CHAPTER 5: SHORT-TERM RENTAL RULES AND REGULATIONS

3-5-1: Short-Term Rental Rules and Regulations

Short-term rental refers to a dwelling, or any portion of a dwelling, which the owner of record, or the lessee of the dwelling, offers for occupancy for fewer than thirty (30) consecutive days.

The owner of record, or lessee of the dwelling must obtain a Utah State sales tax ID (STC) and Utah State transient room tax ID (TRT) before an application for a Honeyville City business license and short-term rental permit may be submitted.

Regulations and restrictions imposed by this section are in recognition of the premise that a short-term rental provides lodging for a transient population that may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. Separation requirements listed in Section D are based on a desire to maintain the overall character of neighborhoods and the purpose of established zones.

All Honeyville City ordinances must be followed in addition to the regulations and restrictions imposed by this section.

3-5-2: Number of Short-Term Rental Units and Density Requirements

A. The total number of short-term rental units operating in the City shall not exceed ten (10) per 1,000 residents.

B. The minimum distance between short-term rental unit locations shall be six hundred feet (600 feet).

3-5-3: Business License Required

No dwelling shall be occupied or used as a short-term rental, or advertised for use as a short-term rental, until such time that the owner has obtained a business license issued in accordance with the provisions of this section. A business license for a short-term rental must be renewed each year.

3-5-4: Rental Permit Required

No dwelling shall be occupied or used as a short-term rental or advertised for use as a short-term rental, until such time that the owner has obtained a short-term rental permit issued in accordance with the provisions of this section. A short-term rental ~~permit must be renewed each year.~~ Permit application must be submitted to the City for approval each year within 30 days of expiration.

3-5-5: Conditions for Issuance of a Business License for a Short-Term Rental

In addition to any other requirement of this section, a business license for a short-term rental shall be approved by the Planning & Zoning Commission if:

A. Another dwelling licensed as a short-term rental is not located within the same lot where the proposed short-term rental business license is being sought. No more than ten (10) percent of the dwellings in any subdivision phase or designated area to be defined by Honeyville City may be licensed as short-term rentals.

B. The application lists the name, address, and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section. This person shall be a permanent resident of Honeyville City and be ready and willing to receive phone calls at any hour to promptly deal with complaints, violations, or any other safety or nuisance issues in connection with the short-term rental property or the occupants thereof.

C. The contact information of the ~~responsible party may~~ property owner shall be furnished to property owners/residents within a five hundred (500) foot radius of the short-term rental property to enable direct contact in the case of complaints, zoning violations, or any other safety or nuisance issue with respect to the short-term rental property prior to approval of short-term rental permit.

D. The application includes a valid Utah State tax number for remittance of transient lodging taxes.

3-5-6: Parking Regulations

The owner of any property licensed as a short-term rental shall provide all weather surface off-street parking for guests in accordance with the following:

A. Off-street parking shall be provided on the same lot as the dwelling which is licensed as a short-term rental.

B. Parking shall be provided at the rate of one space per bedroom. Tandem spaces on a driveway may be used. The number of vehicles allowed by the occupants of a short-term rental shall be restricted to the number of off-street parking spaces provided by the owner.

C. All guest parking should be contained on the site.

~~D. No off-street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.~~

3-5-7: Maintenance Standard

Any property that contains a dwelling which is licensed as a short-term rental shall conform to the following standards:

A. Structures shall be properly maintained, painted, and kept in good repair, and grounds and landscaped areas shall be properly maintained ~~and watered~~ in order that the use in no way detracts from the general appearance of the neighborhood.

B. The use of a dwelling as a short-term rental shall not in any way change the appearance of the dwelling or property.

C. Each sleeping room must meet current International Residential Code for egress and be equipped with smoke and CO detectors.

