

!TITLE! 3

BUSINESS AND LICENSE REGULATIONS

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## CHAPTER 1

## BUSINESS LICENSES

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## 3-1-1: PURPOSE:

This chapter is designed and enacted for the purpose of promoting the safety, health and prosperity, improving the morals, peace, good order, comfort and convenience of the county and the inhabitants thereof, protecting property therein and regulating all and every kind of businesses and activities not prohibited by law and defined in this chapter and raising revenue therefrom. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

## 3-1-2: LICENSE REQUIRED:

It shall be unlawful for any person to engage in or carry on or operate any business in the county without first making application for and obtaining a license from the county for such business, and by paying in advance the license fee required therefor as provided in this chapter. Each day that any person does business without a license is a separate and additional violation. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

## 3-1-3: APPLICATION FOR LICENSE:

A. Required: All applications for licenses shall be made in writing and submitted to the county clerk upon a prepared form which may be obtained from the county clerk. Any false statement on an application shall void the license and is a violation of this chapter.

B. Contents Of Application: Each application shall show the following:

1. The name and address of the person desiring the license. If the applicant is a copartnership, the names and addresses of the partnerships, and if a corporation, the names and addresses of all officers and directors;
2. The kind of license desired, stating the business to be performed, practiced or carried on;
3. The class of license desired, if such licenses are divided into classes;
4. The place where such business is to be carried on, giving the street number, if such business is to be carried on in any building or enclosure or stated location;
5. The period of time for which such license is desired to be issued;
6. The actual cash value of the business sought to be licensed;
7. Such other facts and information as may be required by ordinance, the statutes of the state and the commission;
8. Provided, further, that a written application for a renewal of a license may or may not be required at the option of the county commission;
9. Verification by applicant that applicant and business are in full compliance with all state, federal and local laws and ordinances, and that all taxes and fee payments are current. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

#### 3-1-4: FILING OF APPLICATION; FEES:

Each application for a license under this chapter shall be filed by the applicant with the county clerk and shall be accompanied by the license fee required to be paid for the issuance of the license desired. The fee may be in the form of cash or check, made payable to the county clerk. Applications received by the county clerk shall be numbered in the order of their receipt and shall be filed in

numerical sequence with the county clerk. The license fee to be paid by all businesses is hereby fixed at a minimum of ten dollars (\$10.00) per year, or for any part of a calendar year, or such other amount as the county commissioners shall set by resolution. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

#### 3-1-5: REFERRAL TO COMMISSION:

After receipt of an application for a license, such application shall be submitted to the commission at the next regular commission meeting; unless, in the opinion of the county commission, or as required hereby, the application should be referred to the sheriff, Tri-County health department, fire department or other official or body for investigation. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

#### 3-1-6: INVESTIGATION:

A. May Be Required: Within ten (10) days after receipt by the commission of such application for a license, the commission, in its discretion, may refer the application to the fire department, Tri-County health department, sheriff or other official or body, for the purpose of investigation and inspection concerning the general reputation or character of the person making the application, or directly interested therein; the general reputation of those who patronize the business; the nature or kind of applicant's business; whether such place is or has been conducted in a lawful, quiet, orderly and helpful manner; the conditions of health and safety of such premises, together with the other fact or facts, which the commission should know in acting upon the application.

B. Report Of Investigation: Upon being requested to do so by the commission, the sheriff, Tri-County health department, fire department or other official or body shall conduct the investigation and inspection provided for in county ordinances, and within five (5) days after receiving such request, submit to the commission, a report on such investigation and inspection, together with recommendations as to whether the license should be granted or denied. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

#### 3-1-7: ACTION OF COMMISSION:

A. Scope: After receipt of the report and recommendation of the sheriff, Tri-County health department, fire department or other official or body, the commission shall act upon the application as it shall deem just and proper in regard to granting or denying the

same, or may order further information or investigations concerning the same. The county commission will not issue a business license to any business that the commission is aware is in violation of any state or county ordinance or is delinquent in any taxes owed to the state or local government. The commission may require proof from the applicant of compliance before the license is issued.

B. Approval Of Application: In the event the commission shall approve any application for a license, such approval shall be endorsed on the application and signed by the chairperson of the commission and forthwith issue a license certificate therefor.

