



**ORDINANCE NO. 20-008**

**AN ORDINANCE AMENDING THE BRIAN HEAD TOWN CODE TITLE 3, BUSINESS LICENSE REGULATIONS, CHAPTER 2A: LICENSING IN GENERAL AND CHAPTER 2B SUSPENSION AND REVOCATION FOR REGULATING NIGHTLY RENTALS WITHIN BRIAN HEAD TOWN.**

**WHEREAS**, The Brian Head Town Council identified a need to amend the Brian Head Business License Code in order to regulate nightly rentals within the Town limits of Brian Head, Utah; and,

**WHEREAS**, the Council held a public hearing on July 14, 2020 to receive public comment on the proposed amendments to the Business License Code, Chapter 2A Licensing in General and Chapter 2B, Suspension and Revocation. Public comments were received and submitted to the Town Clerk for the record; and,

**WHEREAS**, The Council determined it would be in the best interest of the community to identify additional requirements for nightly rentals operating in single-family residential zones; and,

**WHEREAS**, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BRIAN HEAD, UTAH, COUNTY OF IRON, STATE OF UTAH, AS FOLLOWS:**

**Section 1.** The Brian Head Town Code, Title 3 Business License Code, Chapter 2A Licensing in General and Chapter 2B Suspension and Revocation is hereby amended and codified into Brian Head Town Code, Title 3, Chapter 2A.21 regulating Nightly Rental businesses and Chapter 2B.1 Suspension and Revocation as follows:

**Title 3, Chapter 2A Licensing in General:**

§3-2A-21-3(D)(14):

~~14. Noise And Safety Control: The licensee and the owner of nightly rental facilities under this section shall use their best efforts to reduce/limit noise created by the occupants of the unit.~~

§3-2A-21-3:

**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 (§4-3), 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 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.*

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

**§3-2B-1:**

*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 ~~singly single~~ nightly rental unit may result in revocation or suspension of the ability ~~of the licensee to operate at that unit 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 violations of fire codes or building safety issues) will result in suspension of the ability ~~of the licensee to operate at that unit for that unit to be operated as a~~ **nightly rental**.*

- 1) Violations of 3-2A-21-3(E) in which the licensee or representative 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 §3-2B-1(G).*
- 2) A unit which has been barred from operating as a nightly rental under §3-2B-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.*

**Section 2. Effective Date.** This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council. Upon this Ordinance being adopted by the Brian Head Town Council, all provisions of this Ordinance shall be incorporated into Title 3, Chapter 2A of the Brian Head Town Code.

**Section 3. Conflict.** To the extent of any conflict between other Town, County, State, or Federal laws, ordinances or regulations and this Ordinance, the more restrictive is deemed to be controlling.

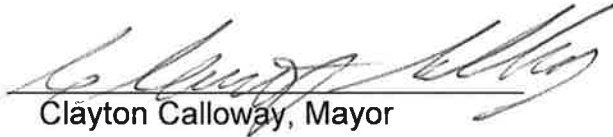
**Section 4. Severability Clause.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 5. Repealer.** All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance and all prior Business License Codes previously adopted shall be repealed.

**PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL this 11<sup>th</sup> day of August 2020 with the following vote.**

1	Mayor Clayton Calloway	Aye
2	Council Member Lynn Mulder	Aye
3	Council Member Larry Freeberg	Aye
4	Council Member Shaun Kelly	Aye
5	Council Member Kelly Marshall	Aye

**BRIAN HEAD TOWN COUNCIL**

By:   
Clayton Calloway, Mayor

**ATTEST:**

  
Nancy Leigh, Town Clerk



**CERTIFICATE OF PASSAGE AND POSTING**

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 11<sup>th</sup> day of August 2020, and have posted a summary of the ordinance in three conspicuous places within Brian Head Town, to-wit: Town Hall, Post Office, The Mall and on the Town website.

  
Nancy Leigh, Town Clerk