3-5-8: Prevention of Noise, Nuisance or Trespass

The owner of any dwelling licensed as a short-term rental shall be responsible to ensure that guests or occupants of the short-term rental do not:

A. Create noise that by reason of; time, nature, intensity, or duration are out of character with noises customarily heard in the surrounding neighborhood.

B. Disturb the peace of surrounding property by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles, or other similar activities on streets, engaging in outside recreational activities after 10:00 p.m., or other similar activities.

C. Interfere with the privacy of surrounding properties or trespass onto surrounding properties.

D. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.

E. Engage in any disorderly or illegal conduct, including illegal consumption or production of drugs and alcohol.

3-5-9: Required Posting

The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short-term rental:

A. A copy of the short-term rental business license.

B. The name, address, and phone number of the owner and of the property manager.

C. The location of all fire extinguishers.

D. A list of all rules applicable for short-term rentals.

E. The maximum occupancy of the short-term rental and the maximum number of vehicles allowed.

3-5-10: Miscellaneous Rules and Regulations

The following rules and regulations shall apply to any dwelling for which a short-term rental business license has been issued:

A. Outdoor pools, hot tubs, or spas shall not be used between the hours of ~~11:00~~ 10:00 p.m. and 6:00 a.m.

B. Maximum occupancy in any dwelling licensed as a short-term rental shall be ten (10) persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to

the ~~Honeyville City Fire Department~~ local fire marshal, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included as part of the interior posting per Section ~~H above~~ 3-5-9 E.

C. The owner or property manager shall provide information on current occupants to police, emergency, or City personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one (1) hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.

D. The requirements of this section shall be in effect throughout the time a short-term rental license is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or paying guests of the owner. The City finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a short-term rental.

E. An inspection of a short-term rental property for compliance with these regulations may be performed at the time of business license review. Additional inspections may be performed with twenty-four (24) hour notice to the license holder/property manager if deemed necessary by the City.

F. The owner of any dwelling licensed as a short-term rental shall be required to collect and remit on a timely basis transient lodging taxes and all other applicable sales and use taxes to the Utah State Tax Commission.

G. In the event of a sale or other transfer of any property containing a dwelling licensed as a short-term rental, the purchaser or transferee of the property shall be required to apply for a new license within forty-five (45) days of the date of purchase or transfer. In the event that the purchaser or transferee fails to apply for a new license within said forty-five (45) days, the license will be forfeited, and the owner must re-apply for any available license or be placed on the waiting list.

3-5-11: Enforcement Provisions

A. Any owner of any dwelling within Honeyville City who allows or permits occupation of said dwelling as a short-term rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be guilty of a Class B misdemeanor, which shall be punishable by a fine of up to $1,000.00, imprisonment for up to six (6) months, or any combination thereof for each such violation.

B. Any owner of any dwelling within Honeyville City, who, having first obtained a business license for use or occupation of said dwelling as a short-term rental, thereafter operates or permits operations of said short-term rental in violation of the terms and provisions of this section shall be guilty of an Infraction, and shall be punished by a fine of not less than $750.00 for such violation.

C. Any person who occupies a short-term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules, or ordinances.

D. Violation of any provision of this section regulating short-term rentals shall constitute a separate offense for each day said violation occurs or continues.

E. In the event of three (3) or more violations of this section committed by an owner or guest, or any combination of the two, within any twelve (12) month period, the City Council will proceed immediate revocation of the business license for any short-term rental property in accordance with the provisions of the general business license ordinance.

3-5-12: Applicability on Existing Short-Term Rentals

The provisions of this Section apply to all short-term rentals within the City limits regardless of when the short-term rental was commenced. Any short-term rental that is in active operation on the date this Section goes into effect must be compliant with this Section within ninety (90) days of the effective date of this Section.

BE IT FURTHER ORDAINED that the subject matter of this ordinance shall be deemed to be of an urgent nature or in the nature of an emergency, and that this ordinance, upon passage and approval, shall take effect at the earliest possible time permitted by law after publication or posting.