C. Denial Of Application: In the event the commission shall deny any application for license, the reason therefor shall be endorsed on the application by the chairperson of the commission and the county clerk shall return the fee deposited with the application to the applicant forthwith, together with notice that the applicant may appear before the commission for the purpose of presenting reasons for setting aside such denial. If applicant makes such appearance and presents adequate justification, the commission may, in its discretion, set aside the denial and approve the application. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

### 3-1-8: CLASSIFICATIONS, FEES DETERMINED:

Fees charged for business licenses and the classification of various classes of businesses shall be pursuant to resolution adopted by the board of county commissioners. Any change in classification or fee as applicable to a currently licensed business shall not be enforced until the current license expires. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

### 3-1-9: PAYMENT OF LICENSE FEES; LICENSE PERIOD; REFUNDS:

A. Payment Of License Fees; License Period: All licenses provided for in this chapter shall, except as hereinafter provided, be payable annually in advance commencing January 1 of each year and, unless revoked as provided in this chapter, shall be effective through the following December 31, unless otherwise provided herein. A license for any business to be established may be issued at any time during the year. In the event a business fails to renew a license by January 31 of any year, a late fee as established by the board of county commissioners shall be collected before issuance of a new license. (Ord. 95-2, 2-1-1995, eff. 2-15-1995; amd. 2017 Code)

B. Fees Not Refunded: No license fee, or any part thereof, shall be

refunded for any reason whatsoever, once the license has been granted or issued by the county. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

3-1-10: BEER LICENSES EXCLUDED:

It is further provided that this chapter does not exceed to the license of taverns or beer parlors, which are covered by other ordinances. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

3-1-11: CERTIFICATE OF LICENSE:

A. Contents: Every certificate of license shall bear upon its face the following:

1. The name of the person to which such certificate has been issued;
2. The amount paid for such license;
3. The kind of license and the class of such license;
4. The terms of the license with the commencing date and the date of its expiration;
5. The place or places where such business is to be carried on;
6. The signature of the county clerk.

B. Posting Of Certificates:

1. Every certificate of license issued shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the store or place in which such licensed business is carried on, so that the same may be easily seen.

2. When such certificates of license have expired, the licensee shall remove the same from the place in which it has been posted.

C. Certificate To Be Shown To Officials: It shall be the duty of each and every person to whom a certificate of license has been issued to show the same at a proper time when requested to do so by the county commission, sheriff or their deputies or any law enforcement officer.

D. Misuse Of Certificates: It shall be unlawful to counterfeit a license certificate or to deface or mutilate the same while it is required to be posted in the licensed premises or upon any amusement device, contrivance, game or machine or vehicle required by this

chapter to be licensed, or to remove it or attempt to remove it therefrom without destroying it, or use or permit the same to be used at any place other than that designated therein, or for any licensee to place or permit it to be placed or be in any other place of business or be upon one amusement device, contrivance, game, machine or vehicle after it has been placed in or upon another, or to place it or permit it to be placed in or upon any place of business, amusement device, game machine or vehicle prohibited or declared to be unlawful by this chapter or any other ordinance or law. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

#### 3-1-12: TRANSFERABILITY:

No license granted or issued under any of the provisions of any ordinance of the county shall be in any manner assignable or transferable or authorize any person other than the person therein mentioned or named to do business, or authorize any other business than is therein mentioned or named to be done or transacted; provided, that any person to whom one or more licenses have been issued to transact or carry on some business at a definite location in the county may, except as hereinafter provided, make application for the transfer of any or all of his licenses for the sole purpose of transacting or carrying on the same business as is therein mentioned at some other definite location in the county by himself, by filing the application with the county clerk after receiving reports furnished by the county commission, the sheriff and the Tri-County health department, may in their discretion, deny or grant the transfer of any or all of the licenses strictly within the limitations set out in this section. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

#### 3-1-13: REAPPLICATION:

A new application for license shall be filled out and submitted on behalf of existing businesses every third year. A new application shall be submitted any time the ownership or management of a business has changed during the preceding year or when the nature or size of the business has substantially changed during the preceding year. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

#### 3-1-14: RULES AND REGULATIONS:

Rules and regulations covering health, safety, morals, peace, good order, comfort and convenience of the general public with respect to any business covered under this chapter shall be adopted by the commission and copies of such rules and regulations shall be made

available to and displayed by the licensees affected thereby in a conspicuous place upon the licensed premises. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

3-1-15: INSPECTIONS:

Nonconsensual, nonemergency searches of the nonpublic portions of licensed businesses shall be pursuant to an appropriate search warrant. Searches of premises covered by specific provisions of the Utah code or regulations adopted thereunder shall be made as provided for in such code or regulation. (Ord. 95-2, 2-1-1995, eff. 2-15-1995)

