Maximum RPM)	90 db(A)
ATVs manufactured in 2024 or later	SAE J1287 (at 50% of Maximum RPM)	88 db(A)
All Other Motor Vehicles weighing less than 6,000 pounds, manufacturer’s gross vehicle weight	SAE J1492 (at 50% or 75% of Maximum RPM depending on engine type)	88 db(A)
Motorcycles	N/A	See Section 11.06.030

**Table 2
Motor Vehicles (Moving/Operational Test)
Maximum Sound Pressure Levels, db(A)**

Measured at a Distance of 25’ from Centerline of Lane of Travel at Speeds Less than 35 mph (Operational Test)		
Motor Vehicle Type	Maximum Sound Pressure Level, db(A)	Maximum Sound Pressure Level, db(A), during Restricted Hours
Motorcycles and motor vehicles weighing less than 10,000 pounds, manufacturer's gross vehicle weight	80 db(A)	78 db(A)

Measured at a Distance of 50' from Centerline of Lane of Travel at Speeds Less than 35 mph		
Motor Vehicle Type	Maximum Sound Pressure Level, db(A)	Maximum Sound Pressure Level, db(A), during Restricted Hours
Motorcycles and motor vehicles weighing less than 10,000 pounds, manufacturer's gross vehicle weight	74 db(A)	72 db(A)

**Table 3
Land Uses
Maximum Sound Pressure Levels, db(A)**

	Maximum Sound Pressure Level, db(A)	Maximum Sound Pressure Level, db(A), during Restricted Hours
Domestic Power Tools and Equipment Impacting Residential Property	75 db(A) or greater limited to a cumulative total of 10 hours over any 7 day period	Noise prohibited under 11.04.010
All Other Noise Impacting Residential Property, unless prohibited in Section 11.04.010	75 db(A)	70 db(A)
All Other Noise Impacting Residential and Nonresidential Property, unless prohibited in Section 11.04.010	80 db(A)	70 db(A)

ALT FOR CONSIDERATION: LES' RECOMMENDATIONS (NOTE CH 11.07)

**Table 3
Land Uses
Maximum Sound Pressure Levels, db(A)
Measured at the Property Boundary**

	Maximum Sound Pressure Level, db(A)	Maximum Sound Pressure Level, db(A), during
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		Restricted Hours
All Noise Impacting Residential Property, unless prohibited in Section 11.04.010	55 db(A)	50 db(A)
All Noise Impacting Residential and Nonresidential Property, unless prohibited in Section 11.04.010	60 db(A)	55 db(A)

~~11.03.020 — Measurement.~~

~~On public property, Noise shall be measured at a distance of fifty (50) feet from the source of the sound; on private property, Noise shall be measured at a distance of twenty five (25) feet from the Property Boundary closest to the source of the Noise at issue.~~

~~Sections:~~

~~11.04.010 — Specific Noise Prohibitions.~~

CHAPTER 11.06

MOTOR VEHICLES

11.06.010 Motor Vehicle Regulations

11.06.020 Certain Noises Prohibited on Public Rights-of-Way During All Hours

11.06.030 Motorcycles

11.06.010 Motor Vehicle Regulations

A person shall not:

- A. Equip, maintain, or operate a Vehicle that creates or causes Excessive or Unusual Noise;
- B. Operate a Vehicle without a spark arrestor device and a muffler or other effective noise suppressing system in good working order and in constant operation; or
- C. Use a muffler cut-out, bypass, or similar device on a vehicle.

11.06.020 Certain Noises Prohibited on Public Rights-of-Way During All Hours

The following Noise is declared to be Excessive or Unusual Noise and expressly prohibited during all hours on County roads and public rights-of-ways in the unincorporated County:

- A. Horns and Signaling Devices. ~~Sound any horn or signaling device~~ on any Vehicle, except as a danger warning signal as provided by the Utah Vehicle Code;
- B. Racing Events. ~~Operate any Vehicle in a motor racing event~~ unless such activity occurs during a permitted Special Event in Grand County;
- C. Revving, aka rapid throttle advance, of an engine; and
- D. Any noise-creating device, including a Vehicle, operated for the purpose of drawing attention to the source of the noise.

11.06.030 Motorcycles

A. No person shall operate a motorcycle manufactured after December 31, 1985 not equipped with exhaust muffler bearing the Federal EPA required labeling applicable to the motorcycle's model year, stating that the exhaust system meets the 80 dBA standard at 50 feet, as set out in the Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E.

B. No person shall operate an off-road motorcycle manufactured after December 31, 1985 not equipped with exhaust muffler bearing the Federal EPA required labeling applicable to the motorcycle's model year, stating that the exhaust system meets the 82 dBA standard at 50 feet, as set out in the Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E.

