



GRAND COUNTY COMMISSION WORKSHOP- SPECIAL MEETING

Grand County Commission Chambers
125 East Center Street, Moab, Utah

AGENDA

Monday, May 2, 2022

Commission meetings allow for both in-person or virtual attendance. Remote participation is through Zoom and meetings are broadcast live on YouTube. To call in to the meeting dial:
(669) 900 – 6833

Use Meeting ID: 851 7082 0571 # Password (if needed): 214317. To unmute press *6.

To watch live on YouTube visit: <https://tinyurl.com/Grand-County-Utah-YouTube>

To join via Zoom visit: <https://tinyurl.com/Grand-County-Commission-Zoom>

Jacques Hadler, Chair

1:00 p.m.

Call to Order

Discussion Items:

- A. County Noise 2.0 Strategy

Future Considerations

Adjourn

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

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

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

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

AGENDA SUMMARY
GRAND COUNTY COMMISSION WORKSHOP

MAY 2, 2022

Agenda Item: A

TITLE:	REPEALING TITLE 5 (BUSINESS LICENSES) OF THE GRAND COUNTY GENERAL ORDINANCES AND RELATED ORDINANCE NO. 632 AND ADOPTING NEW TITLE 5 (BUSINESS LICENSES)
FISCAL IMPACT:	N/A
PRESENTER(S):	Christina Sloan, County Attorney

Prepared By:

Christina Sloan,
County Attorney

BACKGROUND:

H.B. 146 struck down most of the County's ATV regulations - and is effective May 4, 2022. This revision brings Title 5 into compliance with H.B. 146.

ATTACHMENT(S):

1. Proposed Ordinance
2. Exhibit A, proposed Title 5 Amendments, redlined against current regulations

FOR OFFICE USE ONLY:

Attorney Review:

Complete

GRAND COUNTY, UTAH
ORDINANCE NO. ____ (2022)

REPEALING TITLE 5 (BUSINESS LICENSES) OF THE GRAND COUNTY GENERAL ORDINANCES AND RELATED ORDINANCE NO. 632 AND ADOPTING NEW TITLE 5 (BUSINESS LICENSES) OF THE GRAND COUNTY GENERAL ORDINANCES

WHEREAS, Chapter 27a of Title 17 of the Utah Code requires the County to provide for the health, safety, and welfare of its residents; to improve the peace and good order, comfort, convenience, and aesthetics of the County; protect the tax base; foster the state’s agricultural and other industries; promote the orderly development of urban and nonurban development; and provide fundamental fairness in land use regulation;

WHEREAS, Utah Code § 17-53-216 permits the County’s legislative body, by ordinance, to provide for the licensing of businesses for the purpose of regulation;

WHEREAS, as provided in Utah Code § 17-50-302, the County may exercise powers and perform functions that are reasonably related to the “safety, health, morals, and welfare of County inhabitants,” including the levy and collection of taxes and assessment;

WHEREAS, in further exercise of the County’s general powers, as provided in Utah Code § 17-53-223, the county may “pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by this title, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county;”

WHEREAS, as provided in Utah Code § 17-53-216, the County may adopt ordinances which provide for the licensing of businesses defined as “any enterprise carried on for the purpose of gain or economic profit,” within their jurisdictions for the purpose of regulation and includes the power to deny, revoke, or suspend such license;

WHEREAS, Utah Code § 59-1-210 reserves the power to administer, supervise, and enforce the tax laws of the State to the Utah Tax Commission but does not limit the power of the County to investigate public officers, persons, and officers or agents of corporations for failure or neglect to comply with the statutes governing the reporting, assessment, and taxation of property;

WHEREAS, Grand County adopted amended business licensing and alcohol regulations via Ordinance No. 635 (2021), which are codified in Title 5 (Business Licenses) of the Grand County General Ordinances;

WHEREAS, in light of an increase in Excessive and Unusual Noise created by motor vehicles in the County, including street-legal ATVs rented/leased and used by local businesses, the County desires to update Title 5 to more effectively regulate such ATV Businesses and their ATV Fleets;

WHEREAS, numerous studies have found noise pollution increases anxiety, depression, high blood pressure, heart disease, and stroke; small increases in unwanted ambient sound have significant health effects¹ and noise aggravates health conditions by inducing higher levels of stress;² and

WHEREAS, the procedures and timelines set forth in Ordinance No. 635 have proven to be less efficient in reducing and/or mitigating noise from ATV Fleets, in particular the timing for requiring vehicle licensing and compliance with Title 11 via noise testing;

WHEREAS, local Overnight Accommodation and Motor Vehicle Businesses are or may be under-reporting and under-paying sales and use taxes based on misunderstandings of tax requirements and classifications, which tax information, including occupancy and rental reporting, and payments are critical to the ability of Grand County to efficient run its local government, mitigate the impacts of its tourism economy, mitigate the impacts of its ATV economy, and increase economic diversity to the benefit of the community; and

WHEREAS, upon consideration of this matter at a public workshop on May 2, 2022 and a public meeting on May 3, 2022, the Grand County Commission determined this Ordinance is in the best interests of the public;

NOW, THEREFORE, BE IT ORDAINED that the Grand County Commission hereby:

1. Repeals Title 5 (Business Licenses) to the Grand County General Ordinances and related Ordinance No. 632; and
2. Adopts new Title 5 (Business Licenses) of the Grand County General Ordinances as follows: *see Exhibit A*.