3-1-16: PENALTY:

All persons violating the provisions of this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 95-2, 2-1-1995, eff. 2-15-1995; amd. 2017 Code)

## CHAPTER 2

## BEER SALES AND REGULATIONS

## SECTION:

- 3-2-1: Alcoholic Beverage Control Act Adopted By Reference
- 3-2-2: Licenses, Fee Required
- 3-2-3: Compliance With State Law Required
- 3-2-4: Sanitary Premises
- 3-2-5: Display Of License
- 3-2-6: Transferability
- 3-2-7: Inspections
- 3-2-8: Refusal Or Revocation
- 3-2-9: Penalty !2R!

## 3-2-1: ALCOHOLIC BEVERAGE CONTROL ACT ADOPTED BY REFERENCE:

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, penalties, provisions and sections of the Utah alcoholic beverage control act, Utah Code Annotated title 32B, as amended, with a corresponding penalty of infraction, class C misdemeanor or class B misdemeanor, are hereby adopted by the city. Any and all violations thereof shall be considered violations of this section and each such violation shall be subject to the penalties provided in section 1-4-1 of this code. (2017 Code)

## 3-2-2: LICENSES, FEE REQUIRED:

A. Application: It shall be unlawful for any person to engage in the business of a wholesaler or retailer of beer within the boundary of the county without first making application for and obtaining a license from the county for such business. Such application shall be in writing and shall show the following:

1. The name and address of the person desiring a license. If the applicant is a copartnership, the name and address of the partners, and if a corporation, the names and addresses of all the officers and directors;
2. The class of license desired;
3. The place and location where such business is to be carried on;

4. Such other facts and information as may be required by ordinance, the statutes of the state or the county commission.

B. State License: The applicant shall provide evidence of the issuance of a state license by the alcoholic beverage control commission.

C. Fee Accompany Application: Each application for a license shall be accompanied by the license fee required to be paid for the issuance of the license, as established by the board of county commissioners. (Ord. 77-3, 8-3-1977; amd. 2017 Code)

#### 3-2-3: COMPLIANCE WITH STATE LAW REQUIRED:

Applicants for a license and those licensed to engage in the business of a retailer or wholesaler of beer within the county, shall comply with all state laws and the regulations of the state alcoholic beverage control commission. (Ord. 77-3, 8-3-1977)

#### 3-2-4: SANITARY PREMISES:

Before a license is issued for the consumption of beer on the premises, the applicant must first show that the premises is in a sanitary condition and that he has complied with all regulations of the state board of health relating to the dispensing of beer. (Ord. 77-3, 8-3-1977)

#### 3-2-5: DISPLAY OF LICENSE:

Each license shall be displayed in a conspicuous place on the premises at all times. (Ord. 77-3, 8-3-1977)

#### 3-2-6: TRANSFERABILITY:

Any license issued pursuant to this chapter shall be available only to the person, copartnership or corporation specified therein and only for the premises described in said license, and shall not be transferable to any other person, copartnership or corporation, or any other premises. (Ord. 77-3, 8-3-1977)

#### 3-2-7: INSPECTIONS:

All licensed premises shall be subject to inspection by any peace

officer of the county, by any member of the board of county commissioners, by any peace officer of the state or the county health officer or state board of health, during the hours when the said premises is open for the transaction of business. (Ord. 77-3, 8-3-1977)

3-2-8: REFUSAL OR REVOCATION:

The board of county commissioners may, with or without hearing, at its discretion, refuse to grant any beer license applied for and may revoke any beer license issued at any time if any applicant or licensee shall not possess or shall cease to possess all of the qualifications required by the state alcoholic beverage control act or fails to comply with the ordinances of the county, or if, in the opinion of the commission, such revocation is necessary for the protection of public health, peace or morals, and in no such case, need any cause be given. It shall be unlawful for any person to engage in the sale of beer after revocation of his license until he may again qualify as provided herein, to engage in the sale thereof. (Ord. 77-3, 8-3-1977)

3-2-9: PENALTY:

Any person violating any of the provisions of this chapter, including engaging in business without a state and county license, shall be deemed guilty of a class B misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 77-3, 8-3-1977; amd. 2017 Code)

CHAPTER 2

BEER SALES AND REGULATIONS

ARTICLE A. KEGS

SECTION:

3-2A-1: Definitions

3-2A-2: Sale Or Possession Of Kegs

3-2A-3: Penalty !2R!