CHAPTER 11.07

EXEMPTIONS; EXCEPTIONS

11.07.010 Exemptions

11.07.020 Exceptions

11.07.010 Exemptions

The following Noise shall be exempt from this Title:

- A. Safety signals, warning devices and emergency pressure relief valves;
- B. That resulting from any emergency or natural disaster, including Noise created by authorized private and public emergency ~~and snow removal vehicles~~ and private or public utilities when restoring service;
- ~~C. Lawful fireworks and noisemakers used for celebration of an official holiday;~~
- C. Activities of a temporary nature during periods permitted by ordinance, policy, or permit by the County Council, Planning and Zoning Administrator, or Chair of the Special Events Committee or their official designees, including sporting and recreational activities;

D. Agricultural operations where i) all reasonable efforts have been made to mitigate impact on surrounding properties; ii) any agricultural equipment is used according to the manufacturer's specifications and is in good working order; and iii) such operations do not occur during the Restricted Hours;

~~F. Permitted sporting and recreational activities;~~

~~G. Motor vehicles that are in good working order, free from defects that affect sound reduction, equipped with a muffler or other noise dissipative device, not equipped with any cut-out, by-pass or similar device, and operated in accordance with local, state and federal law; and~~

E. Construction and property maintenance activities where i) all reasonable efforts have been made to mitigate impact on surrounding properties; ii) all ~~construction~~ equipment is used according to the manufacturer's specifications and is in good working order; and iii) such ~~activity construction~~ does not occur during the Restricted Hours; and

F. Snow removal.

11.07.020 Exceptions

A. On or before July 31, 2021, the owner of any residential, commercial or industrial source of sound may apply to the County Commission Administrator for an exception in time to comply with the maximum sound pressure levels set forth in Table 3 of Section 11.05.010 above. The County Commission Administrator shall have the authority, consistent with this Section, to grant an exception, not to exceed 365 days from the date of such application unless extended by the County Commission Administrator for good cause.

B. Any person seeking an exception in time to comply shall file an application with the County Commission Administrator. The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this Chapter prior to the date requested in the application would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The applicant shall mail notice of the application for an exception in time to all neighbors within one hundred feet (100') of the source of the sound and shall file an affidavit of mailing with the County Commission Administrator. Any individual who claims to be adversely affected by allowance of the exception in time to comply may file a statement with the County Commission Administrator containing any information to support their claim. If the County Commission Administrator finds that a sufficient controversy exists regarding an application, a public hearing may be held.

C. In determining whether to grant or deny the application, the County Commission Administrator shall balance the hardship to the applicant, the community, and other persons of not granting the exception in time to comply, against the adverse impact on health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the exception. Applicants for exceptions in time to comply and persons contesting exceptions may be required to submit any information the County Commission Administrator may reasonably require. In granting or denying an application, the County Commission Administrator shall place on public file a copy of the decision and the reasons for denying or granting the exception in time to comply including a statement that the need for the extension or modification clearly outweighs any adverse impacts of granting the extension or modification.

D. The County Commission Administrator may grant or deny the application. If the application is granted, the County Commission Administrator may impose conditions, including a schedule for achieving compliance. Noncompliance with any condition of the exception shall terminate the exception and subject the person holding it to those provisions of this Chapter for which the exception was granted.

E. Appeals of an adverse decision of the County Commission Administrator shall be made to the County Commission. Review by the County Commission shall be limited to whether the decision is supported by substantial evidence.

CHAPTER 11.08

ENFORCEMENT

Sections:

- 11.08.010 Violation
- 11.08.020 Nuisance
- 11.08.030 Enforcement
- 11.08.040 Severability

11.08.010 Violation

~~Except where this Title or Utah Statute punishes a violation hereunder as an infraction, Any~~ person who is found guilty of violating this Title 11, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a Class B misdemeanor punishable by a maximum sentence of up to six months in jail and a maximum fine of \$1,000. Each day such violation is committed or permitted to continue shall constitute a separate violation **unless limited by Utah law.**

11.08.020 Nuisance

As an additional remedy, the operation or maintenance of any device, instrument, Vehicle or machinery in violation of any provisions of this chapter, or which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement as provided by law.

11.08.030 Enforcement

A. Any peace officer is authorized to enforce the provisions of this section; provided that the County Commission may by administrative order authorize other officers or employees of the County to enforce all or part of the provisions of this Title 11.

B. The County Attorney may initiate legal action, civil or criminal, to abate any condition that exists in violation of this Title 11. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating this Title 11 shall be liable for all expenses incurred by the County in removing or abating the Loud or Excessive Noise.

11.08.040 Severability

In case any provision of this Title 11 shall be declared invalid, illegal or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality or unenforceability.