To preserve the peace and health of the County, its residents, and its visitors, this Ordinance shall take effect immediately upon publication in the *Times Independent* pursuant to Utah Statute.

¹ Jariwala, Noise Pollution and Human Health: A Review, https://www.researchgate.net/publication/319329633_Noise_Pollution_Human_Health_A_Review

² Floud, Medication use in relation to noise from aircraft and road traffic in six European countries: results of the HYENA study, <https://pubmed.ncbi.nlm.nih.gov/21084328/>; Schmidt, Effect of nighttime aircraft noise exposure on endothelial function and stress hormone release in healthy adults <https://academic.oup.com/eurheartj/article/34/45/3508/435199>; Hahad, Annoyance to Different Noise Sources is Associated With Atrial Fibrillation, [https://www.internationaljournalofcardiology.com/article/S0167-5273\(17\)37174-7/fulltext](https://www.internationaljournalofcardiology.com/article/S0167-5273(17)37174-7/fulltext); Orban, Residential Road Traffic Noise and High Depressive Symptoms after Five Years of Follow-up: Results from the Heinz Nixdorf Recall Study, <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1409400>

ADOPTED by the Commission in a public meeting on May 3, 2022 as follows:

Those voting aye:

Those voting nay:

Those absent:

Grand County Commission:

ATTEST:

Jacques Hadler, Chair

Gabriel Woytek, Clerk/Auditor

Title 5

BUSINESS LICENSES

Chapters:

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

Chapter 5.01

GENERAL REGULATIONS

Sections:

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

5.01.010 Purpose

Pursuant to powers granted by the State of Utah as set forth in various provisions of the Utah Code, as amended, the County intends by this Title to regulate and license businesses and occupations within its unincorporated limits, to maintain a current index of licensed businesses and occupations, and to regulate licensed entities. Where this Chapter imposes a greater restriction upon persons, premises or personal property than is imposed or

required by such existing provisions of law, contract or deed, the provisions of this Title shall control. The amendment of this Title does not preclude enforcement of violations or collection of business license taxes and penalty fees under this chapter which existed at the time of taxation or violation prior to the implementation of any amendment.

5.01.020 Definitions

For the purposes of this **Title 5 only**, the following terms shall be defined as follows.

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

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

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

D. “ATV Rental Business” means all businesses that rent or lease ATVs for independent use by a customer for consideration. An ATV Rental Business may also provide ATV outfitting and guide services.

E. “ATV Outfitter and Guide Service Business” means all businesses that rent ATVs or allow use of ATVs during a guided tour or other service with an agent of the ATV Business by a customer for consideration. An ATV Outfitter and Guide Service Business may not provide ATVs rented or leased by a customer for their independent use for consideration.

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

G. “ATV Rental Fleet” means all ATVs rented or leased by a customer for their independent use for consideration. An ATV Rental Fleet does not include ATVs driven solely by customers during a guided tour.

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

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

J. “Engaging in Business” or “Carrying on Business” means and includes, **without limitation, marketing in Grand County, marketing activities that occur in Grand County, collecting fees or making sales in Grand County,** manufacturing goods or property, rendering personal services in exchange for consideration, or conducting other business activities **in Grand County.** The rendering of personal services by an employee to an employer under any contract of personal employment shall not be considered as engaging in business.

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

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

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

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

O. **“Motor Vehicle Business” means a Business which rents or leases Motor Vehicles, or otherwise provides a Motor Vehicle to a customer for their use as part of an outfitting or guide service, including but not limited to ATV Businesses.**

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

Q. “Parcel of Real Property” shall mean any an identifiable unit of land that has been subdivided or condominiumized or is otherwise treated as separate for valuation or zoning purposes and represented by a unique Parcel Number assigned by Grand County;

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

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

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

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

V. “Short-Term Accommodations” shall have the meaning assigned in Article 10 of the Grand County Land Use Code, as amended.

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

X. “Overnight Accommodation Business” means any Business which rents or leases Short-Term Accommodations for less than thirty (30) days, as defined by the Grand County Land Use Code, as amended.

