

BOULDER TOWN, UTAH PUBLIC NOTICE

Governing Body: TOWN COUNCIL
Notice Type: Public Hearing
Date and Time: Tuesday, September 1, 2026, at 6:00 p.m.
Location: Boulder Community Center, 351 North 100 East, Boulder, Utah

In accordance with the Utah Open and Public Meetings Act, [Utah Code §52-4-202](#), this Public Hearing and Notice is hereby provided.

Meeting materials are available for public review on the Utah Public Notice website, provided in PDF format, and may also be accessed via the following link:

 [BT-2026_MATERIALS_202600901_PublicHearing_DRAFT_V1.0.pdf](#)

PUBLIC HEARING

The public hearing is scheduled during the TOWN COUNCIL's regular meeting.

The purpose of this hearing is to receive public input on proposed amendments to Boulder Town Code Chapter 112 and Section 153.204 (Residential Short-Term Rentals), Chapter 110 (General Business Provisions), and Chapter 111 (Alcoholic Beverages). These revisions reflect prior deliberations by the Planning Commission and Town Council, incorporating legal counsel recommendations to enhance administrative clarity, enforceability, and permitting workflows where applicable.

These draft ordinances are predicated upon formal recommendations submitted by the Planning Commission to the Town Council, following their public hearing and subsequent deliberations held on August 18, 2026. A transmittal report summarizing their findings is included in the materials packet.

Additionally, the hearing is to receive public input on proposed amendments to Boulder Town Code Chapter 130 (Fire Restrictions). These revisions address the historical need to pass annual resolutions to extend fire restrictions by amending the default annual restriction period to May 1 through October 31, with provisions for adjustment by resolution. Furthermore, the amendments align the town's definitions and prohibited acts with the Stage 1 and Stage 2 restrictions used by the State of Utah Division of Forestry, Fire, and State Lands and Unincorporated

Private Property in Garfield County, reflecting deliberations held by the Town Council in March and April 2026.

In compliance with [Utah Code §10-9a-204](#), a public hearing will be held to receive public comments on the following:

1. Draft Ordinance No. 2026-D: Amendments to Boulder Town Code Section 153.204 (Residential Short-Term Rentals regarding Land Use and Zoning)
2. Draft Ordinance No. 2026-C: Amendments to Boulder Town Code Chapter 112 (Residential Short-Term Rentals as Businesses)
3. Draft Ordinance No. 2026-A: Amendments to Boulder Town Code Chapter 110 (General Business Provisions)
4. Draft Ordinance No. 2026-E: Amendments to Boulder Town Code Chapter 111 (Alcoholic Beverages)
5. Draft Ordinance No. 2026-F: Amendments to Boulder Town Code Chapter 130 (Fire Restrictions)

The Comments and inquiries can be directed to the Boulder Town Office at 435-335-7300 or clerks@boulder.utah.gov.

NOTICE

SPECIAL ACCOMMODATIONS (ADA)

In compliance with the Americans with Disabilities Act (ADA), individuals needing reasonable accommodations should notify the Boulder Town Office at 435-335-7300 or townclerk@boulder.utah.gov at least one week before the meeting.

ELECTRONIC OR TELEPHONE PARTICIPATION

Zoom Link: <https://us06web.zoom.us/j/4353357300>

Meeting ID: 4353357300 Password: 84716 Phone: +1 346 248 7799

Policy: Ensure your Zoom name includes the full names of attendees

CERTIFICATE OF POSTING

This Public Hearing and Notice was publicly posted on the following locations:

- The Utah Public Notice website (<http://pmn.utah.gov>)
- Boulder Town's website (<http://www.boulder.utah.gov>)
- Boulder Town's Bulletin Board

Date Published: **August 21, 2026**

/s/ Elizabeth Julian, Town Clerk

In compliance with [Utah Code §10-9a-204](#), a public hearing will be held to receive public comments on the following:

1. Draft Ordinance No. 2026-D: Amendments to Boulder Town Code Section 153.204 (Residential Short-Term Rentals regarding Land Use and Zoning)
2. Draft Ordinance No. 2026-C: Amendments to Boulder Town Code Chapter 112 (Residential Short-Term Rentals as Businesses)
3. Draft Ordinance No. 2026-A: Amendments to Boulder Town Code Chapter 110 (General Business Provisions)
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- Boulder Town's Bulletin Board

Date Published: **August 21, 2026**

/s/ Elizabeth Julian, Town Clerk

TOWN OF BOULDER, STATE OF UTAH

Report: Consideration of Adopting Residential Short-Term Rental Ordinance Amendments; Chapters 112 and Section 153.204

Governing Body: Town Council
Meeting Date: Tuesday, September 1, 2026

Agenda Item: Presentations and Reports
Item Type: Information

Contributors: Planning Commission
Prepared by: Elizabeth Julian

Date Submitted: August 21, 2026

EXECUTIVE SUMMARY

This report summarizes the Planning Commission's formal recommendations and proposed code revisions to the Town Council for the scheduled September 1, 2026, regular meeting and public hearing.

The Planning Commission, following its own public hearing and deliberation on August 18, 2026, voted unanimously (5-0) to recommend that the Town Council adopt the proposed amendments to Boulder Town Code Chapter 112 (Residential Short-Term Rentals) and Section 153.204 (Residential Short-Term Rentals - Land Use and Zoning), subject to incorporating several critical, targeted revisions and annotations detailed herein.

These changes are designed to clean up administrative inconsistencies, make the application process easier for residents, and ensure our rules are clearer for town staff and applicants.

BACKGROUND

In December 2025, the Town Council amended the municipal code following extensive community input and Planning Commission recommendations. These updates were designed to simplify processes and ensure the town's regulations were easy to follow and enforce. Subsequently, Zoning Administrator Erin Smith drafted

updated accompanying application forms for review by the Town Council and legal counsel. During this review, it was determined that the codes could be cleaned up to carry out the intentions of the Town Council and to ensure the codes are clear and able to be carried out administratively and to the public.

To resolve these issues, Town Attorney Jayme Blakesley reviewed the current code and drafted a coordinated set of amendments across four distinct areas of the Boulder Town Code. This structural overhaul is designed to separate and clarify overlapping regulatory functions:

Chapter 110 (General Business Provisions)

Establishes the foundation for the business-licensing framework. It simplifies the licensing process by eliminating complex license classes (e.g., home occupation, temporary, general), establishing a uniform annual renewal schedule (expiration on the last day of February, renewal on or before March 1), assigning administration to the 'Mayor or designee' for flexibility, and shifting fees to the Town Fee Schedule.

Chapter 111 (Alcoholic Beverages)

Replaces the Town's outdated, duplicative municipal alcohol-licensing system. Under this chapter, the State of Utah retains final licensing authority, while the Town's role is strictly focused on the granting or denying of local consent. This separates the land-use/zoning compliance of alcohol-related businesses from the state's licensing requirements.

Chapter 112 (Residential Short-Term Rentals - Business Licensing)

Supplements Chapter 110 by adding requirements specific to the operation of RSTRs (such as primary residency rules, guest conduct standards, tax remittance, and listing license numbers online). It treats RSTRs as a business once the applicable land-use requirements have been satisfied.

Section 153.204 (Residential Short-Term Rentals - Land Use and Zoning)

Regulates RSTRs as a land use, including where they are permitted, the process for obtaining a Conditional Use Permit (CUP), neighborhood character protections, and the overall cap on active authorizations (set at 12 active permits).

SUMMARY OF PLANNING COMMISSION PUBLIC HEARING

In compliance with Utah Code § 10-9a-204, the Planning Commission held a regular meeting and public hearing on Tuesday, August 18, 2026, at 7:00 p.m. at the Boulder Community Center. Acting Chair Elena Hughes presided over the meeting.

A quorum was established with five voting members present:

- Elena Hughes (Acting Chair / Chair Pro Tem)
- Phoenix Bunke (Commissioner)
- Darrell Fuller (Commissioner, arrived 7:05 PM)
- Nick Vincent (Commissioner)
- Jen Bach (Alternate, seated as a voting member for the proceedings)

Additionally, Boulder Town Mayor Cheryl Cox, Town Council Member Tina Karlsson (via Zoom), Town Clerk Elizabeth Julian, and Five County AOG Advisor Roger Carter (via Zoom) were present.

Following the opening procedures, Commissioner Phoenix Bunke disclosed that her partner's family operates a RSTR and that she assists with cleaning, and that she is currently seeking a business license for her own business. Commissioners Nick Vincent and Elena Hughes also disclosed that they hold active business licenses for businesses within Boulder. The Commission determined that these interests did not require abstention but noted them for transparent record-keeping.

