



BRIAN HEAD

Step by Step Process for Nightly Rentals Brian Head Town, Utah

NIGHTLY RENTALS IN BRIAN HEAD

in order to operate a short-term rental in Brian Head, there are requirements that each owner must adhere to. The Brian Head Town Code, Title 3, Chapter 2A regulates nightly rentals and we encourage all those who are interested in operating a short-term rental to read the Town Code. Listed below are the requirements for operating a nightly rental in Brian Head:

APPLICATION & REVIEW PROCESS

1. Nightly Rental Business License Application must be completed in full. This information is specific to nightly rental businesses only. The Nightly Rental License Application is also required for renewing a business license annually.
2. The owner and/or rental management company will need to know and/or submit the following when completing an application:
 - a. **Owner Affidavit must be completed and submitted with application:** The property owner must sign the Owner Affidavit even if a rental management company is operating the rental on behalf of the owner. The Affidavit states the owner is aware of the Town ordinances regulating nightly rentals. The property owner can identify a rental management company to operate their nightly rental on their behalf. No license will be issued without the Owner Affidavit completed and signed.
 - b. **Proof of Insurance submitted with the application:** All nightly rentals must provide proof of insurance. This can be the declaration page of your insurance showing the address and owner of the nightly rental. This will need to be included with your application and Owner Affidavit that is submitted to the Town. Homeowner Association insurance policies are not sufficient for this requirement, they cover the outside of the building and not the inside of the condo.
 - c. **Physical address of the rental property:** If rental is a condo, please ensure the condo complex and unit # is listed on the application. If it is a single-family residential location please ensure you have the physical address identified.
 - d. **Number of bedrooms** in cabin / condo. This information is required, an application will be considered incomplete if this information is not identified.
 - e. **Cabins: Parking Spaces on-site must be identified and posted.** The owner or rental management company will need determine the number of parking spaces on-site and must be posted in the cabin for their guests. Please note, the rental property must be able to park vehicles on the property both winter/summer seasons, if the parking spaces are not available year round and vehicles have parked on the Town's roads, the license holder will receive a violation. The Town adopted regulations that prohibit on-street parking on any Town road/street between November 1st through April 30th. If vehicles are parked on Town roads/streets, the vehicle may be cited and/or towed. The Town has provided an overnight parking map identifying where vehicles may park and is part of the fire inspection.
 - f. **Cabins: Maximum occupancy limits** must be posted near the main entryway. The calculation is based off the Fire Code of one (1) person per 200 square feet. As part of the application process, the owner/rental management company will need to identify the square footage on the application and is part of the fire inspection. The Town will also verify the square footage with the County's information for the property. Garage space is not included as living space and cannot be included in the square footage calculation.
 - g. **Good Neighbor Policy/Overnight Parking Map:** All rentals must post a Town approved Good Neighbor Policy and Parking Map near the main entry way and visible at all times. This is one of the requirements for the fire inspection.

- h. **Fire Inspections:** All new rental units must have a fire inspection. A \$30 fee per unit is assessed and if a re-inspection is required another \$30 fee will be charged. After the initial fire inspection, a fire inspection is required biennially (once every two years). The Fire Inspection Requirements have been updated, so please ensure you have the updated copy and please make sure you have all items ready for inspection before the inspection is scheduled.
 - i. **Dedicated Responsible Party:** The owner can designate a local contact which can be their cleaning company, property manager or rental management company or themselves, but they must be able to respond to any complaint and/or violation quickly.
 - j. **Sales Tax Number:** The owner or rental management company must provide a sales tax Certificate as part of their application. The number must be specific to Brian Head in the collection of sales and transient room taxes. No license will be issued without a sales tax ID.
 - k. **Advertising platforms:** Airbnb and Vrbo collect the state taxes but does not collect the Brian Head Enhanced Service Business License Fee (shuttle fee), it is the licensee responsibility to collect and remit the Enhanced Service Fee directly to the Town on a quarterly basis. Since Airbnb and Vrbo are the only two advertising platforms, there are many others that do not collect state taxes on behalf of the owner. Please be sure you are aware of what is collected on your behalf. For those using Vrbo, they identify paying Brian Head Taxes in which some are confused as to whether they are paying the Enhanced Service Fee, they are not. Here is a breakdown of the state taxes collected under the Brian Head Taxes for Vrbo:
 - 1.6% Resort Community Tax. This is a tax that is allowed for high transient room communities such as Brian Head Town.
 - 1% Municipal Transient Room Tax. There are three transient room taxes that are collected in total. The state has a 0.32% transient room tax and Iron County collects 4.25% transient room taxes.
 - 1.4% tax: This is a combination of three taxes: 1% local option tax, 0.30% municipal highway tax and 0.10% PAR (Parks, Art & Recreation) tax.
 - l. **Enhanced Service Business License Fee** is 1.5% of the gross taxable sales and is remitted directly to the Town on a quarterly basis. All quarterly reports are due 30 days after the ending of the quarter. Those who have zero sales are still required to submit a report indicating zero sales. Licenses may be held-up, suspended or revoked if the enhanced fee reports are not submitted.
 - m. **Cleaning companies:** All cleaning companies operating in Brian Head are required to hold a valid business license. There have been several companies that are operating illegally, and the Town will cite those for operating without a license. If you did not list your cleaning company, a follow-up email will follow asking for your cleaning company. You can find the licensed cleaning companies on the Town website under "Licensed Businesses". We also keep a list of the cleaning companies for those who are seeking a cleaning service
3. Your application will need be submitted prior to scheduling a fire inspection. You can pay for your fire inspection along with your application at the same time. This will give the Town Clerk the notification that a license is to be processed. When scheduling your fire inspection with the Town Clerk, please make sure you have all the items ready for inspection, otherwise, you may fail the inspection and require a re-inspection which has an additional fee of \$30.
 4. Once the nightly rental application is submitted and the fire inspection completed, staff will review the information and process the application for a business license.
 5. All licenses will automatically expire September 30th annually. The new licensing season begins October 1st and a renewal notice will be sent in September reminding businesses to renew their license. If a business is no longer operating or changes have taken place with the business, please notify the Town Clerk within ten days.

If you have additional questions regarding the nightly rental application process, please review the Frequently Asked Questions, or call 435-677-2029 and speak with the Town Clerk or email at nleigh@bhtown.utah.gov or to submit a new or renewal application to Amanda Hunter at ahunter@bhtown.utah.gov.