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

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

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

5.01.030 License required; Exemptions;

A. *Licensed required.*

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

2. It is unlawful for any Person to engage in, carry on, or operate any Overnight Accommodation Business within the unincorporated area of Grand County, State of Utah without first obtaining a business license required by this Chapter for each separate Parcel of Real Property rented or leased for Short Term Accommodations.

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

4. Except as otherwise provided by Grand County Ordinance, all Special Events require a general or temporary business license.

5. All Businesses operating in a Non-Conforming Use require a general business license.

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

1. Businesses operated only occasionally by a Person under 18 years of age; and
2. Businesses without a physical location in the County IF 1) they are licensed by the City of Moab or the Town of Castle Valley; 2) the use permitted by the reciprocal license is otherwise legal in Grand County under local, state, and federal law, including but not limited to the Grand County General Ordinances and the Land Use Code; and 3) any Person doing Business in the unincorporated County shall provide to the office of the County Clerk a copy of its business license application within five (5) business days of submission to the City of Moab or Town of Castle Valley and a copy of its business license within five (5) business days of issuance by the City of Moab or Town of Castle Valley. In the event an exempt Business violates this Title 5, the County may revoke the exemption pursuant to the procedures set forth herein, including but not limited to Sections 5.01.140 and 5.01.150.

5.01.040 Sales Tax Affidavit

Each Business Sales and Use Tax License Number (or AirBnB/VRBO Account Number, or similar equivalent) shall submit a Sales Tax Affidavit, on forms maintained by the Grand County Clerk/Auditor, with each business license application and renewal signed by an authorized representative for the Business which attests to the following:

A. The Business shall collect and pay the “combined sales and uses tax rate” for Grand County as established by the Utah Tax Commission and published at: <https://tax.utah.gov/sales/rates>, as may be amended by state and local law, plus additional sales and uses taxes, as applicable for the particularized business use, including, but not limited to:

1. OHV rental tax on all short-term rentals of off-highway vehicles and recreational vehicles at the rate of 7% pursuant to Grand County Ordinance No. 641 (2021) and Utah Code § 59-12-603(1)(a)(ii);
2. Motor vehicle rental tax on all short-term leases and rentals not exceeding 30 days at the rate of 2.5% of the price paid or charged, pursuant to Utah Code § 59-12-1201;
3. Motor vehicle rental tax on all short-term rentals, except for short-term rentals of motor vehicles made for the purpose of temporarily replacing a person's motor vehicle that is being repaired pursuant to a repair or an insurance agreement, at the rate of 7% pursuant to Grand County Ordinance No. 641 (2021) and Utah Code § 59-12-603(1)(a)(i)(A) and (B); and
4. State and local transient room tax established by the Utah Tax Commission and published at: <https://tax.utah.gov/salestax/rate/22q1other.pdf>, which combined rate as of January 1, 2022 is 4.57%, as may be amended by state and local law.

B. As set forth in Utah Tax Commission Publication 69, the Business shall pay sales tax on the use of any personal property used or consumed during a tour or other guided service, including food, equipment, and vehicles, including mountain bikes, motor vehicles, and ATVs, which sales tax shall be applied to the price of the entire tour package if the Business cannot separately determine the cost of the personal property used or consumed;

C. The Business understands that the County provides the sales tax rate for the Business’ convenience only; it is the responsibility of the Business to know, collect, and pay the applicable sales tax as required by the Utah Sales and Use Tax Act; and

D. The Business understands that the Business and its owners shall be subject to civil and criminal penalties for failure to comply with the Utah Sales and Use Tax Act, and

corresponding Grand County Ordinances enacting or imposing permissible sales and uses taxes.

5.01.050 Term; Renewal; Reapplication

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

B. *Renewal.*

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

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

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

5.01.070 License fees

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

5.01.080 License application, general

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

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

~~C. All **Motor Vehicle** Businesses shall submit a Vehicle License Application to the office of the County Clerk on forms provided for that purpose. The Vehicle License Application is required in addition to the general business license for all other other business uses, even if conducted by the same business entity.~~

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

law, ~~including those additional requirements for Motor Vehicle and Overnight Accommodation Businesses set forth in Chapters 5.02 and 5.03.~~

5.01.090 Contents of application

A. All applications for any type of business license, **including renewal applications**, shall include:

1. Name and contact information of the **Business**;
2. **Name and contact information for the Responsible** Person for the Business ~~to whom the license shall be issued,~~
3. Nature of the Business **and Description of Business Use**;
4. Principal Office Address;
5. Mailing address, if different;
6. **Physical address**~~Place of Business~~, if different;
7. **Sales and Use Tax License Number (or AirBnB/VRBO Account Number, or similar equivalent)**;
8. **Sales Tax Affidavit**;
9. **Certificate of Existence from the Division of Corporations**;
10. **Statement of Authority proving signatory authority for the Business**;
11. For **ATV Businesses**, as required by Chapter 5.02:
 - i. **ATV Equipment Affidavit**;
12. For **Overnight Accommodation Businesses**, as required by Chapter 5.03:
 - i. **Physical address and Parcel No. for each Parcel of Real Property**;
 - ii. **Number of rooms used for Short Term Accommodations**;
13. Signatures of County officials and designees, including:
 - i. **Building Inspector**;
 - ii. **Planning and Zoning**;
 - iii. **Fire Department**; and
 - iv. **Sanitarian/Health Department**;
14. Fee(s) established by the Grand County Consolidated Fee Schedule, prorated on a quarterly basis for applications submitted after Quarter 1 (January-March); and
15. Additional documentation as the County may reasonably require.