3-2A-1: DEFINITIONS:

!DEF! BEER: As defined in Utah Code Annotated section 32B-1-102, as amended.

KEG: A container for the storage and transportation of beer, which shall contain in excess of four (4) gallons of beer.

PERSON: Includes an individual firm, copartnership, corporation, association or any other combination, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

SELL OR TO SELL: When used in this article in any prohibition, shall be construed to include: a) to solicit or receive an order for; b) to keep or expose for sale; c) to deliver for value; d) to peddle; e) to possess with intent to sell; f) to traffic in; g) for any consideration, promised or obtained, directly or indirectly or under any pretense, or by any means whatsoever, to produce or allow to be procured for any other person. "Sale", when so used, shall include every act of selling as defined in this definition. (Ord. 82-4, 8-18-1982; amd. 2017 Code) !DEFEND!

3-2A-2: SALE OR POSSESSION OF KEGS:

It shall be unlawful for any person to sell, purchase, consume or possess, either solely or jointly with another, any beer in a keg in the unincorporated areas of the county, except that persons licensed as manufacturers and distributors and other licensed individuals possessing a valid license to possess keg beer issued by a political subdivision of the state may possess keg beer for the purpose of transportation through the county or other lawful purposes within the county. (Ord. 82-4, 8-18-1982)

3-2A-3: PENALTY:

Violations of this article shall be punishable as a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code. (Ord. 82-4, 8-18-1982; amd. 2017 Code)

## CHAPTER 3

## LARGE PUBLIC ASSEMBLIES

## SECTION:

- 3-3-1: Purpose
- 3-3-2: Definitions
- 3-3-3: License, Fee Required
- 3-3-4: Conditions And Requirements
- 3-3-5: Application For License
- 3-3-6: Processing And Issuance Of License
- 3-3-7: Revocation
- 3-3-8: Enforcement And Penalty !2R!

## 3-3-1: PURPOSE:

It is the purpose of the county to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the county in order that the health, safety and welfare of all persons in the county, residents and visitors alike, may be protected. (Ord. 71-1, 6-16-1971; amd. 2017 Code)

## 3-3-2: DEFINITIONS:

As used in this chapter:

!DEF! ASSEMBLY: A company of persons gathered together at any location at any single time for any purpose.

PERSON: Any individual natural human being, partnership, corporation, firm, company, association, society or group. (Ord. 71-1, 6-16-1971) !DEFEND!

## 3-3-3: LICENSE, FEE REQUIRED:

A. Application In Advance: No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of five hundred (500) or more people which continues or can reasonably be expected to continue for eighteen (18) or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the county commissioners, application for which must be made at least thirty

(30) days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly. (Ord. 71-1, 6-16-1971)

B. Separate License; Fee: A separate license shall be required for each location in which five hundred (500) or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be as established by the board of county commissioners. (Ord. 71-1, 6-16-1971; amd. 2017 Code)

C. Maximum Permissible Number: A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

D. Exceptions:

1. This chapter shall not apply to any regular established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.

2. This chapter shall not apply to fairs or rodeos held on regularly established fairgrounds or rodeo grounds, nor to assemblies required to be licensed by other ordinances and regulations of the county. (Ord. 71-1, 6-16-1971)

#### 3-3-4: CONDITIONS AND REQUIREMENTS:

A. Determination Of Maximum Number: Before an applicant may be issued a license, the applicant shall first determine the maximum number of people which will be assembled or admitted to the location of the assembly; provided, that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the county.

B. Conditions Specified: Before the applicant may be issued a license, the applicant shall provide proof that he will furnish at his own expense before the assembly commences:

1. Fence: A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four (4) gates, at least one at or near four (4) opposite points of the compass;

2. Water: Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least ten (10) gallons per person per day;

3. Toilets: Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every two hundred (200) females and at least one toilet for every three hundred (300) males, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;

4. Solid Waste: A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half ( $2\frac{1}{2}$ ) pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task;

5. Medical Care: Physicians and nurses licensed to practice in the state sufficient to provide the average medical care enjoyed by residents of the state for the maximum number of people to be assembled at the rate of at least one physician for every one thousand (1,000) people and at least one nurse for every one thousand five hundred (1,500) people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times;

6. Illumination: If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot-candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

7. Parking: A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four (4) persons;

8. Telephones: Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each one thousand (1,000) persons;

9. Camping: If the assembly is to continue overnight, camping facilities in compliance with all federal, state and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled;

