



# BRIAN HEAD TOWN

## BUSINESS LICENSING

### VACATION RENTALS IN BRIAN HEAD, UTAH

Brian Head Town defines short-term rentals/nightly rentals as any place providing temporary sleeping accommodations to the public for a period less than thirty (30) consecutive days, including, without limitation, a condominium unit/project, single-family residential, bed & breakfast, boarding house, inn, resort, rooming house, recreational lodging unit, private campground, or timeshare project.

**Zoning:** Single-Family Residential (R-1), Medium Density Residential (R2), Multi-Family Residential (R-3), Commercial (G-C), Commercial Village Core (C-V) are zones where nightly rentals are a permitted use.

**License Required:** All nightly rentals are required to hold a valid business license with Brian Head Town. Operating without a business license is a violation of the Town Code and will result in penalties and fines (triple application fee (\$453), Class B misdemeanor (up to \$1,000), administrative code violation of \$100, then \$50 per day every day up to 14 days then a \$100 per day after). Brian Head Town does not recognize any other business license from any city/town or state in lieu of a Brian Head business license.

#### **Checklist for License Application:**

- **Nightly Rental License Application** Completed & Signed. First two pages of the application must be filled out or identified with a N/A.
- **Sales Tax ID# required.** Applicant must apply for a Utah State sales tax ID# identifying their Brian Head location for collection of sales taxes even if they choose to use an advertising site that collects the state sales taxes on their behalf such as Airbnb, Vrbo, etc. A copy of the sales tax certificate must be submitted with the application.
- **Owner Affidavit** Form must be completed and signed and returned with application. Condos do not need to identify the parking spaces on the form since the HOA regulates parking for the complex.
- **Proof of insurance:** The applicant must provide a copy of the homeowners insurance identifying the physical address of the property, owner's name and expiration date. The Town does not accept Homeowner Association's insurance as proof of insurance.
- **Fees paid.** New application: \$151 which includes one unit. Any additional new units are \$32 per unit. Renewal is \$122 which includes one unit. Renewal for additional units is \$26 per unit. Paying the fee does not automatically ensure the license will be issued. NO business shall be conducted until the license is issued. Other fees that are associated with a license are: \$30 Fire inspection (per unit/per inspection); Nightly Rental Disproportionate Cost of Service Fee: \$108 per condo per year and \$298 per cabin per year. This fee will follow the renewal process or a new application submission.

- **Fire Inspection** must be completed and passed off. A \$30 fee per inspection/unit is to be paid prior to the inspection. Re-inspection of a unit will be assessed an additional \$30 per inspection. Fire inspection requirements can be found on the Town's website. The Good Neighbor Policy and Overnight Parking Map are part of the fire inspection and are available on the Town's website to download. When you are ready for the fire inspection, contact the Town Hall and we can schedule the inspection with or without the owner being present for the inspection if a code to the condo/cabin is available. Please be sure your application is submitted prior to scheduling your inspection.

### **Running a Nightly Rental Business in Brian Head:**

Town Code Title 3, Chapter 2-A-21-3 identifies regulations for a nightly rental business. Brian Head Town has a three (3) strike policy in which if a licensee/property violates the nightly rental code they are subject to a strike. Three (3) strikes within a year of the first strike the business license will be suspended for one (1) year from the date of which the license was suspended. If the licensee continues to operate, a citation will be issued for conducting business without a license and their license will be revoked.