The public hearing was formally opened following a unanimous 5-0 vote to receive input on proposed amendments to Chapter 112 (Draft Ordinance No. 2026-C) and Section 153.204 (Draft Ordinance No. 2026-D). No members of the public in attendance or participating remotely offered comments during the hearing period. Consequently, the hearing was closed, and the Commission re-entered regular session to deliberate and vote on recommendations for each proposed ordinance.

Note: During the public comment period at the end of the August 18, 2026, meeting, Ray Gardner addressed the commission. Mr. Gardner noted his prior service on the Town Council, including his presence at the December 2025 meeting at which the RSTR amendments were adopted. He stated that he was outvoted at that time but continues to hold the view that the most equitable and enforceable approach to managing RSTRs is conditions-based rather than cap-based. He expressed the opinion that clear, enforceable, and reasonable conditions would address much of the ambiguity the commission had been

discussing. He further stated that the imposition of a numerical cap on RSTRs, in his view, amounts to Boulder Town suppressing one industry — short-term rentals — in order to support another, referencing comments made by a motel owner at the December meeting who argued that RSTRs had harmed their business. Mr. Gardner suggested this constituted an inappropriate government selection of economic winners and losers, and that competition, rather than suppression, would be the more appropriate response.

SPECIFIC ORDINANCE REVISIONS AND POLICY RECOMMENDATIONS

During their deliberations, the Planning Commission scrutinized the draft ordinances and identified several crucial areas requiring amendment, clarification, or alignment before final adoption by the Town Council. These revisions represent the primary additions and policy adjustments the Planning Commission would like the Town Council to consider.

Summary of Endorsed Revisions and Recommendations

Code Section	Original Draft Provision (V2.0)	PC-Endorsed Revision (V3.0)	Policy Justification & Intent
§ 112.02 (Eligibility)	Eligibility criteria (CUP, nonconforming, or pre-2025 use) joined by default 'and'. Included a redundant sub-item 'c'.	Join eligibility pathways using 'OR' instead of 'AND'. Remove the redundant subsection 'c' at the end.	An applicant cannot meet all three pathways simultaneously; they are distinct alternative methods to establish eligibility.
§ 112.03(A) (Residency & On-Site)	Drafted text regarding required residency and on-site presence was grammatically incoherent	Rewrite the residency and on-site presence requirement into a clear, grammatically sound standard.	Resolves draft copy-paste errors and ensures administrative clarity for applicants and staff.

Code Section	Original Draft Provision (V2.0)	PC-Endorsed Revision (V3.0)	Policy Justification & Intent
	(merged sentences).		
§ 112.03 & § 153.204 (Transferability)	Silent on whether RSTR business licenses or CUPs are transferable upon the sale/transfer of a property.	Add explicit language stating that neither RSTR business licenses nor RSTR CUPs are transferable.	Prevents RSTR authorizations from becoming a transferable property right, preserving the town's ability to regulate new owners.
§ 153.204(C)(4) (Lottery vs. Waitlist)	Contained contradictory language: referenced a 'lottery' in one sentence and a 'first-come, first-served waiting list' in another.	Adopt consistent 'first-come, first-served waiting list' language and eliminate all references to a lottery.	A waiting list is significantly easier to administer and provides an orderly, predictable, and fair queue for applicants.
§ 153.204(E)(4) (CUP Discretion)	Grants the PC broad, open-ended discretion to impose site conditions based on vague criteria (e.g., 'etc.').	Town Council should review and establish objective, documented guidelines to replace subjective PC discretion.	Requested that the Council address the lack of sufficient backbone in the current language to ensure conditions are applied objectively and consistently.

Code Section	Original Draft Provision (V2.0)	PC-Endorsed Revision (V3.0)	Policy Justification & Intent
§ 110.01(H) (Business Penalties)	Imposes a strict Class B misdemeanor for operating any business without a required local license.	Town Council should monitor and consider starting with warning letters and civil penalties in the enforcement framework.	Promotes Suggests a stepwise enforcement process (starting with a warning letter, followed by a fine, then civil charges) to ensure proportional enforcement while reserving criminal penalties as a last resort.
Business License Application	Included references to specific business license classes	Revise application forms to remove all references to license classes	Ensures alignment with Chapter 110 amendments which eliminate complex license classes

Detailed Discussion of Key Revisions and Recommendations

Establish Non-Transferability of RSTR Licenses and CUPs

The Planning Commission recommends that the Town Council add clear rules to Chapter 112 and Section 153.204 stating that RSTR business licenses and CUPs cannot be transferred. If a property is sold, the license and permit should expire immediately. New owners must apply for their own authorizations. This ensures all operators are vetted and prevents these permits from being sold as property assets.

Elimination of Lottery in Favor of a Waiting List

Version 2 of the draft of Section 153.204(C)(4) is confusing because it mentions both a lottery and a waiting list. The Planning Commission recommends using a first-come, first-served waiting list instead of a lottery. A waiting list is more transparent, predictable, and easier for staff to manage.

Establishing Objective Standards to Limit Subjective PC Discretion

The Planning Commission identified concerns regarding Section 153.204(c)(4) (Discretionary CUP Conditions, subsections b and c), noting that the current language grants broad, undefined discretionary authority to impose conditions on CUP applicants. Commissioners highlighted that criteria such as "reasonably anticipated detrimental effects" and open-ended lists—including "etc."—are imprecise and lack sufficient backbone. While the Commission acknowledges that discretion is appropriate when grounded in objective, documented criteria, they recommend that the Town Council review these subsections to either strengthen them with defined standards or revise them to reduce ambiguity, with the final direction left to the Council's discretion.

Note: During the second public comment period at the August 18, 2026, meeting, Town Council Member and Planning Commission Liaison Tina Karlsson commented that she believed the existing CUP framework and review process, including the RSTR-specific criteria, already provides a mechanism to address some of the discussed ambiguity, depending on individual application circumstances. She further acknowledged agreement with aspects of Mr. Gardner's position and noted that the Town Council would continue discussing related issues.

Prioritize Civil Enforcement over Criminal Penalties

In reviewing Chapter 110 (General Business Licensing), Commissioners questioned the severity of classifying unlicensed business operations as a Class B misdemeanor. Mayor Cheryl Cox clarified that Town Attorney Blakesley recommended retaining this criminal penalty as a legal tool consistent with other sections of the Town Code.

The Commission recommends that the Town Council focus on civil enforcement, like warning letters and fines, first. A Class B misdemeanor should only be used as a last resort for serious or repeat violations.

Addressing Table of Uses Inconsistencies

The Planning Commission flagged a broader zoning alignment issue: the Table of Uses (§ 153.117) referenced in Section 153.204 does not currently align with the proposed RSTR amendments.

The Planning Commission recommends updating the Table of Uses (§ 153.117) to match these new RSTR rules. This will ensure the entire town code is consistent and easy to follow.

Business License Application

The Planning Commission directs Zoning Administrator Erin Smith to update the business license application forms to remove all references to license classes, ensuring they align with the proposed amendments to Chapter 110.

CORRECTION TO MEETING RECORD

It is noted for the record that during the August 18, 2026, Planning Commission meeting, the drafts of Chapter 110, Chapter 112, and Section 153.204 were inadvertently referred to as 'Version 2,' with the subsequent version referred to as 'Version 3.' In fact, the drafts presented were Version 1, and the drafts incorporating the Planning Commission's recommendations constitute Version 2.

ATTACHMENTS

- A. Jayme Blakesley Memo Regarding Amending Ordinances  BT-2026_M...
- B. Administrative Report Regarding Amending Ordinances  BT-2026_R...
- C. Planning Commission Meeting Materials with Annotations on Redline Drafts • 2026 AUG 18  BT-2026_M...
- D. Planning Commission Draft Minutes • 2026 AUG 18  BT-2026_M...
- E. Audio Recording of Planning Commission Regular  BT-2026_R...

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- F. Version 2 of Draft Ordinance No. 2026-D: Amendments to Boulder Town Code Section 153.204 (Residential Short-Term Rentals) —With PC Recommendations  BT-2026_O...
- G. Version 2 of Draft Ordinance No. 2026-C: Amendments to Boulder Town Code Chapter 112 (Residential Short-Term Rentals) —With PC Recommendations  BT-2026_O...
- H. Version 2 of Draft Ordinance No. 2026-A: Amendments to Boulder Town Code Chapter 110 (General Business Provisions) —With PC Recommendations  BT-2026_O...
- I. Version 3 of Draft Ordinance No. 2026-E: Amendments to Boulder Town Code Chapter 111 (Alcoholic Beverages) —With PC Recommendations (Note: Redline revision based Council Member Josh Ellis' Submitted AI-generated draft)  BT-2026_O...
- J. Version 2 of Draft Residential Short-Term Rental Application —As submitted to Planning Commission; no additional modifications proposed  BT-2026_A...
- K. Version 2 of Draft Business License Application —As Presented to PC, pending recommended revisions  BT-2026_A...