10. Security: Security guards, either regularly employed, duly sworn off duty peace officers of the state, or private guards, licensed in the county, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every five hundred (500) people;

11. Fire Protection: Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all federal, state and local standards for the location of the assembly and sufficient emergency personnel to efficiently operate the required equipment;

12. Bond: A bond, filed with the county clerk, either in cash or underwritten by a surety company licensed to do business in the state at the rate of one dollar (\$1.00) per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless the county, or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly. (Ord. 71-1, 6-16-1971)

#### 3-3-5: APPLICATION FOR LICENSE:

A. Required: Application for a license to hold an actual or anticipated assembly of five hundred (500) or more persons shall be made in writing to the county commission at least thirty (30) days in advance of such assembly.

B. Oath Or Affirmation: The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall

be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership, or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

C. Contents, Disclosures: The application shall contain and disclose:

1. The name, age, residence and mailing address of all persons required to sign the application by subsection B of this section and, in the case of a corporation, a certified copy of the articles of incorporation, together with the name, age, residence and mailing address of each person holding ten percent (10%) or more of the stock of said corporation;
2. The address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owners of all such property;
3. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owners of all such property that the applicant has permission to use such property for an assembly of five hundred (500) or more persons;
4. The nature or purpose of the assembly;
5. The total number of days and/or hours during which the assembly is to last;
6. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the county if the assembly is to continue overnight;
7. The maximum number of tickets to be sold, if any;
8. The plans of the applicant to limit the maximum number of people permitted to assemble;
9. The plans for fencing the location of the assembly and the gates contained in such fence;
10. The plans for supplying potable water, including the source,

amount available and location of outlets;

11. The plans for providing toilet and lavatory facilities, including the source, number and location, type, and the means of disposing of waste deposited;

12. The plans for holding, collection and disposing of solid waste material;

13. The plans to provide for medical facilities, including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;

14. The plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps;

15. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots;

16. The plans for telephone service, including the source, number and location of telephones;

17. The plans for camping facilities, if any, including facilities available and their location;

18. The plans for security, including the number of guards, their names, addresses, credentials and hours of availability;

19. The plans for fire protection, including the number, type and location of all protective devices, including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment;

20. The plans for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.

D. Bond, License Fee: The application shall include the bond required in subsection 3-3-4B12 of this chapter and the license fee. (Ord. 71-1, 6-16-1971)

### 3-3-6: PROCESSING AND ISSUANCE OF LICENSE:

The application for a license shall be processed within twenty (20) days of receipt and shall be issued if all conditions are complied

with. (Ord. 71-1, 6-16-1971)

3-3-7: REVOCATION:

The license may be revoked by the county commission at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with. (Ord. 71-1, 6-16-1971)

3-3-8: ENFORCEMENT AND PENALTY:

A. Injunction: The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

B. Public Nuisance: The holding of an assembly in violation of any provisions or condition contained in this chapter shall be deemed a public nuisance and may be abated as such. (Ord. 71-1, 6-16-1971)

C. Penalty: Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction thereof, subject to penalty as provided in section 1-4-1 of this code. (Ord. 71-1, 6-16-1971; amd. 2017 Code)

## CHAPTER 4

## SPECIAL EVENT PERMITS AND VARIANCES

## SECTION:

- 3-4-1: Special Event Permit Required; Exceptions
- 3-4-2: Application For Permit
- 3-4-3: Location Fee
- 3-4-4: Special Event Variance Required
- 3-4-5: Penalty !2R!

## 3-4-1: SPECIAL EVENT PERMIT REQUIRED; EXCEPTIONS:

No individual, company or enterprise may engage in commercial photography or filming within the county without a permit and, if appropriate, a variance, except as follows:

- A. News media coverage of a current newsworthy event or occurrence.
- B. Filming or photography conducted inside a studio or business utilizing equipment typical to that establishment.
- C. Photography or film making conducted as part of a class or fund raising activity inside any school building or on school grounds as part of or in the regular course of the curriculum activities of the county school district.
- D. Amateur snapshot photography by county residents or tourists; provided, that said activity is not intended for commercial use, does not violate any law or any county ordinance and does not interfere with normal traffic and does not impact any governmental or public safety functions in the county. (Ord. 00-19, 8-8-2000)

## 3-4-2: APPLICATION FOR PERMIT:

Any individual, company or enterprise desiring to engage in commercial photography or filmmaking activity within the county shall, prior to commencing said activity, obtain a special event permit for filming or photographic work from the county.