5.01.100 Display of license

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

5.01.110 Inspection

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

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

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

5.01.120 Compliance with Law

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

5.01.130 Transferability

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

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

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

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

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

5.01.140 License issuance or denial

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

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

B. An application submitted hereunder may be denied if:

1. The Applicant has:

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

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

5.01.150 Revocation

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

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

5.01.160 Appeal

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

Chapter 5.02

ALL TERRAIN VEHICLES ~~MOTOR VEHICLES~~

Sections:

5.02.010 Purpose

~~5.02.020 Fleets~~

5.02.020 Maximum Number of ATV Business Licenses ~~Noise Compliance Certificate~~

5.02.030 ATV Equipment Affidavit

5.02.010 Purpose

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

~~5.02.020 Fleets~~

~~A. Inventory Required. Each Motor Vehicle Business shall file with the office of the County Clerk an inventory list identifying the make, model, year, parts (OEM or modified), type (Jeep/Truck/ATV/UTV/Passenger Car, etc.), and use (tour or rental) of each Motor Vehicle included in their fleet on or before January 31 of each year upon licensing renewal.~~

~~B. Maximum Fleet Size. An ATV Fleet shall not exceed eighteen (18) street-legal ATVs, and a Rental ATV Fleet shall not exceed the size disclosed in its written inventory filed with the Office of the County Clerk prior to April 15, 2021 (the date of original adoption of this Section 5.02.020), until such time as all ATVs in the ATV Fleet can meet an 88 dbA maximum sound pressure level under the Stationary/Equipment Test set forth in Table 1, Chapter 11.05 of the General Grand County Ordinances, at which time the maximum fleet size limitation terminates for that ATV Business.~~

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

5.02.020 Maximum Number of ATV Business Licenses ~~Noise Compliance Certificate~~

The office of the County Clerk may issue no more than three (3) Business Licenses to ATV Rental Businesses and four (4) additional Business Licenses to ATV Outfitter and Guide Service Businesses.

~~B. *ATV Identification.*~~

- ~~1. Each ATV Business shall install stickers identifying the Business Name and Logo and a unique number provided by the County on each side of each ATV in the ATV Fleet, which stickers shall be of a size that is legible from fifty (50').~~
- ~~2. Each ATV Business operating within Sand Flats Recreation Area shall install a whip flag on each ATV in the ATV Fleet identifying it by a unique number provided by the County, which whip flag shall be of a size that is legible from fifty (50').~~

~~C. *Maximum Sound Pressure Levels, db(A) for ATVs.* All ATVs in an ATV Fleet, including all those ATVs sold, rented, or driven by an ATV Business (or their owners, agents, and guides), shall not exceed the maximum sound pressure levels established in Title 11 of the Grand County General Ordinances. Further, an ATV Business shall not use, operate or maintain an ATV in its ATV Fleet with OEM modifications which increases the volume of the machine. Each ATV Business shall file a certificate of compliance with the Stationary/Equipment test set forth in Table 1, Chapter 11.05 of the Grand County General Ordinances (“Noise Compliance Certificate”) issued by the County’s Code Compliance Officer or other designee annually upon renewal of the business license, at the sole cost of the ATV Business pursuant to the fees set forth in the Grand County Consolidated Fee Ordinance. The County Clerk shall not issue a Vehicle license to an ATV Business until the Noise Compliance Certificate is submitted by the applicant.~~

- ~~1. To comply with testing requirements herein, each ATV Business shall subject each “like-kind” ATV in its Fleet to a Stationary/Equipment test with the County’s Code Compliance Officer or other designee pursuant to this Section. As used herein, “like-kind” shall mean the same make, model, year, and parts (OEM or modified), as determined by the Code Compliance Officer upon review of the Vehicle Inventory.~~
- ~~2. Notwithstanding the foregoing, all ATVs in an ATV Fleet are subject to reasonable noise testing and inspection as deemed necessary by the County’s Code Compliance Officer or other designee.~~
- ~~3. In the event the County receives a noise complaint against an ATV in an ATV Fleet or has other reasonable evidence of modification of an ATV after issuing the Noise Compliance Certificate, the County reserves the right to test that ATV by the Moving/Operational Test set forth in Table 2, Chapter 11.05.~~
- ~~4. Each ATV Business shall demonstrate compliance with this Section by February 28, 2022; provided, however, that an ATV Business may elect to trailer their ATVs to trailheads in lieu of meeting the sound pressure level~~