ORDINANCE NO. 2026-D

TOWN OF BOULDER, STATE OF UTAH

**AN ORDINANCE OF THE TOWN OF BOULDER, UTAH, AMENDING THE
BOULDER TOWN CODE CHAPTER 153.204: RESIDENTIAL SHORT-TERM
RENTALS**

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 153.204 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 153.204 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
3. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this [date] day of [Month], 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

Voting:

Lacy Allen	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Josh Ellis	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
John Veranth	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Tina Karlsson	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Cheryl Cox	Yea ☐	Nay ☐	Abstain ☐	Absent ☐

Attest: Elizabeth Julian, Town Clerk

DEPOSITED in the office of the Town Clerk this [date] day of [Month], 2026.

RECORDED this [date] day of [Month], 2026.

EXHIBIT A

§ 153.204 RESIDENTIAL SHORT-TERM RENTALS.

(A) Purpose. The purpose of this section is to establish land use regulations for the use of privately-owned, owner- or tenant-occupied dwelling units as short-term rentals in a manner to preserve residential and neighborhood character, protect public safety and residents' and guests' health, and promote goals of the general plan.

(B) Definitions.

LICENSE HOLDER is the person who resides on the property and is legally responsible for compliance with all Town ordinances pertaining to the rental.

MANAGER is the designated agent or representative of the licensee who is responsible for compliance with this Code and available to respond to guests via phone within three hours.

RESIDENTIAL SHORT-TERM RENTAL (RSTR) is a dwelling unit or portion thereof that is not zoned or licensed as commercial lodging and that is rented for monetary compensation for a period of less than 30 consecutive days. This term includes bed and breakfast inns that may or may not serve hot meals to guests.

GUEST RANCH is lodging that is permitted under the guest ranch provisions in § 153.415. Guest Ranches are exempt from this section §153.204.

(C) General provisions.

(1) Allowed zones: RSTRs are allowed as indicated in § 153.117 Table of Uses.

(2) No more than one of the approved dwellings on a lot (the primary dwelling, an internal auxiliary dwelling unit, an external dwelling unit, or a camping unit) shall be occupied by RSTR guests at any given time.

(3) Non-commercial use of a residence, including visits by friends and family, charitable donations, and home sharing, are exempt from zoning regulation as RSTRs provided no money is paid to the owner in compensation for lodging.

~~(4) The maximum number of RSTR CUPs issued at one time shall not exceed 12 without legislative amendment to this subsection. If at any time the number of pending applications for a new RSTR CUP exceeds the number of allowed CUPs, the assignment of the available license shall be processed in the order received. The maximum number of Residential Short-Term Rental Conditional Use Permits ("RSTR CUPs") issued and active at any one time shall not exceed twelve (12).~~

For purposes of this subsection, all RSTRs shall count toward the limitation, including: (a) RSTRs recognized under subsection (D)(1); (b) RSTRs determined to

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be lawful nonconforming uses pursuant to subsection (D)(2) and § 153.255 et seq.; and (c) RSTRs operating pursuant to an approved Conditional Use Permit.

Complete applications shall be processed in the order received. Once the maximum number of authorized Residential Short-Term Rentals has been reached, additional complete applications shall be placed on a waiting list and considered in the order received as permits become available through expiration, revocation, abandonment, discontinuance, or voluntary surrender of an existing authorization.

The numerical limitation is intended to preserve neighborhood character, maintain the predominantly residential nature of residential zoning districts, prevent excessive concentration of transient lodging uses, and balance tourism-related lodging opportunities with the preservation of long-term residential occupancy.

No natural person, corporation, limited liability company, partnership, trust, or other legal entity, nor any affiliated entity under common ownership or control, shall hold more than one (1) Residential Short-Term Rental authorization at any time.

Nothing in this subsection guarantees approval of an application. Each application shall independently satisfy all requirements of this chapter and applicable law.

(5) Neither RSTR business licenses nor RSTR CUP's are transferable.

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(D) Residential short-term rentals existing before 2025.

(1) The four RSTRs with valid business licenses and previously approved CUPs as of 2025, the one RSTR holding a valid CUP (2022) but no business license in 2025, and the 2025 licensed Bed and Breakfast Inn are acknowledged as legal uses and are eligible for continued business license renewal according to Chapter 112.

(2) For RSTRs in use prior to 2020 and in regular use since, establishment of payment of the required taxes in 2020 and onward shall be considered an adequate condition for determination as a nonconforming use by the Board of Adjustment per § 153.255 et seq. These RSTRs are not required to obtain a CUP.

(3) Existing RSTRs that lack an onsite licensee must identify a local manager to be available when guests are present.

(4) The RSTRs recognized under this subsection shall count toward the maximum number of RSTRs authorized under § 153.204(C)(4).

(E) RSTR conditional use permit process.

(1) A Residential Short-Term Rental (RSTR) requires a Conditional Use Permit (CUP) that complies with the requirements outlined in § 153.204 of the Boulder Town Code and is submitted on the RSTR CUP Application Form available on the Town website. An RSTR is exempt from the requirements outlined in § 153.152 Site

Development Plan Requirements, § 153.155 (B), allowing a CUP without 6 months of continuous use to be revoked, and the commercial standards in § 153.415.

(2) A CUP application shall be submitted on the form provided on the Boulder Town website. The fee for filing an application is set by the Boulder Town Council and found in the Boulder Town Fee Schedule and may be changed at any time by resolution.

(3) The documentation required for an application for an RSTR CUP is as follows:

(a) A completed RSTR Business License Application and documentation demonstrating eligibility for issuance of a business license under Chapter 112, including Business license application and proof of primary residence at the address of the proposed RSTR as described and required by § 112.03. Approval of a CUP does not authorize operation of an RSTR. Operation shall not commence until the applicant obtains a valid business license under Chapter 112.

(b) A signed affidavit indicating that the applicant shall be on-site with guests during their stay and will enforce/comply with all terms of the business license and CUP.

(c) Address and parcel number for the RSTR location.

(d) A map that shows all dwellings, RSTR location, property lines, adjacent private property boundaries and owners, fire/disaster escape route, and parking spaces for guests.

(e) Documentation that the site plan and dwelling unit configuration is consistent with the license holder living on site while guests are present.

(f) A Garfield County building department STR Inspection Report.

(4) The process for submitting and considering an application for an RSTR CUP is as follows:

(a) The applicant submits an RSTR CUP application with accompanying documentation to the Town Zoning Administrator. The Zoning Administrator forwards the application to the Planning Commission after the application is determined to be complete.

(b) The CUP review process shall be limited to identifying reasonably anticipated detrimental effects of the proposed RSTR and determining whether those effects can be substantially mitigated through the imposition of reasonable conditions. In making this determination, the Planning Commission may consider the following, to the extent applicable to the proposed RSTR: :

1. The location and capacity of on-site parking and the adequacy and safety of driveway access;

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2. The number and configuration of dwelling units on the property and their proximity to adjoining properties and dwellings;
3. The proposed maximum number of guests in relation to the size and configuration of the RSTR and available parking;
4. Compliance with applicable building, fire, health, and sanitation requirements, including the County STR inspection;
5. The location and orientation of outdoor areas proposed for guest use and their proximity to adjoining properties and dwellings; exterior lighting and reasonably anticipated lighting trespass onto adjoining properties;
6. Reasonably anticipated noise or other impacts from outdoor guest activities; and
7. Other site-specific physical characteristics of the property that the Planning Commission finds are reasonably likely to create a detrimental effect from operation of the proposed RSTR.

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Any condition imposed by the Planning Commission shall be reasonably necessary to mitigate a reasonably anticipated detrimental effect identified in the record and shall be reasonably related to and proportionate to that effect. Conditions may include limitations on the number of guests or vehicles, restrictions on the location or hours of outdoor guest activities, or requirements for fencing, screening, or vegetative barriers when reasonably necessary to mitigate an identified detrimental effect.

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(c) The Planning Commission shall approve the CUP application if the reasonably anticipated detrimental effects of the proposed RSTR can be substantially mitigated through the imposition of reasonable conditions. The Planning Commission's decision shall identify any reasonably anticipated detrimental effect requiring mitigation and the condition imposed to mitigate that effect. Conditions shall be consistent with this section, other applicable provisions of the Boulder Town Code, and applicable law.

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(d) Prior to approving an RSTR CUP, the Planning Commission shall find that the applicant has demonstrated eligibility to obtain and maintain a Residential Short-Term Rental business license under Chapter 112. Approval of a CUP does not authorize operation of a Residential Short-Term Rental. Operation shall not commence until the applicant obtains and maintains a valid business license under Chapter 112.