- A. Time Of Submittal: The application for permit shall be submitted at least two (2) weeks prior to the event and at least four (4) days prior to the county commission meeting next preceding the event.
- B. Form: The application shall be on a form established by the county.

(Ord. 00-19, 8-8-2000)

C. Application Fee: The applicant shall pay an application fee as established by the board of county commissioners with the application.

D. Business License Required; Fee: The applicant shall also submit an application for a temporary special event business license for filming or photographic work. Fees for said business licenses shall be as established by the board of county commissioners. (Ord. 00-19, 8-8-2000; amd. 2017 Code)

E. Liability Insurance: Upon receiving the permit, the applicant shall provide proof to the county that applicant has a policy of liability insurance written on a company licensed and authorized to do business in the state in the amount of two million dollars (\$2,000,000.00) aggregate and one million dollars (\$1,000,000.00) per occurrence, naming the county as an insured.

F. Denial For Cause: No permit shall be approved which the county commission determines will create unreasonable risk to the health, safety and welfare of any person or that will result in damage to any public property or facility. (Ord. 00-19, 8-8-2000)

G. Public Safety: The applicant shall be responsible to assure adequate security, public safety, traffic control and emergency services; and, if the services of the county sheriff's office are desired, the application shall be signed by the sheriff indicating availability of officers. If the permit is granted, the applicant shall pay in advance the estimated cost of law enforcement or county personnel required. (Ord. 00-19, 8-8-2000; amd. 2017 Code)

H. Other Necessary Approvals: The applicant shall be required to obtain all necessary permits or approval from any other governmental entities with jurisdiction over the area included in the activity.

I. Nonliability Of County: The applicant shall be required to indemnify the county against any claims, loss or liability associated with or arising out of the activity.

J. Approval Required; Variance: The application must be approved and the permit issued by the county commission prior to the commencement of the filming or photography. The permit must be approved by the county attorney. Any activity that will involve conduct which would ordinarily be prohibited by state law or county ordinance, will require a variance as set forth in section 3-4-4 of this chapter. Any event or activity that will involve nudity or sexual conduct requires a variance as set forth in section 3-4-4 of this chapter

and must be conducted in a time, place and manner which avoids offense to the general public. (Ord. 00-19, 8-8-2000)

3-4-3: LOCATION FEE:

The applicant shall, at the time the permit is issued, pay to the county a location fee as established by the board of county commissioners. (Ord. 00-19, 8-8-2000; amd. 2017 Code)

3-4-4: SPECIAL EVENT VARIANCE REQUIRED:

Any special event, as described above, which requires or will involve activities which ordinarily would be prohibited by any county ordinance or state statute, cannot be undertaken until a variance permit has been granted by the county commission.

A. Application: The applicant for a variance permit must, in addition to the application for a special event permit described in section 3-4-2 of this chapter, submit an addendum setting forth the statute or ordinance from which a variance is requested, the location of the special event, the anticipated duration, and describe in detail the proposed activity.

B. Time For Submission: Application for a variance must be submitted to the county commission not less than three (3) weeks prior to the date of the proposed special event and not less than seven (7) business days prior to the county commission meeting immediately preceding the proposed activity or event.

C. Public Hearing: In the event that the activity will, in the opinion of the county commission, impose a substantial burden or inconvenience upon the residents of the county or the general public, the county commission may require publication at the expense of the applicant of a notice of public hearing and receive input prior to approving the permit.

D. Compliance: An applicant for a variance must comply with all of the provisions set forth in sections 3-4-2 and 3-4-3 of this chapter.

E. Nudity Or Sexual Activity: Any special event variance involving nudity or sexual activity must be conducted in such a way as to avoid exposure of the activity to minors or the members of the general public not desiring to be exposed to such conduct.

F. Requirements, Conditions: A variance permit shall contain such requirements and conditions as the county commission determines to

be necessary to protect the health, safety and welfare of the county and its residents and visitors.

G. Background Check: All persons or entities requesting a variance permit must, if requested to do so by the county attorney or county sheriff, execute an authorization for a criminal background check of the applicant and/or any persons or entities participating in the activity requiring a variance. The cost of the background check shall be paid by the applicant in advance.

H. Prior Convictions: Any applicant or any participant in the activity requiring a variance permit that has prior felony convictions or conviction of a misdemeanor offense involving activities similar to or related to the subject of the variance permit may be denied a permit.