~~requirement until January 31, 2023 at which time all ATVs in an ATV Fleet must comply with this Section.~~

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

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

~~E. *Education.* Each ATV Business shall provide education to each client or customer regarding trail and street etiquette and the County's OHV Speed Limits and Noise Ordinance.~~

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

~~G. *Enforcement.* Violations of this Section by an ATV Business (including its owner, agent or guide acting in official capacity), or three (3) or more violations of this Chapter 5.02 by a client or lessee of an ATV Business in any calendar year, shall constitute grounds for revocation of the business license under Chapter 5.01.~~

5.02.030 **ATV Equipment Affidavit**

ATV Businesses shall submit an ATV Equipment Affidavit signed by an authorized representative for the ATV Business with their business license application and renewal which attests to the following:

~~A. The ATV Business shall not alter the OEM mufflers on any ATVs in their ATV Fleet in any way which increases the volume of the machine. If the ATV Business otherwise modifies an ATV in their ATV Fleet in a way that is noise neutral or quieter after the County issues the Certificate of Compliance, the ATV Business shall notify the County and request another noise test to ensure compliance with this Title 5;~~

~~B. The ATV Business shall keep records of each modification made to each ATV, which records shall be shared with Grand County upon request in a timely manner; and~~

B. All ATVs sold, rented, or driven by an ATV Business (or their owners, agents, and guides) shall not exceed the maximum sound pressure levels established in Title 11 of the Grand County General Ordinances.

C. The ATV Business shall require each individual renting an ATV in their ATV Fleet independent of a guided tour to complete the off-highway vehicle safety education and training program required by Utah Statute § 41-22-31, as amended, concerning respectful, sustainable, and on-trail off-highway vehicle operation, and respect for communities affected by off-highway vehicle operation.

Chapter 5.03

OVERNIGHT ACCOMMODATIONS

5.03.010 General Regulations for Overnight Accommodation

5.03.010 General Regulations for Overnight Accommodations

A. *Notification.* Each Overnight Accommodation Business shall post a laminated 8.5x14" (or larger) sign in a form provided by the County in a conspicuous location near each primary ingress and egress which summarizes the County's Noise Pollution Ordinance; states that the Ordinance is strictly enforced; and requests guests operate their ATVs in a manner which reduces noise in residential areas and on public lands, including driving the speed limit and limiting their caravan size to 6 ATVs.

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

~~C. *Enforcement.* Three (3) or more violations of this Section by an Overnight Accommodation Business or a customer of an Overnight Accommodation Business in any calendar year shall constitute grounds for revocation of the Business License under Chapter 5.01.~~

Chapter 5.04

ALCOHOLIC BEVERAGES

Sections:

5.04.010 Local Consent required

5.04.020 Compliance with Law

5.04.010 Local Consent required

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

5.04.020 Compliance with Law

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

Chapter 5.05

PENALTIES-VIOLATIONS

Sections:

5.05.010 Civil and Criminal Penalties

5.05.020 Civil Fines - Administrative Review and Appeal

5.05.010 Penalties-Violation

Violations of any provision of this Title 5 may be punishable by **civil and criminal penalties, including but not limited to: i) Civil Fines**, as defined in Chapter 1.04 of the Grand County General Ordinances, as amended, in the amounts set forth in the Grand County Consolidated Fee Schedule or \$100 per violation per day, whichever is greater; **ii) revocation or suspension of a business license**; and/or **iii) criminal citation of a class B misdemeanor upon conviction thereof.**

5.05.020 Civil Fines - Administrative Review and Appeal

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

**GRAND COUNTY, UTAH
ORDINANCE NO. 641 (2021)**

**AMENDING ORDINANCE NOS. 286 (1997) AND 570 (2017) TO IMPOSE TOURISM,
RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAXES
AND PROVIDE FOR COLLECTION THEREOF**

WHEREAS, Utah Code § 59-12-603(1)(a) permits a county legislative body to impose certain taxes, including tax on short-term rentals of motor vehicles and restaurant sales;

WHEREAS, beginning on January 1, 2021, Utah Code § 59-12-603(1)(a)(ii) also permits a county legislative body of any county to impose a tax of not to exceed 7% on all short-term rentals of off-highway vehicles and recreational vehicles (“OHVs/ATVs”);

WHEREAS, Utah Code § 41-22-10.5(2) prohibits a county from prohibiting or restricting the use of a street-legal all-terrain vehicle on a street or highway where the use of another street-legal vehicle is permitted;