(F) Violations and enforcement.

(1) Operating an RSTR without a valid CUP, providing false information on a CUP application, or failure to comply with the applicable town regulations for RSTRs shall be a civil infraction and shall be enforced in accordance with the Boulder Town Code.

(2) If a violation of the RSTR zoning regulations is suspected, the Town Attorney shall send a certified letter to the owner of the real property or to the

license holder describing the alleged violation with a formal request to come into compliance.

(Ord. 2019-2, passed 5-2-2019; Ord. 2025-8, passed 12-2-2025)

ORDINANCE NO. 2026-C

BOULDER TOWN, STATE OF UTAH

**AN ORDINANCE OF THE TOWN OF BOULDER AMENDING CHAPTER 112
OF TOWN CODE RELATING TO RESIDENTIAL SHORT-TERM RENTALS**

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 112 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 112 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
3. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this [date] day of [Month], 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

Voting:

Lacy Allen	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Josh Ellis	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
John Veranth	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Tina Karlsson	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Cheryl Cox	Yea ☐	Nay ☐	Abstain ☐	Absent ☐

Attest: Elizabeth Julian, Town Clerk

DEPOSITED in the office of the Town Clerk this [date] day of [Month], 2026.

RECORDED this [date] day of [Month], 2026.

EXHIBIT A

CHAPTER 112: RESIDENTIAL SHORT-TERM RENTALS

Section

- 112.01 General requirements
- 112.02 Eligibility for obtaining a lodging business license
- 112.03 Business license administration
- 112.04 Operation of a licensed RSTR
- 112.05 Enforcement

§ 112.01 GENERAL REQUIREMENTS.

(A) These business regulation requirements apply to residential short-term rentals in non-commercial zones, bed and breakfast inns, and guest ranches as defined in Chapter 153 of Boulder Town Code.

(1) Rentals for periods longer than 30 consecutive days are exempt from this section.

(2) Businesses in the Commercial zone § 153.116 or that were approved under the commercial standards § 153.415 are exempt from this section.

(3) Non-commercial use of a residence, including visits by friends and family, charitable donations, and home sharing, are exempt, provided no money is paid to the owner in compensation for lodging.

(B) All short-term lodging businesses are required to have an annual, renewable Class I business license.

(Ord. 2025-8, passed 12-2-2025)

§ 112.02 ELIGIBILITY FOR OBTAINING A LODGING RESIDENTIAL SHORT-TERM RENTAL BUSINESS LICENSE.

§ 112.02 ELIGIBILITY FOR OBTAINING A RESIDENTIAL SHORT-TERM RENTAL BUSINESS LICENSE.

(A) A person shall be eligible to obtain and renew a Residential Short-Term Rental ("RSTR") business license only if:

(1) the property is subject to an active Residential Short-Term Rental Conditional Use Permit issued pursuant to § 153.204;

(2) the property has been determined by the Board of Adjustment to be a lawful nonconforming Residential Short-Term Rental pursuant to § 153.255 et seq.;

(3) the property is a Residential Short-Term Rental expressly recognized as an existing lawful use under § 153.204(D)(1); or

(4) the applicant satisfies all residency, operational, tax, and other requirements established by this chapter.

(B) Eligibility for a business license shall not excuse compliance with any condition of approval imposed through a Conditional Use Permit or any requirements applicable to a lawful nonconforming use.

(C) Possession of a business license does not constitute zoning approval and does not authorize operation of a Residential Short-Term Rental absent all land use approvals required by the Boulder Town Code.

(D) A business license issued under this chapter authorizes only the conduct of the licensed business and does not create any vested land use right, zoning entitlement, or exemption from compliance with applicable land use regulations.

(Ord. 2025-8, passed 12-2-2025)

§ 112.03 BUSINESS LICENSE ADMINISTRATION.

Businesses previously licensed as, or holding an approved CUP as, a Guest Ranch per § 153.415 are not subject to the requirements of this section § 112.03. In addition to the General Requirements of § 112.01, the following shall apply to RSTR business licenses:

(A) The RSTR business license holder must be a natural person who is a permanent resident of Boulder, and the license holder shall reside on the same property as the RSTR and shall be present on-site with their guests during guest stays. RSTRs licensed prior to the enactment of this ordinance (2025) are exempt from the requirement that the license holder must be present on-site during guest stays.

(B) The following shall be acceptable proof of residency:

(1) Garfield County tax statement showing that applicant's physical address qualifies for the primary residential exemption under Utah Code § 59-2-103; or,

(2) At least two (2) of the following: a Utah driver's license or state ID showing the license holder's current physical address; current Utah voter registration

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Deleted: The following are eligible to be issued an annual, renewable business license for short-term lodging:¶

(A) The existing RSTRs (as defined in § 153.204 (D)(1)), bed and breakfast inns, and guest ranches that were licensed by Boulder in 2025.¶

(B) RSTRs that have been reviewed by the Planning Commission for compliance with the zoning requirements for short term rentals in § 153.204, and have received an approved Conditional Use Permit.¶

Deleted: (C) RSTRs that have been determined by the Board of Adjustment to be non-conforming uses per § 153.255 et seq.

Deleted: whose primary residence is located on the same parcel as the RSTR

showing the license holder's current physical address; or other state or federal document showing residence physical address.

(C) Issuance or renewal of an RSTR business license shall require annual certification by the license holder, on a form approved by the Town, that:

(1) the license holder continues to satisfy the primary residence requirements of this chapter and, where applicable, the on-site presence requirements of § 112.03(A);

(2) all required sales taxes, transient room taxes, resort taxes, and other applicable taxes have been timely collected, reported, and remitted to the appropriate governmental entity;

(3) the Residential Short-Term Rental remains in compliance with all conditions of approval imposed through any Conditional Use Permit and with any conditions applicable to a lawful nonconforming use;

(4) the premises remain in compliance with applicable building, fire, health, safety, sanitation, and occupancy requirements;

(5) all information provided in connection with the original application and any renewal application remains true and correct, or has been updated and disclosed to the Town; and

(6) the Residential Short-Term Rental is otherwise being operated in compliance with the Boulder Town Code.

The Town may require supporting documentation reasonably necessary to verify compliance with this subsection. Certifications made pursuant to this subsection are subject to audit, inspection, and verification by the Town. Submission of false, misleading, or materially incomplete information shall constitute grounds for suspension, revocation, or non-renewal of the business license. (D) A license holder is shall be entitled to only one (1) RSTR business license. No person or affiliated entity under common ownership or control may directly or indirectly obtain, hold, or control more than one (1) RSTR business license. For purposes of this section, entities shall be considered affiliated when they share common ownership, management, control, or beneficial ownership.

(E) Some or all of the above may not be applicable to non-conforming uses, as determined by the Board of Adjustment per § 153.255 et seq.

(F) Neither RSTR business licenses nor RSTR CUP's are transferable.

(Ord. 2025-8, passed 12-2-2025)

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Deleted: (C) Issuance or renewal of an RSTR business license shall require self-certification by the license holder that they are in compliance with the residence and, as applicable, presence requirements in § 112.03 (A), applicable building code and health regulations, have paid required sales, resort, and transient room taxes, and are implementing/maintaining any specific mitigation measures required by the Conditional Use Permit. Self-certifications are subject to audit or verification at the Town's discretion.

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§ 112.04 OPERATION OF A LICENSED RSTR.

(A) All applicable taxes shall be collected and remitted to the appropriate agency. This includes sales, resort, and transient room tax, and property tax.

(B) The premises shall be kept in compliance with all building codes, public health, nuisance, and safety regulations that apply to single family dwellings.

(C) The license holder shall require guests to comply with all applicable federal and state laws and Boulder Town ordinances. This requirement includes necessary measures to insure that guests do not trespass on others property, do not create noise out of character with the noises customarily heard in the surrounding areas by shouting, fighting, playing loud music, racing cars, or engaging in other outside recreational activities after 10 PM and before 10 AM; violate fire restrictions; or allow pets or animals to create incessant noise, roam the neighborhood, or create any type of mess that is not cleaned up by the owner of the pet or animal.

(D) The license holder is required to include the Boulder business license number on any listing on a short-term rental website in accordance with Utah Code § 10-8-85.4.

(Ord. 2025-8, passed 12-2-2025)

§ 112.05 ENFORCEMENT.

(A) Operating a regulated lodging without a valid business license or providing false information on a business license application shall be a civil infraction and shall be enforced in accordance with the Boulder Town Code.

(B) The on-site licensee is responsible for the conduct of guests and shall use reasonably prudent business practices to ensure that the occupants of the short-term rental do not violate any applicable law, rule, or regulation pertaining to the use and occupancy of the short-term rental.

