

**Ordinance No. 2025-09 An Ordinance Rescinding the Verbiage in Title 3.1. Business License Regulations, and Replacing said Verbiage with Exhibit A Below.**

**Dated June 5, 2025**

Document Control Changes: Created 24 June 2022; Changes 11 July 2023; Changes June 5, 2025

**WHEREAS**, Fairfield Town has deemed it in the best interest of Fairfield Town to amend the Town Code; and

**WHEREAS**, the Fairfield Town Council has reviewed the proposed amendments to the Fairfield Town Code; and

**WHEREAS**, the Fairfield Town has authority under Utah law to enact ordinances and desires to rescind the current verbiage in Title 3. Business License Regulation replacing it with new verbiage as found in Exhibit A below.

**NOW, THEREFORE, BE IT ORDAINED** by the Fairfield Town Council, State of Utah, that Title 3.1. Verbiage be replaced with Exhibit A, as follows.

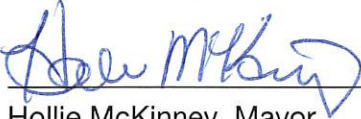
**SECTION 1. SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 2. EFFECTIVE DATE.**

Passed and Adopted this **5th day of June, 2025.**

**FAIRFIELD TOWN**

  
Hollie McKinney, Mayor

RL Panek	yes	no	abstain	absent	<input checked="" type="checkbox"/>
Tyler Thomas	yes	<input checked="" type="checkbox"/>	no	abstain	absent
Michael Weber	yes	<input checked="" type="checkbox"/>	no	abstain	absent
Richard Cameron	yes	<input checked="" type="checkbox"/>	no	abstain	absent



## **EXHIBIT A**

### **3.1.10. Purpose.**

This ordinance regulates all businesses operating within Fairfield Town, whether permanent or temporary, ensuring compliance with local, state, and federal laws, protecting public health and safety, and promoting the welfare of the community.

### **3.1.20. License Required.**

Unless exempted by law, no person or entity may engage in business within Fairfield Town, on a temporary or permanent basis, without first obtaining a valid annual business license or, if applicable, a temporary business license.

### **3.1.30 Application, Fees, and Compliance.**

#### **A. Application Process:**

1. Submit a completed application;
2. Pay all applicable fees;
3. Application reviewed administratively, with referral to Planning or Fire as needed;
4. For new or unlisted uses, apply for administrative interpretation or a text amendment per Utah Code §10-9a-507.5; and
5. Licensing Official (Town Recorder) issues approved licenses after compliance is confirmed.

#### **B. Fees:**

1. Shall be set by Town Council resolution and listed in the Fairfield Town Fee Schedule. Copies shall also be available at the Town Recorder's office or on the Town website;
2. Licensing fees shall be prepaid;
3. There are no refunds or rebates for licensing fees; and
4. Changes in business name, ownership, or address require a new license and inspections.

#### **C. Renewals:**

1. Business licenses shall be issued annually and shall run from July 1st to June 30th and shall be billed by the Town Recorder;
2. Licenses issued April–June may be prorated to June 30; and
3. Late renewal deadlines:
  - a. After July 15: enforcement fee applies;
  - b. After August 15: fee increases; and
  - c. After September 1: fee equals one hundred percent (100%) of the license cost.
  - d. Special use permits shall be approved for renewal as long as they are in compliance with town code.

#### **D. Civil Action:**

1. The Town may pursue civil action, including attorney's fees, to collect unpaid or

delinquent fees.

**3.1.40. Exemptions.**

A. No license fee is required for:

1. Religious, charitable, or nonprofit activities properly registered under law;
2. Exempt state agencies; or
3. Occasional yard sales (up to four days/month) and minor youth-run activities.

B. Occupational and professional licenses do not exempt a business from needing a Fairfield business license.

**3.1.50. License Term, Certificate, and Non-Transferability.**

A. License Term.

1. One-year term (July 1–June 30), unless prorated from April to June

B. Certificates.

1. Certificates must list name, type, term, location, and license number; and

C. Non-Transferability.

1. Licenses are non-transferable and tied to the approved business location.

**3.1.60. Issuance and Display.**

A. Licenses shall be:

1. Issued after payment and approvals; and
2. Must be publicly displayed; mobile operators must carry a license in person.

**3.1.70. Separate Licenses.**

A. Licenses shall be required for the following:

1. Each distinct business location (different mailing/street address); and
2. Mobile or non-fixed-location businesses shall require a separate license.

**3.1.80. Inspections and Code Compliance.**

A. Requirements:

1. Compliance with current zoning, building, fire, health, and safety standards;
2. Inspections by Building, Fire, Health, or other authorized departments;
3. Inspectors may enter during business hours or obtain a search warrant if denied entry;
4. Preliminary zoning approval required prior to license issuance; and
5. Applicants requesting new or unlisted uses are required to apply for administrative interpretation or ordinance amendments.

**3.1.90. Recordkeeping.**

A. Licensing records shall be maintained by the Town Recorder:

1. General/beer license records shall be retained four (4) years.
2. License certificates shall be retained one (1) year.

### **3.1.100. Denial, Suspension, or Revocation of a Business License by the Code Enforcement officer or the Business License Official**

#### **A. Authority.**

The Business License Official or Code Enforcement Officer, after consultation with the Planning, Building, or Fire departments as applicable, may deny, suspend, or revoke a business license.

#### **B. Conditions and Criteria for Action:**

1. Failure to comply with current local zoning regulations, the International Building Code, International Fire Code, health or safety standards, or other applicable laws;
2. Failure to cooperate with inspections or enforcement;
3. Nonpayment of required fees, taxes, or penalties;
4. Providing false, misleading, or incomplete application information; or
5. Creating a nuisance, endangering public health or safety, or operating outside approved license terms.