WHEREAS, on October 1, 1997, the previously named Grand County Council (the “County Council”) adopted Ordinance No. 286 to impose a one percent (1%) tax on restaurant sales and three percent (3%) tax on short-term rentals of motor vehicles to fund the development, operation, and maintenance of tourism, recreation, and convention facilities within Grand County;

WHEREAS, on December 19, 2017, the County Council amended Ordinance No. 286 by adopting Ordinance No. 570 to impose an additional four percent (4%) tax on short-term rentals of motor vehicles to fund the development, operation, and maintenance of tourism, recreation, cultural, convention, and airport facilities within Grand County;

WHEREAS, OHV/ATV tourism in Grand County has increased rapidly since 2015 when the Utah Legislature amended Utah Code § 41-22-10.5(2) to permit ATVs on County roads, which tourism includes the rental of such recreational vehicles;

WHEREAS, impacts associated with OHV/ATV tourism are unique and strain local law enforcement capacity to manage related traffic, excessive noise, and resource degradation; and

WHEREAS, for these reasons and those articulated at a public meeting on August 3, 2021, the Grand County Commission finds that this ordinance is in the best interest of Grand County residents and the general public;

NOW, THEREFORE, BE IT ORDAINED THAT THE GRAND COUNTY COMMISSION hereby amends Ordinance Nos. 286 and 570 to impose a seven percent (7%) tax on all short-term leases and rentals of off-highway vehicles and recreational vehicles in addition to those imposed taxes under County law as follows:

1. **PURPOSE:** This ordinance is enacted to provide Grand County with an additional source of revenue that may be used for financing tourism promotion, and the development, operation, and maintenance of an airport facility, a convention facility, a cultural facility, a recreation facility, or a tourist facility within Grand County. The provisions of this ordinance shall be interpreted and construed to accomplish such purpose.

2. **DEFINITIONS:** As used in this ordinance:

“Airport Facility” - means an airport of regional significance, as defined by the Transportation Commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

“Airport facility” includes:

- (i) an appurtenance to an airport, including a fixed guideway that provides transportation service to or from the airport;
- (ii) a control tower, including a radar system;
- (iii) a public area of an airport; or
- (iv) a terminal facility.

"All-terrain type I vehicle" means the same as that term is defined in Utah Code 41-22-2.

"All-terrain type II vehicle" means the same as that term is defined in Utah Code 41-22-2.

"All-terrain type III vehicle" means the same as that term is defined in Utah Code 41-22-2.

"Convention facility" means any publicly owned or operated convention center, sports arena, or other facility at which conventions, conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.

"Cultural facility" means any publicly owned or operated museum, theater, art center, music hall, or other cultural or arts facility.

“Off-highway Vehicle” means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle. "Off-highway vehicle" does not include a vehicle that is a motor vehicle under Utah Code 41-1a-102.

“Motor vehicle” means the same as that term is defined in Utah Code 41-1a-102

"Motorcycle" means the same as that term is defined in Utah Code 41-22-2.

"Recreation facility" or "tourist facility" means any publicly owned or operated park, campground, marina, dock, golf course, water park, historic park, monument, planetarium, zoo, bicycle trails, and other recreation or tourism-related facility.

"Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is pulled by another vehicle. "Recreational vehicle" includes; a travel trailer, a camping trailer, and a fifth wheel trailer. "Recreational vehicle" does not include a vehicle that is a motor vehicle under Utah Code 41-1a-102.

"Restaurant" includes any coffee shop, cafeteria, luncheonette, soda fountain, or fast-food service where food is prepared for immediate consumption. "Restaurant" does not include any retail establishment whose primary business or function is the sale of fuel or food items for off-premise, but not immediate, consumption; and, a theater that sells food items, but not a dinner theater.

"Short-term rental" means a lease or rental that is 30 days or less.

"Snowmobile" means the same as that term is defined in Utah Code 41-22-2.

"Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

3. IMPOSITION OF TAX AND AMOUNT OF TAX: There are hereby levied tourism, recreation, cultural, convention, and airport facilities taxes as follows in subparagraphs (1) and (2) as adopted in Ordinance No. 286 (1997); subparagraph (3) as adopted in Ordinance 570 (2017); and, subparagraph (4) as adopted herein:

(1) 1% of all sales of the following that are sold by a restaurant located within Grand County or within any city or town located within Grand County: (A) alcoholic beverages; (b) food and food ingredients; or (C) prepared food; and,

(2) 3% on all short-term motor leases and rentals of motor vehicles, except for leases and rentals of motor vehicles made for the purpose of temporarily replacing a person's motor vehicle that is being repaired pursuant to a repair or an insurance agreement; and

- (3) 4% on all short-term leases and rentals of motor vehicles, except for leases and rentals of motor vehicles made for the purpose of temporarily replacing a person's motor vehicle that is being repaired pursuant to a repair or an insurance agreement.