(C) If a violation of the RSTR regulations is suspected, the Town Attorney shall send a certified letter to the owner of the real property or to the license holder describing the alleged violation with a formal request to come into compliance.

(D) In accordance with Utah Code 10-8-85.4, the town may request removal of a non-licensed RSTR from an online website and may notify the county auditor of possible tax non-compliance.

(E) Appeals of RSTR business application decisions and enforcement actions shall be in accordance with Boulder Town Code.

(Ord. 2025-8, passed 12-2-2025)

§ 112.06 SUSPENSION, REVOCATION, DENIAL OF RENEWAL, AND CONDITIONS.

(A) Grounds for Administrative Action.

The Town may suspend, revoke, deny renewal of, or impose additional reasonable conditions upon a Residential Short-Term Rental ("RSTR") business license upon a determination that:

(1) the license holder made a material misrepresentation or omission in an application, renewal application, certification, affidavit, or other document submitted to the Town;

(2) the license holder has failed to maintain eligibility for the business license under this chapter;

(3) the license holder or guests have committed repeated violations of Boulder Town ordinances or applicable state laws related to operation of the Residential Short-Term Rental;

(4) the Residential Short-Term Rental is being operated in a manner inconsistent with an approved Conditional Use Permit, an approved site plan, or any condition of approval imposed by the Town;

(5) the license holder has failed to collect, report, or remit required taxes, fees, or assessments associated with operation of the Residential Short-Term Rental;

(6) the license holder has failed to comply with a written notice of violation issued by the Town within the time specified in the notice; or

(7) continued operation of the Residential Short-Term Rental presents a threat to public health, safety, or welfare.

(B) Notice.

Prior to suspension, revocation, denial of renewal, or imposition of additional conditions, the Town shall provide written notice to the license holder describing:

(1) the alleged violation or basis for the proposed action;

(2) the corrective action, if any, necessary to achieve compliance;

(3) the deadline for responding or curing the violation; and

(4) the license holder's right to request a hearing.

Notice may be provided personally, by certified mail, by regular mail, or by electronic mail to the address provided by the license holder.

(C) Opportunity to Cure.

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Except in cases involving an immediate threat to public health or safety, the license holder shall be provided not less than fifteen (15) days to cure the violation or submit information demonstrating compliance.

(D) Hearing.

If the violation is not cured within the time allowed, or if the Town determines that revocation, suspension, denial of renewal, or additional conditions remain warranted, the Town shall provide notice of an administrative hearing before the Hearing Officer or other body or individual designated by the Town Council.

At the hearing, the license holder shall have the opportunity to present evidence, call witnesses, and be represented by legal counsel.

(E) Decision.

Following the hearing, the hearing body may:

- (1) dismiss the matter;
- (2) issue a written warning;
- (3) impose additional operational conditions;
- (4) suspend the business license for a specified period;
- (5) revoke the business license; or
- (6) deny renewal of the business license.

The decision shall be in writing and shall include findings supporting the action taken.

(F) Emergency Suspension.

If the Town determines that continued operation presents an immediate threat to public health, safety, or welfare, the Town may temporarily suspend the business license pending a hearing. A hearing shall be scheduled as soon as reasonably practicable following the suspension.

(G) Appeal.

A final decision under this section may be appealed by filing a written notice of appeal with the Town Recorder within ten (10) calendar days after issuance of the written decision. Appeals shall be heard by the Town Council if the original decision was made by a Hearing Officer or other administrative official. Decisions of the Town Council shall constitute final administrative action for purposes of judicial review.

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ORDINANCE NO. 2026-E

TOWN OF BOULDER, STATE OF UTAH

**AN ORDINANCE OF THE TOWN OF BOULDER AMENDING CHAPTER 110
OF TOWN CODE RELATING TO GENERAL BUSINESS PROVISIONS**

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 110 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 110 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Transition of Existing Business Licenses.** Notwithstanding any provision of the Boulder Town Code to the contrary, any annual business license that is valid on the effective date of this ordinance shall remain valid until the last day of February immediately following its otherwise scheduled expiration date. No additional license fee shall be required for the extension of the license term created by this section. Beginning March 1 immediately following that extended expiration date, the license shall be subject to the annual renewal requirements of Chapter 110 of the Boulder Town Code.
3. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
4. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this [date] day of [Month], 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

Voting:

Lacy Allen	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Josh Ellis	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
John Veranth	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Tina Karlsson	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Cheryl Cox	Yea ☐	Nay ☐	Abstain ☐	Absent ☐

Attest: Elizabeth Julian, Town Clerk

DEPOSITED in the office of the Town Clerk this [date] day of [Month], 2026.

RECORDED this [date] day of [Month], 2026.

EXHIBIT A

CHAPTER 110: GENERAL BUSINESS PROVISIONS

§ 110.01 PURPOSE; APPLICABILITY; BUSINESS LICENSE REQUIRED.

- (A) **Purpose.** The purpose of this chapter is to regulate businesses operating within the Town in order to protect the public health, safety, and welfare, promote compliance with applicable laws, and provide for the orderly administration of business licensing.
- (B) **Applicability.** Except as otherwise provided by this Code or state law, every person engaging in business within the Town shall obtain and maintain a valid business license issued under this chapter.
- (C) **Separate approvals required.** A business license issued under this chapter does not constitute or replace any zoning approval, conditional use permit, building permit, alcohol approval, state license, or other authorization required by law. Likewise, obtaining any other governmental approval does not eliminate the requirement to obtain a Town business license when otherwise required.
- (D) **Responsibility.** Every person conducting business within the Town is responsible for obtaining and maintaining any required business license.
- (E) **Separate locations.** A separate business license is required for each business location unless otherwise approved by the Mayor or designee.
- (F) **Multiple business activities.** A person conducting multiple business activities at a single location may be required to obtain separate business licenses or may, in the discretion of the Mayor or designee, be issued a single license identifying all approved business activities.
- (G) **Exemptions.** Unless otherwise required by law, the following are exempt from the licensing requirements of this chapter:
 - a. businesses engaged solely in wholesale or resale activities without a place of business within the Town;

- b. agricultural production;
- c. incidental business activities producing less than the amount established by Town Council resolution;
- d. nonprofit organizations exempt from taxation under federal law;
- e. businesses expressly exempted by state or federal law; and
- f. businesses exempt under a valid reciprocity agreement authorized by law.

(H)Criminal penalty. It is unlawful to engage in business without a license required by this chapter. The Town may enforce this chapter through one or more remedies available under this Code or applicable law, including a notice of violation, administrative or civil enforcement, suspension or revocation of a business license, injunctive relief, or criminal prosecution.

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Unless another penalty is specifically provided, a violation of this chapter constitutes a Class B misdemeanor. The Town is not required to pursue any particular remedy or sequence of remedies before pursuing another remedy authorized by law.

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§ 110.02 LICENSE ADMINISTRATION.

(A)Administration. The Mayor or designee shall administer this chapter.

(B)Duties. The Mayor or designee may:

- a. prescribe application forms;
- b. receive and review applications;
- c. investigate applications as reasonably necessary;
- d. inspect business premises for compliance with applicable laws;
- e. issue business licenses;
- f. deny applications that do not satisfy applicable requirements;
- g. renew, suspend, or revoke licenses as authorized by this chapter; and
- h. perform all other administrative duties necessary to implement this chapter.

(C)Assistance. The Mayor or designee may consult with or request assistance from the Town Attorney, Building Official, Fire Official, Code Enforcement

Officer, Planning and Zoning Administrator, Garfield County, or other governmental agencies as reasonably necessary.

§ 110.03 APPLICATIONS.

- (A) **Application required.** An application shall be submitted on forms approved by the Mayor or designee.
- (B) **Required information.** The application shall contain information reasonably necessary to determine compliance with this Code and applicable law, including:
 - a. applicant name;
 - b. business name;
 - c. business address;
 - d. mailing address;
 - e. description of the proposed business;
 - f. ownership information;
 - g. contact information;
 - h. any state or federal license required for the proposed business; and
 - i. any other information reasonably necessary to administer this chapter.
- (C) **Certification.** Applications shall be signed by the applicant certifying that the information provided is true and complete.
- (D) **Fees.** The application shall be accompanied by the applicable license fees as established in the Town Fee Schedule, as amended from time to time.

§ 110.04 REVIEW; ISSUANCE; DENIAL; RENEWAL.

- (A) **Review.** The Mayor or designee shall review each application for compliance with this Code and applicable law.
- (B) **Grounds for denial.** A license may be denied if:
 - a. the application is incomplete;
 - b. the application contains materially false information;
 - c. the proposed business lacks required zoning approval or other Town approval;
 - d. the applicant lacks a required state or federal license;

- e. issuance would violate this Code or applicable law; or
- f. the applicant has failed to satisfy outstanding requirements that lawfully preclude issuance.

