

ORDINANCE NO. 2026-04

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;

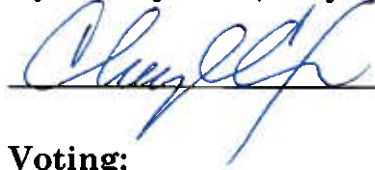
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

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 1st day of September, 2026.

Boulder Town Council

By: Cheryl Cox, Mayor





Voting:

Lacy Allen	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Josh Ellis	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
John Veranth	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Tina Karlsson	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Cheryl Cox	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>

Attest: Elizabeth Julian, Town Clerk



DEPOSITED in the office of the Town Clerk this 4th day of September, 2026.

RECORDED this 4th day of September, 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, including home-based businesses with no (zero) impact outside the home; and
- f. businesses exempt under a valid reciprocity agreement authorized by law.

(H)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.

The Town is not required to pursue any particular remedy or sequence of remedies before pursuing another remedy authorized by law.

§ 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.