In accordance with Utah Code Annotated, Section 59-12-603(8), be it known that the State Tax Commission ("commission") shall distribute the revenue generated by the tax under this paragraph. (3), except for any portion retained and deposited by the commission as an administrative charge, to each county collecting a tax under State Code Section 59-12-603 Subsection (1)(a)(i)(B) according to the following formula:

- (a) the commission shall distribute 70% of the revenue based on the percentages generated by dividing the revenue collected by each county under Subsection (1)(a)(i)(B) by the total revenue collected by all counties under Subsection (1)(a)(i)(B); and
- (b) the commission shall distribute 30% of the revenue based on the percentages generated by dividing the population of each county collecting a tax under Subsection (1)(a)(i)(B) by the total population of all counties collecting a tax under Subsection (1)(a)(i)(B).

- (4) 7% on all short-term leases and rentals of off-highway vehicles and recreational vehicles.

- 4. USE OF REVENUES:** The revenues received from the taxes herein levied shall be used solely for financing tourism promotion and the development, operation, and maintenance of (1) an airport facility; (2) a convention facility; (3) a cultural facility; (4) a recreation facility; or (5) a tourist facility. A tax imposed under this ordinance may, in accordance with Utah Code § 59-12-603(3), be pledged as security for bonds, notes, or other evidences of indebtedness incurred by a county, city, or town under Utah Code Annotated Title 11, Chapter 14, Local Government Bonding Act, or a community reinvestment agency under Utah Code Annotated Title 17C, Chapter 1, Part 5, Agency Bonds, to finance: (1) an airport facility; (2) a convention facility; (3) a cultural facility; (4) a recreation facility; or (5) a tourist facility.
- 5. COLLECTION:** A tax imposed under this ordinance shall be administered, collected, and enforced in accordance with the same procedures used to administer, collect, and enforce the tax under Utah Code Annotated Title 59, Chapter 12, Part 1, Tax Collection.
- 6. LICENSE REQUIRED:** All persons, companies, corporations, or other similar persons, groups or organizations required under the terms of this ordinance to collect a tax imposed herein shall obtain from the State Commission a license to do so.

7. PENALTIES: Any person, company, corporation, or other group or organization subject to the terms of this act which shall fail to obtain the required license or fail to collect the tax imposed by this ordinance shall be guilty of a class B misdemeanor.

EFFECTIVE DATE: This ordinance shall become effective upon the 1st day of the fiscal quarter following a 90 day waiting period which begins upon the submission of this ordinance to the Utah State Tax Commission.

APPROVED by Grand County Commission in a regular public meeting on August 3, 2021 by the following vote:

Those voting aye: Clapper, Hadler, Hedin, McGann, Stock, Walker, Woytek

Those voting nay: _____

Those absent: _____

Grand County Commission:

ATTEST:

Mary McGann

QH

Mary McGann, Chair

Quinn Hall, Clerk/Auditor



Christina Sloan <csloan@grandcountyutah.net>

Examples for Short-term Rentals of Off-highway and Recreational Vehicles Tax

Mike Lee USTC <mcleee@utah.gov>
To: Christina Sloan <Csloan@grandcountyutah.net>

Fri, Apr 8, 2022 at 8:49 AM

Attached are the examples we talked about. They should help you resolve the issues you are finding. These examples will also be used as the basis to update Publication 69.

Feel free to share these examples with those in the industry and as always let me know if you have any questions.

--

Mike Lee CPA, MBA
Director
Taxpayer Services Division
Utah State Tax Commission
Phone: 801-297-6304
Fax: 801-297-6358



Short Term Leasing of OHVs ATVs Recreational Vehicles DRAFT Scenarios Updated 2-23-22.pdf
44K

Short-term Rentals of Off-highway and Recreational Vehicles Tax (Currently only Grand County)

The Short-term rentals of Off-highway and Recreational Vehicles tax may be imposed by a County up to a rate of 7%. It is charged on short-term rentals (less than 30-days) of snowmobiles; motorcycles; all-terrain type I, II and III vehicles; travel trailers; camping trailers and fifth wheel trailers. It does not apply to motor vehicles (including Jeeps), which may be subject to the short-term leasing tax.

OHV: Off-highway Vehicle

ATV: All-terrain Vehicle

Example 1:

A tour operator provides an OHV / ATV for a customer to use during a tour and requires the customer to sign a contract assuming liability for any damages they may cause to the vehicle while in use. This is a rental of the OHV / ATV. The tour company should purchase the OHV / ATV tax exempt under the resale/release exemption and charge sales tax and the short-term rentals of off-highway and recreational vehicles tax for the rental of the vehicle. The tour company would also charge sales tax for the separately stated admission charge for their tour (unless exempt).