(C) **Written notice.** If an application is denied, the Mayor or designee shall provide written notice stating the reasons for denial.

(D) **Renewal.** Business licenses shall be renewed annually.

(E) **Renewal date.** Unless otherwise provided by this Code, every annual business license expires on the last day of February and shall be renewed on or before March 1.

(F) **Temporary businesses.** Temporary businesses may be issued licenses for a period established by the Mayor or designee consistent with applicable zoning regulations.

§ 110.05 APPEALS.

(A) **Appeal.** An applicant or license holder aggrieved by a final decision of the Mayor or designee under this chapter may appeal the decision to the Town Council by filing a written notice of appeal with the Town within ten (10) business days after the decision is issued.

(B) **Record on appeal.** The Mayor or designee shall transmit to the Town Council the application, supporting materials, written decision, and any other materials considered in making the decision.

(C) **Standard of review.** The Town Council shall review the decision based upon the administrative record and shall uphold the decision unless the appellant demonstrates that the decision:

- a. exceeded the authority granted by this Code or applicable law;
- b. was based upon an erroneous interpretation or application of this Code or applicable law;
- c. was arbitrary, capricious, or an abuse of discretion; or
- d. was not supported by substantial evidence contained in the administrative record.

(D) **Additional evidence.** The Town Council may receive additional evidence only upon a determination that the evidence is material and that there was good cause for failing to present it to the Mayor or designee during the administrative review. If additional evidence is received, the Town Council may remand the matter to the Mayor or designee for further consideration.

(E) **Decision.** The Town Council may affirm, reverse, modify, or remand the decision. The Town Council's decision shall be in writing and shall constitute the Town's final administrative action.

§ 110.06 LICENSE CERTIFICATE.

(A) Each license shall identify:

- a. the license holder;
- b. the business name;
- c. the business location;
- d. the authorized business activity;
- e. the effective date;
- f. the expiration date; and
- g. any conditions placed upon the license.

(B) The license shall be displayed at the licensed premises whenever reasonably practicable.

§ 110.07 LICENSE FEES.

(A) License fees shall be established by resolution in the Town Fee Schedule.

(B) Fees shall be paid before issuance or renewal of a license.

(C) Applications submitted after September 1 may be assessed a prorated fee as established by resolution.

(D) License fees are nonrefundable after issuance unless otherwise authorized by the Town Council.

(E) Any renewal fee not paid by March 1 shall be delinquent.

(F) Renewal fees paid after March 1 shall be subject to late fees established by the Town Fee Schedule.

(G) A business operating after February 28 without a valid business license shall be considered to be operating without a license and shall be subject to the penalties provided by this chapter and other applicable laws.

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ORDINANCE NO. 2026-A

TOWN OF BOULDER, STATE OF UTAH

**AN ORDINANCE OF THE TOWN OF BOULDER AMENDING CHAPTER 111
OF TOWN CODE RELATING TO ALCOHOL**

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 111 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 111 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
3. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this [date] day of [Month], 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

Voting:

Lacy Allen	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Josh Ellis	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
John Veranth	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Tina Karlsson	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Cheryl Cox	Yea ☐	Nay ☐	Abstain ☐	Absent ☐

Attest: Elizabeth Julian, Town Clerk

DEPOSITED in the office of the Town Clerk this [date] day of [Month], 2026.

RECORDED this [date] day of [Month], 2026.

EXHIBIT A

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

§ 111.01 Purpose and Authority.

§ 111.02 Definitions.

§ 111.03 License Required; Role of the Town.

§ 111.04 Local Consent Procedure.

§ 111.05 Finality of Decision.

§ 111.06 Penalties and Enforcement.

§ 111.01 Purpose and Authority.

A. The purpose of this ordinance is to acknowledge that the licensing, sale, storage, service, furnishing, and consumption of alcoholic products within the Town are regulated primarily by the State of Utah under Title 32B of Utah Code (the "Alcoholic Beverage Control Act"), and to establish the Town's procedures for providing local consent where required by state law.

The Town's role under this ordinance is limited to acting as the local authority for purposes of Title 32B by granting or denying local consent when required as part of the State's alcohol licensing process. Final authority to issue, deny, suspend, revoke, or renew state alcohol licenses remains with the Utah Department of Alcoholic Beverage Services and the Alcoholic Beverage Services Commission.

Nothing in this ordinance shall be construed to limit or impair the Town's authority to regulate the location, construction, occupancy, operation, or use of property or businesses through zoning, land use regulation, business licensing, building and fire codes, nuisance abatement, public safety regulations, or any other authority granted by federal, state, or local law.

The granting of local consent under this ordinance does not constitute, replace, or satisfy any separate approval, permit, license, land use authorization, or regulatory requirement otherwise required by the Town. Likewise, the issuance of a state alcohol license does not exempt any person or business from compliance with applicable municipal ordinances or authorize any use prohibited by local law.

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Deleted: and administered by the Utah Department of Alcoholic Beverage Services and the Alcoholic Beverage Services Commission,

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Deleted: process for granting or denying "local consent."

Commented [1]: This section appropriately recognizes that Utah has adopted a centralized alcohol licensing system under Title 32B of Utah Code and that retail alcohol licenses are issued by the Utah Department of Alcoholic Beverage Services and the Alcoholic Beverage Services Commission rather than municipalities.

It also correctly identifies local consent as the Town's principal role in the licensing process.

You will want to consider, however, whether by trying to reassure applicants, this language may unintentionally suggest that the Town has relinquished regulatory authority that state law expressly preserves to municipalities over zoning, land use, business licensing, building and fire code compliance, and other exercises of the Town's police powers.

I offer a few light edits to address this concern.

Deleted: B. This ordinance is intended to mirror state law and to satisfy state requirements for written consent of the local authority. It does not create additional substantive licensing, operational, training, insurance, proximity, or other requirements beyond those imposed by Utah Code Title 32B and rules of the Utah Department of Alcoholic Beverage Services.

§ 111.02 Definitions.

Unless otherwise expressly provided in this chapter, words and phrases used in this chapter shall have the meanings assigned to them in Title 32B, Utah Code, as amended.

As used in this chapter:

“Act” means Title 32B, Utah Code Annotated, the “Alcoholic Beverage Control Act,” as amended.

“Commission” means the Alcoholic Beverage Services Commission created in Section 32B-2-201 of Utah Code.

“Department” means the Utah Department of Alcoholic Beverage Services.

“Alcoholic product” and “alcoholic beverage” have the meanings assigned in the Act and include products containing at least 0.5% alcohol by volume.

“Local authority” means, for premises located within the incorporated town, the governing body of the Town.

“Local consent” means the written consent of the Town, acting as the local authority, that is required under Title 32B of Utah State Code as part of the State's alcohol licensing process.

§ 111.03 License Required; Role of the Town.

A. State license required. State License Required. No person may manufacture, store, sell, offer for sale, furnish, or permit the consumption of an alcoholic product except as authorized by Title 32B and pursuant to a retail license or other authorization issued by the Utah Alcoholic Beverage Services Commission, when required by law.

B. When Title 32B requires local consent as part of an application for a state retail license, an applicant shall obtain the Town's written local consent before the application may be considered by the Commission. The Town's approval constitutes local consent only and does not authorize the sale, service, manufacture, storage, or distribution of alcoholic products unless and until the Commission issues the applicable state license.

C. No separate Town alcohol license. The Town does not issue a standalone Town alcohol license and does not guarantee state licensure. With respect to alcohol

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Commented [2]: This section restates a few of the definitions from state code and does not add any new definitions. This is a good practice that will minimize conflict with state law and ensure consistency with the same.

Because state code includes additional terms that are not included here, I recommend a one-sentence introduction noting the source of the definitions and the interrelation between state and town code.

Added definitions for other terms used in the ordinance but not previously included in the definitions section.

Deleted: “Local consent,” as used in this ordinance, means the written consent of the Town, acting as the local authority, that must be submitted to the Department as part of an applicant's state alcohol license application under Utah Code §32B-5-201(2)(d).

Deleted: Before any person may store, sell, or offer for sale an alcoholic product on premises in the Town as a retail licensee, that person must first obtain the appropriate retail license issued by the Alcoholic Beverage Services Commission under Title 32B, regardless of whether the person holds a local license or permit. A violation of this requirement is classified by state law as a class B misdemeanor.

Deleted: Local consent required. As part of the state licensing process, an applicant must submit proof of “Local consent”.

licensing, the Town's role is limited to granting or denying local consent under this ordinance.