#### **C. Notice of Action:**

1. Written notice provided stating specific reasons, effective date (immediate if public safety is at risk), and right to appeal.

#### **D. Appeal Process:**

1. A written appeal must be submitted to the Town Recorder within ten (10) days;
2. Appeal must state specific reasons and supporting justifications (maximum five (5) pages, twelve (12)-point font, single-spaced);
3. Hearing scheduled before the Town Hearing Officer within twenty one (21) days;
4. Business License Official presents reasons; the appellant may present evidence.
5. Findings by departments (Building, Fire, Health, Police, or Code Enforcement Officer) are presumed valid if procedures were followed; and
6. The Hearing Officer issues a written decision within thirty (30) days.

#### **E. Judicial Appeal:**

1. Final decisions may be appealed to Utah District Court within thirty (30) days.

#### **F. Enforcement:**

1. Administrative penalties may be imposed; and
2. Continued operation after suspension or revocation is a Class B misdemeanor.

## **Definitions**

### **Administrative Interpretation:**

A formal written decision by the Zoning Administrator or Town Planner clarifying the meaning or application of a provision in the zoning code or business license ordinance.

### **Applicant:**

Any person, entity, or authorized agent submitting an application for a business license to operate within the Town of Fairfield.

### **Business:**

Any activity, trade, profession, occupation, or enterprise conducted for the purpose of profit or livelihood, whether permanent or temporary, and whether operating from a fixed location, mobile unit, or online platform.

Business. Means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

### **Business License Official:**

The Town Recorder or other individual designated by the Mayor or Town Council to administer and enforce business license provisions.

Building Official or Town Building Official. Means the appointed official or consultant who is responsible for the building and development functions of the Town as described in the Code and other policies of the Town.

Licensing Official. Means a person in charge of issuing and revoking licenses.

### **Code Enforcement Officer:**

An official designated by the Town to enforce municipal ordinances, including building, zoning, health, and business license regulations.

### **Business License:**

A document issued by the Town indicating official approval for a business to operate within Fairfield, which includes the business name, license number, expiration date, and address.

### **Mobile Business:**

A business that is not tied to a single physical location and may operate from a vehicle, cart, trailer, or other moveable structure (e.g., food trucks, mobile services).

**New or Unlisted Use:**

A use not specifically defined or listed in the Town's zoning ordinance, requiring administrative interpretation or a zoning text amendment to determine permissibility.

**Nuisance:** Any act, condition, thing, or use of property that unreasonably interferes with the health, safety, peace, comfort, convenience, or general welfare of the community, or that unlawfully obstructs the free use or enjoyment of property.

A nuisance may include, but is not limited to:

1. The creation or maintenance of unsanitary conditions;
2. Emission of offensive odors, smoke, dust, fumes, noise, or vibration;
3. Obstruction of public ways or the improper storage of materials in public view;
4. Conditions that attract or harbor vermin, pests, or other health hazards;
5. Excessive lighting or glare affecting neighboring properties;
6. Activities that create a fire, safety, or environmental hazard;
7. Any condition declared by state law or local ordinance to be a nuisance.

A nuisance may arise from a single act or a repeated pattern of behavior and may occur on public or private property.

**Occupational License:**

A license issued by the State of Utah for the practice of certain professions (e.g., contractors, barbers, realtors), which does not exempt the licensee from local business licensing requirements.

**Owner:**

The individual or entity with legal control of the business and responsible for compliance with all licensing requirements.

Owner. Means, when applied to a building or land, any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of any part of such building or land.

**Person:**

An individual, partnership, association, corporation, limited liability company (LLC), or any other legal entity.

Person. Means an individual, public or private corporation, government, partnership, organization, trust, unincorporated association, or any other legal entity..

**Planning Department:**

The Fairfield Town department or individual responsible for land use, zoning, and development review functions.

Planning Commission. Means the Town of Fairfield Planning Commission.

**Premises:**

The physical location or locations where a business is conducted, including all land, buildings, and structures used for the business operation.

Premises. Means a lot, together with any buildings and structures located thereon.

**Special Use Permit:**

A permit allowing a business or use that may not be permitted by right in a zoning district, subject to additional review and approval by the Town.

**Temporary Business:**

A business operation lasting no more than 90 consecutive days in a calendar year, including seasonal sales, temporary vendors, fairs, and festivals.



FAIRFIELD TOWN

STATE OF UTAH     )  
                                  ) ss.  
COUNTY OF UTAH )

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the **5th day of June, 2025.**

**Ordinance No. 2025-09 An Ordinance Rescinding the Verbiage in Title 3.1.  
Business License Regulations, and Replacing said Verbiage With Exhibit A.**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **5th day of June, 2025.**

  
Stephanie Shelley  
Fairfield Town Recorder/Clerk





AFFIDAVIT OF POSTING

STATE OF UTAH       )  
                                  ) ss.  
COUNTY OF UTAH    )

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the **5th day of June, 2025**, and herein referred to as:

SUMMARY.

**Ordinance No. 2025-09 An Ordinance Rescinding the Verbiage in Title 3.1. Business License Regulations, and Replacing said Verbiage With Exhibit A.**

The three places are as follows:

1.     Fairfield Town Hall
2.     Fairfield Town Website
3.     Utah State Public Notice Website

  
Stephanie Shelley  
Fairfield Town Recorder/Clerk  
(SEAL)

Date of Posting 7<sup>th</sup> day of June, 2025