Example 2:

A tour company purchases an OHV / ATV tax exempt under the resale/release exemption and rents out the OHV /ATV to their customer separately from the charge for the tour. The tour company charges sales tax and the short-term rentals of off-highway and recreational vehicles tax on the rental charge of the vehicle. The tour company would also charge sales tax for the separately stated admission charge for their tour (unless exempt).

Example 3:

A tour company rents an OHV / ATV tax-exempt from a third-party rental company under the resale/release exemption and rents out the OHV /ATV to their customer separately from the charge for the tour. The tour company charges their customer sales tax and the short-term rentals of off-highway and recreational vehicles tax for the rental of the vehicle. The tour company would also charge sales tax for the separately stated admission charge for their tour (unless exempt).

Noise 2.0 REBOOT

LISTED IN NO PARTICULAR ORDER

Estimated Fiscal Impact

\$ - Up to \$50,000 per year

\$\$ - \$50,001 - \$100,000 per year

\$\$\$ - \$100,001 - \$250,000 per year

\$\$\$\$ - More than \$250,000 per year

1. Education/Advertising

- a. Potential program components may include:
 - i. Retool “Do It Like a Local” into a substantive/meaningful campaign
 - ii. Use local artists
 - iii. Remove ATVs from all imaging/advertising
 - iv. Create specific video(s) to address ATV noise pollution
 - v. Engage in active anti-noise pollution campaigns in other markets
 - vi. Utah Office of Tourism partnership
 1. Create meaningful state advertising campaign for responsible recreation
 2. Cross-market local educational materials/videos on noise pollution
 - vii. State Parks OHV Program partnership
 1. Help develop HB 180 course curriculum
 2. <https://stateparks.utah.gov/activities/off-highway-vehicles/>
 3. Cross-market local educational materials/videos on noise pollution
 4. Distribute whipflags instead of stickers to more easily ID ATVs from afar, etc.
- b. Possible Local Noise Slogans:
 - i. Respect Moab Neighborhoods; Trailer Your ATV Through Town
 - ii. Respect Quiet Neighborhoods; Tread Lightly in Town
 - iii. Drive Like You Live Here; Trailer Your ATV Through Town
 - iv. RESPECT: Your Adventure Starts in a Neighborhood
- c. Fiscal Impact: \$-\$\$\$

2. Signage/Map App updates

- a. Work with City to install signs along all of the E-W streets off 400 East
 - i. Local Traffic Only
 - ii. No Access to Sand Flats Recreation Area
 - iii. Not a Through Street
- b. Systematically engage all map apps, including trail apps, to direct SFRA traffic along Mill Creek Drive
- c. Fiscal Impact: \$

3. Noise Enforcement

- a. Increase LEO enforcement of:
 - i. City and County Noise Ordinances
 - 1. Noise 2.0 Noise Meter Training with Noise Expert, GCSO, and Code Compliance May 10-12
 - ii. City and County ATV speed limits
 - iii. Noise suppression equipment laws
 - iv. Licensing and registration laws
- b. Fiscal Impact: \$-\$\$\$

4. **BLM Partnership**

- a. Request the BLM to impose additional Special Recreation Permit conditions on ATV businesses operating in Grand County such as whipflags, increased ratio of guides to clients, inventory requirements, and noise testing
- b. Explore permit or reservation system at Sand Flats Recreation Area on motorized trails to balance impact of noise pollution on other users
- c. Fiscal Impact: \$

5. **State Legislative Engagement**

- a. Bring UT Legislators to Moab to meet with City/County leaders, experience noise on the ground, etc.
- b. Sponsor Moab locals/leaders going to the Utah Capital on a regular basis to meet with an lobby Utah legislators
- c. Partner with large business and developers who are interested in regulating or removing ATVs from City streets and County roads
- d. Fiscal Impact: \$

6. **“Moab Steward” gold medal ATV business voluntary program** to recognize local ATV businesses to lower the noise pollution created by their ATVs and incentivize responsible recreation

- a. Potential program components may include:
 - i. Noise/inventory measurement
 - ii. Customer Education
 - iii. ATV ID - logos/whipflags
 - iv. Overnight rental regulation (dawn to dusk only)
 - v. Science Moab “Science Certified” status for guides
- b. Fiscal Impact: \$

7. **Land Use Regulation**

- a. Review zoning as a tool to manage impacts to neighborhoods created by UTV rental and tour businesses (while acknowledging that we can only regulate these businesses, not prohibit them, under state and federal law)
- b. Revisit fencing laws within X ft of Hwy 191 and major collector streets/roads to allow residents more noise relief via higher fences, waived permit fees, etc.
- c. Fiscal Impact: \$

8. Civil enforcement

- a. Create civil enforcement/citation process for noise
- b. Noise radars that issue automatic citations (or use for education/awareness purposes only)
- c. Fiscal Impact: \$\$ (if education/awareness level effort); \$\$\$\$ (if enforcement level effort)