D. Other Municipal Approvals. Nothing in this chapter relieves any person from complying with any other applicable provision of the Boulder Town Code or other law, including requirements relating to zoning, land use, business licensing, building and fire codes, health and safety regulations, nuisance enforcement, or other lawful municipal authority. The issuance of local consent does not constitute approval under, or satisfy the requirements of, any other municipal ordinance, permit, or approval process.

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Commented [3]: This section correctly recognizes that the State, rather than the Town, issues retail alcohol licenses. However, it does not accurately reflect the statutory framework in several respects: Subsection A implies that an applicant first obtains a state license, when local consent is actually a prerequisite to issuance of many state retail licenses. Subsection B overstates the requirement for local consent by suggesting it applies to every retail license rather than only those for which Title 32B requires local consent. Subsection C should clarify that, although the Town no longer issues a separate alcohol license, alcohol-related businesses remain subject to the Town's generally applicable business licensing, zoning, land use, building, fire, nuisance, and other municipal regulations.

I offer revisions to more clearly distinguish the State's licensing authority from the Town's continuing regulatory authority.

§ 111.04 Local Consent Procedure.

A. Application for Local Consent. An applicant requesting local consent shall submit a written request to the Town Clerk or Recorder together with the information reasonably necessary for the Town Council to determine whether local consent should be granted. The Town may rely upon materials submitted as part of the applicant's state alcohol license application and shall not require duplicate submissions unless additional information is reasonably necessary to evaluate the request.

The application should identify:

1. the applicant and the proposed licensed premises;
2. the type of state alcohol license sought;
3. the proposed use of the premises;
4. the status of any applicable zoning, land use, business licensing, or other municipal approvals; and
5. any additional information reasonably requested by the Town that is relevant to the Town's local consent determination.

B. Public meeting requirement.

1. The Town Council is the “local authority” for premises located within the Town.
2. The Town Council shall consider any request for local consent in an open and public meeting held in compliance with the Utah Open and Public Meetings Act (“OPMA”).

C. Agenda item.

1. An applicant seeking local consent shall ask to be placed on a regular or special Town Council meeting agenda.
2. The Town Clerk or Recorder shall place the request on the next regular or special Town Council agenda that is reasonably practicable and complies with applicable notice.

C. Council review.

1. During the public meeting, the applicant (or the applicant’s representative) may present the nature of the proposed business and the type of state alcohol license sought.
2. The Town Council may ask questions and request additional information reasonably necessary to determine whether local consent should be granted. In

Commented [4]: I like the overall structure of this section and the effort to provide applicants with a clear process.

One suggestion is to simplify the procedure so that it more closely reflects the Town's limited role in the State's licensing process. Rather than duplicating information already reviewed by DABS, consider requesting only the materials reasonably necessary for the Town's local consent determination.

It may also be helpful to identify the factors the Town will consider when acting on a request for local consent (such as zoning, land use, and compliance with other applicable municipal regulations) while avoiding matters that are evaluated by the Commission as part of the State licensing process.

I also recommend adding a brief statement clarifying that local consent does not guarantee issuance of a state license and does not replace any other Town permit or approval.

Deleted: A

Deleted: B

Deleted: schedule the item on the next practical agenda.

making its determination, the Town Council may consider whether the proposed use complies with applicable zoning, land use, business licensing, and other municipal requirements, together with any other factors that Title 32B authorizes the local authority to consider. The Town Council need not independently evaluate licensing qualifications or other matters committed by law to the Department or the Commission.

3. The Town Council shall then vote in the open meeting to either grant or deny local consent.

D. Form of local consent.

1. If the Town Council grants local consent, the Council's approval shall be recorded in the meeting minutes.
2. The Mayor, or another official designated by majority vote of the Town Council at that same meeting, is authorized to sign the written local consent form or letter for submission to the Department.

3. The Town's written local consent constitutes only the Town's approval for purposes of Title 32B. It does not authorize the sale, service, manufacture, storage, or distribution of alcoholic products unless and until the applicable state license has been issued.

E. Denial.

If the Town Council votes to deny local consent, the denial and the principal reasons supporting the decision shall be stated on the record during the public meeting and reflected in the meeting minutes. The reasons should be based upon applicable municipal regulations or other considerations authorized by Title 32B.

§ 111.05 **Finality of Decision.**

The Town Council's decision to grant or deny local consent shall constitute the Town's final action for purposes of this chapter. Nothing in this chapter limits the Town Council's authority to reconsider a prior action in accordance with its rules of procedure and applicable law. § 111.06 Penalties and Enforcement.

Nothing in this chapter limits the Town's authority to enforce the Boulder Town Code or other applicable law. Violations of applicable zoning, land use, business licensing, building, fire, nuisance, or other municipal regulations may be enforced through any remedy authorized by the Boulder Town Code or other applicable law.

Nothing in this chapter creates a separate municipal offense for violations of Title 32B or limits the authority of the Utah Department of Alcoholic Beverage Services.

Deleted: The Town Council may ask questions necessary to confirm that the applicant intends to comply with Title 32B and all applicable state prerequisites to licensure (e.g., including but not limited to those described in Utah Code §32B-5-201 such as personal qualifications/background, criminal record, age, business licensing, insurance, floor plan, responsible alcohol service plan, etc.).

Deleted: If the Town Council votes to deny local consent, the denial and the reasons for denial shall be stated on the record in the public meeting and noted in the minutes.

Deleted: Appeals / Reconsideration

Commented [5]: Query whether this section is necessary. Because the Town Council is the local authority and makes the initial decision on local consent, there is no higher municipal decision-maker to hear an appeal. Creating a formal appeal or reconsideration process appears to add procedural requirements not contemplated by Title 32B and may unnecessarily complicate the Town's limited role in the State licensing process.

I recommend deleting this section entirely and treating the Town Council's decision as final, subject to any reconsideration the Council may undertake through its ordinary meeting procedures.

Commented [6]: I recommend simplifying this section. Because the Town does not issue alcohol licenses or enforce Title 32B, the ordinance should avoid creating separate municipal penalties for conduct already regulated by state law.

Instead, the enforcement provisions should be limited to violations of the Boulder Town Code or conditions imposed under other lawful municipal authority. I recommend that any reference to penalties should rely on the Town's existing general enforcement provisions rather than creating a separate penalty structure for alcohol-related businesses.

This approach more clearly reflects the division of authority between the State and the Town and avoids duplicative enforcement mechanisms.

Deleted: A. An applicant whose request for local consent is denied may submit a written request for reconsideration to the Town Clerk or Recorder within 30 calendar days after the Town Council's vote.[¶]

B. Upon receipt of a timely request for reconsideration, the Town Clerk or Recorder shall place the reconsideration item on the agenda of the next practical Town Council meeting[¶]

C. After reconsideration, the Town Council shall take final action in an open meeting. Nothing in this section limits any remedy the applicant may pursue directly with the Department or under applicable state law.[¶]

the Utah Alcoholic Beverage Services Commission, or any other governmental entity to enforce state law.

Deleted: A. It is unlawful for any person to store, sell, offer for sale, furnish, or permit consumption of an alcoholic product on premises within the Town without first obtaining the required state retail license and, where applicable, local consent as required by Utah Code §32B-5-201. A violation of this requirement is a class B misdemeanor under state law.¹

B. Any person or entity found operating in violation of this code shall be assessed an administrative penalty of \$500. Each day of operation in violation of this ordinance may be charged as a separate offense to the extent allowed by law.

Report Title: Amending Fire Restrictions Ordinance

Governing Body: Town Council

Meeting Date: April 7, 2026

Agenda Item: Discussion on Amending the Fire Restrictions Ordinance

Item Type: Discussion

Contributors: Cheryl Cox, Josh Ellis, Corry Johnson, and Elizabeth Julian

Prepared by: Elizabeth Julian

Date Submitted: March 31, 2026

RECOMMENDED ACTION

It is recommended that the Town Council adopt a new ordinance to amend Boulder Town Code §130.01 based on the following:

1. Amend the default annual fire restriction period to May 1 to October 31, with provisions to shorten or expand this timeframe by resolution.
2. Align the definitions and prohibited acts with the Stage 1 and Stage 2 language and structure used by the State of Utah Division of Forestry, Fire, and State Lands and Unincorporated Private Property in Garfield County.
3. Follow the required process for amending an ordinance, including scheduling and holding a public hearing.

BACKGROUND

The Town Council has historically had to pass a resolution to extend the fire restriction period defined in Boulder Town Code §130.01 Fire Restrictions due to increasing fire danger and associated weather conditions.

Councilmember Josh Ellis recommended updating the ordinance to set a default restriction period from April or May through October or November, with the option to shorten the period by resolution during rare wet seasons.

It is suggested that the ordinance language be reviewed and updated to align with the State of Utah's Division of Forestry, Fire, and State Lands' Stage 1 and Stage 2 restrictions, which affect public and unincorporated private land in Garfield County.