I. Approval Of Attorney And Sheriff: A variance application must be approved by the county attorney and the county sheriff.

J. Form Approved: The variance permit must be approved as to form by the county attorney.

K. Delays: Due to limited staff and resources, the county cannot guarantee processing of a permit application in less than six (6) weeks. The county shall not be responsible for any delays caused by failure to issue a permit. Applicants should submit permit applications as far in advance of the proposed event as possible.

L. Investigation, Processing: The county shall investigate and process applications with reasonable dispatch. In the event that the investigation or evaluation of the permit application requires more than one hour from any employee or official of the county, the applicant may be required to compensate for the extra time required as a condition to the permit and in addition to the other fees set forth herein. (Ord. 00-19, 8-8-2000)

#### 3-4-5: PENALTY:

Violation of this chapter is a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Each day of operation without a permit or in violation of this chapter is a separate offense. (Ord. 00-19, 8-8-2000; amd. 2017 Code)

## CHAPTER 5

## EXPLORATION ACTIVITIES

## SECTION:

- 3-5-1: Permit Required
- 3-5-2: Application For Permit
- 3-5-3: Fee; Presentation To Commission
- 3-5-4: Review By Commission
- 3-5-5: Bond Required
- 3-5-6: Violation
- 3-5-7: Penalty !2R!

## 3-5-1: PERMIT REQUIRED:

Any person, partnership, joint venture, corporation or other entity desiring to conduct exploration activities within the county for the discovery of oil, gas, geothermal energy or other minerals, or the transportation of minerals by pipeline, truck, conveyor, etc., shall first obtain a permit for the conduct of such activities from the board of county commissioners. (Ord. 83-1, 1-5-1983)

## 3-5-2: APPLICATION FOR PERMIT:

Said person or entity, desiring to conduct such activities, shall submit an application for permit to the county clerk. Said application shall contain:

- A. The name of the person, persons, partnership, joint venture, corporation or other entity making application.
- B. The permanent address of such person or entity.
- C. The name of all principal officers or owners of said entity, and their addresses.
- D. The name or names and permanent addresses of all managers or supervisors of the exploration activities to be conducted in the county.
- E. The telephone numbers of such persons or entities.
- F. If a corporation, partnership or joint venture, the place where incorporated or formed.

G. The legal description to any properties on which said exploration work shall be conducted.

H. The name or names of owners of property on which exploration work shall be conducted.

I. A map or plan attached to said application showing the specific location and routes of planned exploration or transportation by the applicant.

J. The specific type of exploration or transportation activity to be conducted by the applicant and the method by which such shall be undertaken.

K. The date on which said activity is set to begin and the date on which the activity will be completed.

L. The name and address of the person or entity employing or contracting with the applicant for said activities.

M. The name and location of all public roads to be used for the transportation of equipment and/or the transportation of oil, gas or minerals by truck.

N. The date equipment will be transported, the number of vehicles involved and the weight of those vehicles. (Ord. 83-1, 1-5-1983)

#### 3-5-3: FEE; PRESENTATION TO COMMISSION:

Upon receipt of said application and nonrefundable application fee as established by the county commission, the county clerk shall assign a number to said application and cause the same to be entered into books of record adopted for that purpose. Immediately thereafter, the county clerk shall cause said application to be presented to the board of county commissioners at the next regular meeting of said board. (Ord. 83-1, 1-5-1983; amd. 2017 Code)

#### 3-5-4: REVIEW BY COMMISSION:

At the next regular meeting of said board, the board shall review and consider said application, designate an amount of bond as hereafter prescribed, and if the same is satisfactory, shall cause to be issued a permit to the applicant for the requested exploratory work. (Ord. 83-1, 1-5-1983)

**3-5-5: BOND REQUIRED:**

Before issuing said permit and before the applicant begins the desired work, the applicant shall first submit to the board evidence of a current surety bond with a company acceptable to the board, insuring that the applicant will repair or replace any public roads damaged by the applicant. (Ord. 83-1, 1-5-1983)

**3-5-6: VIOLATION:**

If any person or legal entity shall conduct the activities outlined herein within the county without having first complied with all provisions of this chapter, said person or entity shall be in violation of this chapter. (Ord. 83-1, 1-5-1983)

**3-5-7: PENALTY:**

Any person or entity who violates any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction of the same, shall be subject to penalty as provided in section 1-4-1 of this code. Each day that any person or entity conducts exploration or transportation activities, as defined herein, within the county without having first complied with the provisions of this chapter, shall constitute a separate violation of this chapter. (Ord. 83-1, 1-5-1983; amd. 2017 Code)

## CHAPTER 6

## LAND SURVEYORS

## SECTION:

- 3-6-1: Purpose
- 3-6-2: Definitions
- 3-6-3: Filing Of Plats
- 3-6-4: Filing Fee
- 3-6-5: Penalty !2R!

