

## NOTICE TO ALL NIGHTLY RENTAL BUSINESSES:

On August 11, 2020, the Brian Head Town Council adopted an amendment to the Nightly Rental Code affecting all nightly rentals in Brian Head. Listed below are the regulations for all nightly rentals. The new amendments are identified in **red font**. If you have any questions, please contact the Town Clerk at [nleigh@bhtown.utah.gov](mailto:nleigh@bhtown.utah.gov) or by calling the Town offices during normal business hours.

### Brian Head Town Code, Title 3, Licensing

#### **3-2A-21-3: NIGHTLY RENTAL FACILITIES:**

No person shall operate or engage in any nightly rental activity within the town without first obtaining and maintaining a valid business license as required by this chapter.

- A. License Issuance: The business license for nightly lodging facilities will be issued by the Town upon payment of necessary fees and upon a finding by the Licensing Officer or designee that the review criteria established below have been satisfied.
- B. Licensee: The applicant and licensee for nightly lodging facilities under this section shall be the owner of the property which will be used as a nightly rental or the operator of the nightly rental (such as a rental management company) with the written consent of the property owner.
- C. Application Procedure: In addition to the information required by section 3-2A-4 of this article, all new and renewal license applications for nightly rental facilities must contain the name of the property owner and the property rental manager, if any, a sales tax collection number, the physical address of each nightly rental unit being operated by the licensee, the address and telephone number of the owner and/or property rental manager who is available by telephone, the number of on-site parking spaces at each nightly rental unit, and all other information requested on the application forms. It is the licensee's duty to promptly supplement all forms as information changes or as units change from one owner or manager to another.
- D. Minimum Standards For Licensing: The minimum standards required to obtain and maintain a nightly rental business license with the Town:
  1. All nightly rental must meet all applicable building, health, fire codes, and town intended use.
  2. Maximum occupancy as allowed by fire code shall be posted in plain view near the main entry of all single-family residential nightly rentals.
  3. Snow Removal For Access: Snow removal during winter months to a level that allows safe access to the nightly rental facility over the normal pedestrian access to the unit.
  4. Off Street Parking Maintenance: Snow removal service to and from of off-street parking facilities associated with the nightly rental facility 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 Parking Ordinance including limitation on on-street parking and other state laws and regulations. Nightly rentals shall be limited to a maximum number of vehicles parked on-site based on the total available developed off street parking spaces on-premises. Single-family residential nightly rental shall post the maximum on-site parking in plain view near the main entry along with a declaration prohibiting on-street

parking between November 1<sup>st</sup> and April 30<sup>th</sup> as well as a map of available overflow public parking.

6. Structural Maintenance: Structural maintenance to sure 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 on adjoining and nearby properties.
8. Inspections: Each unit will be inspected for safety issues such as fire extinguisher, smoke detectors, maximum occupancy limits, appropriate egress, etc. A unit will be inspected at the time the license is granted and will be re-inspected at least biennially. Inspection and re-inspections will be at the cost of the licensee.
9. Good Neighbor Policy: Licensees are required to distribute a copy of a 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 nightly rental facility at all times. Licensee must provide proof of such insurance at the time of application and upon request by the Town.
12. Commercial Uses Prohibited: Nightly rental facilities may not be used for commercial uses not otherwise permitted in the zone. Nightly rental facilities may not be converted to corporate sponsors 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 Business License Fee is a violation of the license and grounds for revocation.

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

1. The licensee of any rental unit located in a single-family residential zone (R-1) 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 Ordinance (§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 grounds for revocation under §3-2B-1 of this Title.
2. Licensees of rental units located in multi-family residential zones (R-3) or commercial zones, in concert with any existing owners association, shall use their best efforts to reduce/limit noise and nuisance created by the occupants of the units.

- F. Review Criteria: In determining whether or not a business license for a nightly rental facility shall be issued, the application shall be reviewed to see if, in addition to the minimum standards for nightly rentals set forth in 3-2A-21-3(D) and the standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met:

1. The unit is located within a zone designated as allowing rentals or nightly rental facilities for the period for which the license is applied.

2. The building department and public safety department has reviewed the business license application for compliance with all building, health and fire codes. Inspection of the unit shall be required under section 3-2A-7 of this article. The applicant shall bear the cost of any such inspection and any re-inspection which may be required. The cost shall be determined by the prevailing hourly rate of the building department and/or public safety department.
3. The application must bear a sales tax collection and accounting number for the nightly rental facility This number may be the sales tax accounting number used by the property management company or owner responsible for that unit or may be specific to the unit, but no license will be effective until the sales tax number is provided.

## **Title 3, Chapter 2B Suspension and Revocation**

A license issued under this title may be suspended or revoked by the Licensing Officer, Hearing Officer or Town Council for the following reasons:

- A. Licensee has filed false or fraudulent information on the license application.
- B. Licensee has been convicted of or pled guilty to, or paid fines or settlements in criminal or civil actions brought by the State Tax Commission for the collection of, or arising from the non-payment of taxes, imposed by or collected by the State.
- C. Licensee has permitted its employees, agents or patrons to engage in illegal activities on the licensed premises;
- D. The business has been the subject of a sufficient number of consumer complaints that it has the effect of tarnishing the reputation of other businesses within the Town;
- E. Any of the grounds for denial of a license application as set forth in section 3-2A-8 of this Title;
- F. Failure to meet the standards identified in the 3-2A-21, Classification Standards of Specific Businesses.
- G. For nightly rental business licenses, failure to meet any of the standards identified in 3-2A-21-3 on three or more occasions at a single nightly rental unit may result in revocation or suspension of the ability for that unit to be operated as a nightly rental. A single egregious instance of the minimum standards identified in 3-2A-21-3 (such as violation of fire codes or building safety issues) will result in suspension of the ability for that unit to be operated as a nightly rental.
  1. Violations of 3-2A-21-3(E) in which the licensee or representatives of the licensee attempted to resolve the noise, nuisance, or other violation by contacting Brian Head Public Safety will not be considered an instance of violation under §3-2A-1(G).
  2. A unit which has been barred from operating as a nightly rental under §3-2A-1(G) may be allowed to operate as a nightly rental after a period of twelve (12) months following the suspension of operations at that unit.

*\* Red font: Code amended August 11, 2020, by the Brian Head Town Council.*