This alignment is recommended because the current disparity between the town's ordinance and the state's restrictions may lead to public confusion, as demonstrated by the Fire Ban and Safety Reminders Public Notice issued on June 27, 2025.

The State's restrictions are governed by Utah State Law, Section 65A-8-212, and apply to all unincorporated private and state lands.

KEY DISCREPANCIES

The current Boulder Town Ordinance (§ 130.01) is often insufficient for the actual fire season, and the discrepancies with State/County regulations have caused public confusion (as seen in the June 27, 2025 Public Notice).

- Restriction Period: The existing Town ordinance (June 1 to October 31) is too short for the fire season.
- Prohibited Acts: The Town's current language (open fires, smoking, fireworks) is less restrictive and comprehensive than State/County standards.
- Specific Gaps: The current Town Code does not explicitly mention the Stage 1 prohibitions on dangerous activities such as:
 - Cutting, welding, or grinding metal in dry vegetation.
 - Operating small engines without a spark arrestor.
 - Requirement for running water to be available for established fire pits.

PROCESS AND TIMELINE

- Drafting Period: Assigned Town Council Member and/or Administrative Staff will draft the new ordinance language, incorporating the May 1–October 31 timeframe and aligning prohibited acts with State/County Stage 1 and Stage 2 restrictions. The draft must clearly define which stage (1 or 2) is in effect when the Town Council declares restrictions.
- Review: The draft ordinance will be reviewed by the Town Attorney prior to presentation to the Town Council.
- May 5, 2026: Schedule and hold a Public Hearing on the proposed revised ordinance.
- June 2, 2026: Consider adoption of the amended ordinance.

ATTACHMENTS

A. BT Code	Boulder Town Code 130.01 Fire Restrictions	 BT-2026_CODE_BT_130...
B. Public Notice	Boulder Town Public Notice Fire Ban and Safety Reminders June 27, 2025	 2025 June 27 Notice Fir...
C. Fire Restriction	Southwest Utah Fire Restriction Order (Stage 1) Effective June 1, 2025	 State Stage 1 Restrictio...
D. Website: Active Fire Restrictions	Utah Active Fire Restrictions with State 1 and 2 defined	https://utah-fire-info-utahdnr.hub.arcgis.com/pages/ba47d998e6b04639bbf50954cf5aa8c7
E. UT Code	Utah State Code C65A-8-S212 Fire Control	 BT-2026_CODE_UT_C6...
F. Website: Iron County Fire	Iron County's Current Fire Restriction: Stage 1 ...	https://ironcountyut.gov/fire

REDRAFT OF CHAPTER 130: FIRE RESTRICTIONS

Section 1. Legislative Findings.

The Town Council finds that:

A. Wildfire poses a significant threat to the public health, safety, welfare, property, and natural resources of Boulder Town.

B. The existing annual fire restriction period has required frequent modification to reflect actual fire conditions and no longer adequately corresponds to the modern wildfire season.

C. Aligning the Town's fire restrictions with the State of Utah's Stage 1 and Stage 2 fire restriction framework will promote consistency, improve public understanding, and reduce confusion.

D. This ordinance is adopted pursuant to the Town's authority under Utah law to protect the public health, safety, and welfare and is intended to complement applicable federal, state, and county fire restrictions.

§ 130.01. Purpose.

The purpose of this chapter is to reduce the risk of wildfire within Boulder Town by establishing seasonal fire restrictions, authorizing additional restrictions when fire danger warrants, promoting consistency with the fire restriction framework administered by the Utah Division of Forestry, Fire, and State Lands pursuant to Utah Code Section 65A-8-212, and protecting the public health, safety, and welfare.

§ 130.02. Definitions.

As used in this chapter:

APPROVED FIRE PIT means a permanently constructed stone, masonry, concrete, or metal fire pit or fireplace designed to contain open flames and prevent the spread of fire.

Commented [1]: These can be included in the adopting ordinance if you would prefer to have them there. I recommend including them here as they will reinforce against a challenge to the Town using its police powers to regulate fire.

FIRE CHIEF means the chief of the Boulder Town Fire Department or the chief's designee.

FIREWORKS has the meaning provided in the Utah Fire Prevention and Safety Act.

OPEN FIRE means any outdoor fire or combustion of combustible material, whether for warmth, cooking, recreation, disposal, or any other purpose, excluding devices specifically exempted by this chapter.

PYROTECHNIC DEVICE has the same meaning as provided by Utah law and includes exploding targets and similar devices designed to produce combustion, explosion, heat, smoke, or light.

SPARK ARRESTOR means a properly installed and maintained device designed to prevent the emission of sparks or flaming particles from an internal combustion engine.

STAGE 1 FIRE RESTRICTIONS mean restrictions established pursuant to § 130.04.

STAGE 2 FIRE RESTRICTIONS mean restrictions established pursuant to § 130.05.

§ 130.03. Annual Fire Restriction Season.

(A) Unless otherwise provided by resolution of the Town Council, the annual fire restriction season shall begin on May 1 and continue through October 31 of each year.

(B) The Town Council may, by resolution:

1. begin restrictions before May 1;
2. terminate restrictions after October 31;
3. shorten the annual restriction period when fire conditions warrant; or

4. declare that Stage 1 Fire Restrictions, Stage 2 Fire Restrictions, or no seasonal restrictions shall be in effect.

(C) In determining whether restrictions should be imposed, modified, or terminated, the Town Council may consider:

1. recommendations of the Boulder Town Fire Department;
2. recommendations of the Utah Division of Forestry, Fire, and State Lands;
3. restrictions imposed by Garfield County or federal land management agencies;
4. weather conditions;
5. fuel moisture;
6. drought conditions;
7. wildfire activity; and
8. any other factors affecting public safety.

§ 130.04. Stage 1 Fire Restrictions.

Unless otherwise modified by resolution, the following restrictions apply whenever the Town Council declares Stage 1 Fire Restrictions.

(A) No person shall build, maintain, attend, or use an open fire except:

1. within an approved fire pit located on private property where running water is immediately available; or
2. within an established fire ring or other facility specifically designated for fires by the Town or another governmental agency.

(B) No person shall smoke outdoors except:

1. within an enclosed vehicle;
2. within an enclosed building;
3. within a developed recreation site; or
4. while stopped in an area paved or otherwise free of dry vegetation.

(C) No person shall discharge or use fireworks, pyrotechnic devices, tracer ammunition, or exploding targets.

(D) No person shall cut, weld, or grind metal in an area containing dry vegetation.

(E) No person shall operate a motorcycle, chainsaw, all-terrain vehicle, utility terrain vehicle, or other small internal combustion engine unless equipped with a properly functioning spark arrestor.

§ 130.05. Stage 2 Fire Restrictions.

Whenever the Town Council declares Stage 2 Fire Restrictions, the following restrictions apply in addition to all Stage 1 Fire Restrictions.

(A) No person shall ignite, maintain, or use any open fire.

(B) The prohibition in subsection (A) does not apply to propane, natural gas, or other compressed-gas cooking appliances equipped with an on/off valve and used in an area cleared of combustible material.

(C) The Town Council may impose additional restrictions by resolution when reasonably necessary to protect public health, safety, and property.

§ 130.06. Relationship to Other Laws.

(A) This chapter establishes minimum fire restrictions within Boulder Town.

(B) This chapter is intended to complement, and not replace, applicable fire restrictions adopted by the United States, the State of Utah, Garfield County, or any other governmental entity having jurisdiction.

(C) Compliance with this chapter does not excuse compliance with any applicable federal, state, county, or other lawful fire restriction.

(D) When multiple restrictions apply to the same activity, the more restrictive provision shall govern.

§ 130.07. Emergency Restrictions.

Nothing in this chapter limits the authority of the Town Council to adopt emergency fire restrictions by resolution whenever extraordinary fire danger exists.

§ 130.08 Construction.

Nothing in this chapter shall be construed to authorize any act prohibited by the Utah Fire Code, the Utah Fire Prevention and Safety Act, or any other applicable provision of state or federal law.

§ 130.09. Enforcement.

This chapter may be enforced by:

1. Boulder Town law enforcement officers;
2. the Garfield County Sheriff's Office;
3. the Boulder Town Fire Department; and
4. any other person authorized by law.

§ 130.10. Violations and Penalties.

(A) A violation of this chapter constitutes a misdemeanor as provided in the Town's general penalty provisions unless another penalty is specifically provided by Utah law.

(B) Each separate act, each prohibited fire, and each individual firework or pyrotechnic device discharged constitutes a separate offense.

§ 130.11. No Duty Created.

Nothing in this chapter creates a duty on the part of Boulder Town, its officers, employees, or agents to inspect property, discover violations, prevent fires, or protect any person or property from wildfire.