### **Specific requirements are as follows:**

1. All nightly rentals must meet all applicable building, health, fire codes and Town ordinances for the intended use.
2. Maximum occupancy allowed by the fire code shall be posted in plain view near the main entryway for all single-family residential rentals.
3. Snow Removal for Access: Snow removal during winter months to a level that allows safe access to the rental unit over the normal pedestrian access to the unit.
4. Off-Street Parking Maintenance: Snow removal service to and from off-street parking facilities associated with the rental unit must be maintained so that off-street parking is at all times available for use of the occupants.
5. Parking: Parking must be in compliance with the Town's Parking Code including limitation on on-street parking and other state laws and regulations. Rental units shall be limited to a maximum number of vehicles parking on-site based on the total available developed off-street parking spaces on premises. Single-family residential rentals shall post the maximum on-site parking in plan view near the main entryway along with a declaration prohibiting on-street parking between November 1 through April 30<sup>th</sup> as well as a map of available overflow public parking.
6. Structural Maintenance: Structural maintenance to ensure building, health, safety and fire code compliance.
7. Yard Maintenance: Summer yard maintenance, including landscaping, to a level that is consistent with the level of landscaping and maintenance of adjoining and nearby properties.
8. Inspections: Each unit will be inspected for safety issues required in the fire inspection requirements along with appropriate egress. The unit will be inspected at the time the license is granted and will be inspected at least biennially (once every two years). Inspections and re-inspections will be at the cost of the licensee.
9. Good Neighbor Policy: Licensees are required to distribute a copy of the Town approved Good Neighbor Policy to all guests/renters at the licensee's expense and to keep a copy of the Good Neighbor Policy in a conspicuous place within the unit.

10. Response to Complaints: Failure of the licensee to respond in a timely manner to Town complaints or concerns may result in a violation and possible fines to the owner and/or rental management company or revocation of the business license.
11. Insurance: Property and casualty insurance must be maintained on the rental unit at all times. Licensee must provide proof of such insurance at the time of application and upon request by the Town Clerk.
12. Commercial Uses Prohibited: Nightly rentals may not be used for commercial uses not otherwise permitted in the zone. Rental units may not be converted to corporate sponsor or business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for.
13. Collection of Applicable Taxes and Fees: Failure of the licensee to collect and deposit sales tax or the Brian Head Enhanced Service Fee is a violation of the license and grounds for revocation.

**Noise, Nuisance, and Occupancy Control:**

1. Cabins: The licensee of any rental unit located in a single-family residential zone is responsible for regulating the occupancy of the unit and noise and nuisance created by the occupants of the unit. Violation of the Town Nuisance Code (4.4), violation of maximum occupancies, failure to use designated off-street parking, criminal conduct, or any other abuse which violates any law regarding use or occupancy of the premises, is ground for revocation under Town Code 3.2B-1
2. Condos: Licensees of rental units located in multi-family residential zones or commercial zones, in concert with any existing owner's association, shall use their best efforts to reduce/limit noise and nuisance created by the occupants of the unit.

**Brian Head Enhanced Service Business License Fee/Quarterly Reports:**

Brian Head Town adopted an Enhanced Service Fee of 1.5% on all taxable sales and the licensee or rental management company is responsible to report and remitted directly to the Town on a quarterly basis. Failure to submit a quarterly report could result in late fees and possible suspension/revocation of the license. The purpose of the fee is to support the Town's transit (shuttle) system and an enhanced level of snow removal to ensure the shuttle system is able to operate in the winter season.

**Brian Head Nightly Rental Disproportionate Cost of Service Fee:** This fee was adopted and became effective August 11, 2021. It is a disproportionate fee that is assessed on all nightly rentals due to the impact the nightly rentals have had on the Town's services. Additional public safety and code enforcement personnel have been hired in order to meet the growing demand on the Town's services. It is an annual fee identified with a new application or renewal of a nightly rental business.

\$108 per condo unit (Multi-Family Residential R-3) per year.

\$298 per cabin (Single-Family Residential R-1) per year.

For more information, please call the Town Clerk at 435-677-2029 or email [nleigh@bhtown.utah](mailto:nleigh@bhtown.utah) during normal business hours. All new applications are to be submitted to Amanda Hunter at [ahunter@bhtown.utah.gov](mailto:ahunter@bhtown.utah.gov) or by calling the Town offices during normal business hours.