## 3-6-1: PURPOSE:

This chapter is enacted to provide a method for preserving evidence of land surveys by establishing standards and procedures for monumenting and for filing a public record of the surveys. (Ord. 89-3, 1989)

## 3-6-2: DEFINITIONS:

!DEF! BOUNDARY MONUMENT: Any physical object, regardless of type of material or marking, intended to represent a property corner or line, whether it be at the corner, on the line, or a recorded distance from the corner or line.

LAND SURVEYOR: A person who is qualified to practice land surveying by reason of special knowledge of the technique of measuring land, the basic principles of mathematics, the related physical and applied sciences, the relevant requirements of law for adequate evidence, and the requisites to surveying of real property, and who is licensed pursuant to Utah Code Annotated section 58-22-101 et seq., as amended, or who qualifies under one of the nonlicensing exceptions of Utah Code Annotated section 58-22-305, as amended. (Ord. 89-3, 1989; amd. 2017 Code) !DEFEND!

## 3-6-3: FILING OF PLATS:

## A. Required:

1. Any land surveyor making a survey of private lands within the county who establishes or reestablishes any private property boundary monument shall file a map of the survey that meets the requirements of this section with the county surveyor or the designated surveyor within ninety (90) days of the establishment of

the boundary monument.

2. The county surveyor or designated surveyor shall file and index the map of the survey.

3. The map shall be a public record in the office of the county surveyor or the designated surveyor's office.

B. Content Of Map: This map shall show:

1. The location by quarter section or lot number, section number, township and range.

2. The date of the survey, meaning the date the monuments were placed.

3. The scale at which it is drawn and a north arrow. When viewing the plat with the long dimension in a horizontal position, north or east must be to the top of the plat.

4. The distance and bearing of all lines traced or established by the survey. If such a line is a curve, the radius, arc length and central angle must be shown. If the curve is not tangent to straight lines at the point of curvature, the chord bearing must be shown as well.

5. The basis of bearings for the survey. The words "basis of bearing" must be shown on the plat between two (2) existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The county state plane grid bearing must be used where it is readily available.

6. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place.

7. All measured bearings or distances separately indicated from those of record if not in agreement.

8. A written boundary description of the property surveyed.

9. The mathematical relationship between all monuments found or set.

10. A detailed description of all monuments found or set, including type, size, length and how marked.

11. The name of the person purchasing the surveying service.

12. The seal or stamp and signature of the registered land surveyor responsible for the survey.

13. The surveyor's business name and address.

C. Narrative:

1. The map shall contain a written narrative that explains and identifies:

a. The purpose of the survey.

b. The basis on which lines were established. The surveyor should explain what decisions he made in formulating the boundary, such as the basis of bearing for the description or the use of any proration methods.

c. The found monuments or Deed elements that controlled the established or reestablished lines. If the description calls for any monuments in the broad sense of the term (right of way lines, subdivision boundaries, fences, etc.) the surveyor should indicate what he found relating to these calls.

2. If the narrative is a separate document, it shall also contain:

a. Location by quarter section or lot number, section number, township and range.

b. Date of survey.

c. Surveyor's stamp or seal and signature.

d. Surveyor's business name and address.

3. The map and narrative shall be referenced to each other if they are separate documents.

D. Size: Maps shall be filed on linen or mylar at one of two (2) sizes: eighteen inches by twenty four inches (18" x 24") or twenty four inches by thirty six inches (24" x 36").

E. Public Official Mark: If the monument is set by a public officer, it shall be marked with the official title of the officer. (Ord. 89-3, 1989)

3-6-4: FILING FEE:

The county surveyor or designated surveyor shall collect a filing fee, as established by the board of county commissioners, per survey filed, to cover administration costs. (Ord. 89-3, 1989; amd. 2017 Code)

3-6-5: PENALTY:

A violation of the provisions of this chapter or conducting a survey without a license as provided in Utah Code Annotated section 58-22-101 et seq., shall constitute a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 89-3, 1989; amd. 2017 Code)