

Chapter 11

SHORT TERM RENTALS

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10-11-1 TITLE

These regulations shall hereafter be known, cited and referred to as the Short Term Rental Ordinance of Randolph, Utah or Chapter 11 of the Land Use Code of the Town of Randolph.

10-11-2 DEFINITIONS

The following words and phrases shall have the definitions and meanings set forth below. They shall be capitalized to indicate their special definitions. If any of the words or phrases are defined elsewhere in this code, and there is a disagreement as to their intended meaning, the definitions and meanings set forth in this section shall control the Short Term Rental Ordinance.

- A. **Application.** The application for a Short Term Rental License, which shall be a form, approved by the Town Board.
- B. **Complete Application.** An Application that has satisfied all the submittal requirements set forth in this Short Term Rental Ordinance and otherwise complies with all the criteria required for the issuance of a Short Term Rental License.
- C. **Clerk.** The Randolph Town Clerk or Assistant Clerk.

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- D. **Floor Plan.** A level-by-level plan of the Property labeling all enclosed spaces within the structure, including without limitation, all Sleeping Rooms.
- E. **Nightly/Short Term Rental.** The rental of a Dwelling Unit or a portion thereof, including a Lockout Unit for less than thirty (30) days. Nightly Rental does not include the Use of a Dwelling for Commercial Uses.
- F. **Owner.** The titled owner of the residence for which a Short Term Rental License is sought or has been issued. The Owner may be a natural person or any business entity recognized by the State of Utah. If the Owner is a business entity it must be registered with the Department of Commerce.
- G. **Parking Spaces.** Areas with a width of no less than 9 feet and a length of no less than 18 feet located either within designated garages, on impermeable surfaces such as asphalt, concrete or gravel.
- H. **Property or Short Term Rental Property.** The residence to be used as a Short Term Rental.
- I. **Property Management Company.** The Owner's agent for renting the Property, if any.
- J. **Sleeping Room or Space.** Any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, a roll out couch or futon. To be a valid Sleeping Room the Sleeping Room shall comply with all pertinent International Building Code (IBC) requirements, including, without limitation, exit requirements, ceiling height requirements, and window requirements. A Sleeping space shall require a minimum of 100 square feet of floor space.
- K. **Temporary Access Easement.** An easement in favor of the Owner and the Property over the property of another necessary to provide access to the Property. A Temporary Access Easement shall be recorded in the records of the Rich County Clerk and Recorder and shall terminate on the transfer by the owner granting the Temporary Easement.
- L. **Town.** Town of Randolph, Utah.
- M. **Use With Criteria.** The land use approval process contained in the Town's Municipal Code; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the Municipal Code and the process and requirements set out in this Short Term Rental Ordinance, the terms and conditions in the Short Term Rental Ordinance shall control.
- N. **Valid Objection.** An objection based on:
 - 1. The Owner's objective failure to file a Complete Application; or
 - 2. The Owner's failure to meet any of the required criteria for the issuance of a Short Term Rental License.

10-11-3 LICENSES

To operate as a Short Term Rental, the Owner of the Property or their Agent must file an Application with the Clerk. If an Owner fails to meet these requirements they will be subject to the Penalties as referred to in Section 10-11-12.

10-11-4 REQUIREMENTS FOR APPLICATION

Short-term rentals shall be allowed as a conditional use in all commercial zones. The following information and documentation shall be contained in the application and provided to the Clerk:

- A. Completed Application signed by the Owner.
- B. Proof of Ownership shall be as set out in the Municipal Code.
- C. Site Plan drawn to scale.
- D. Zone designation and street address for each unit.
- E. If direct vehicular access from the Property to a public street is not shown on the Site Plan, the Application must include a Temporary Access Easement from the owners of each property over which vehicles must pass to access the Property. All Temporary Access Easements shall be signed and notarized by the owner or owners of the property or properties granting the Temporary Access Easements. Upon the termination of any Temporary Access Easement, it shall be the responsibility of the Owner to obtain a new Temporary Access Easement from the property transferred. Failure to obtain a replacement Temporary Access Easement shall be cause for termination of the License.
- F. Copies of currently valid Town and State Sales Tax collection and accounting numbers in the name of the Owner or the Property Management Company.
- G. The name and address and contact information including a 24-hour contact phone number for the Property Management Company managing the Property; or, if there is no Property Management Company, the name, address and contact information, including a 24-hour contact phone number, of a person living within 15 minutes of the property(s), which may be the Owner or Agent of the Owner of the Property, who can be contacted in the event of an emergency.
- H. Proof of insurance to operate a short term rental on the property.
- I. An acknowledgement that the Owner, Property Management Company, and/or agent of the Owner, if any, have read all regulations pertaining to the operation of a Short Term Rental.
- J. The Owner shall sign and certify the accuracy of the information submitted and agree to comply with all regulations. If there is a Property Management Company or other agent of the Owner managing the Short Term Rental, the agent or an authorized officer of the Property Management Company, or both, shall also sign

and certify the accuracy of the information submitted and agree to comply with all regulations.

10-11-5 EFFECTIVE DATE OF LICENSE

The License shall be issued by the Clerk upon approval by the Town Board, provided that:

- A. The Town Board has reviewed the application, interviewed the applicant/owner and if necessary set requirements as stipulated by this ordinance for issuing the license, and;
- B. The Board has reviewed all Valid Objections, and:
 - 1. The Applicant/owner has addressed and corrected any violations, listed in the objected, as stipulated by this ordinance, or
 - 2. The Town Board finds that the objection is not valid as stipulated by this ordinance.
- C. All conditions of the license approval, by the Town Board, have been completed by the applicant or owner.

10-11-6 FEES

The application fee and annual renewal fee shall be set by resolution and will be used to offset the cost to the Town to process, administer and monitor the operation of Short Term Rentals.

10-11-7 TERM OF LICENSE

The License shall be valid for up to one year and is to be renewed annually by January 1st. The License may be renewed upon the payment of the annual renewal fee unless there is a substantial change to the information contained in the application.

- A. If a short term rental license is not renewed by January 1st, it is considered to be suspended until one of the following is completed:
 - 1. If a short-term rental license has not been renewed by March 1st, the fee, which is set by resolution, will double. The property management company or owner of the property will also be reported to the Credit Bureau.
 - 2. If a short-term rental license has not been renewed by May 1st, the license for property management/owner or subject property will be expired, a red tag will be placed on property/properties, and rental of the property/properties must cease and desist.

The Owner shall amend the Application at any time that there is a change in circumstances that would require an update to the information submitted by the Owner. By way of example and not

limitation, a change in circumstance would be change of ownership of the Property, any modification to the premises, including any changes to the Floor Plan or the Site Plan, or number of Sleeping Rooms, any changes of Property Management Company, or any change in 24-hour contact information. At the time of renewal, the Owner, Property Management Company, or other agent of Owner shall specify the number of civil penalty violations incurred within the preceding 12-month period, together with any other convictions for conduct described in this Ordinance.

10-11-8 ADDITIONAL CRITERIA

- A. Sleeping Space will be designated upon review of the Town Building Official based on the IBC requirements.
- B. There shall be at least one parking space on the Property for every five (5) occupants that are not related to the Owner as specified in the License. Parking will be based on the total number of occupants that the unit is licensed for. All parking spaces shown on the Site Plan shall be available for parking and shall not be blocked or otherwise unavailable due to the storage of materials or for any other reason. All vehicles belonging to overnight occupants shall be parked on the Property and shall not be parked on any adjacent public right-of-way. All vehicles include trailers, RV's, boats, motorhomes, etc. shall park in designated parking areas. Each trailer is considered a vehicle.
- C. The occupancy or number of guests shall not exceed two (2) persons per 100 square feet of sleeping space as described by IBC. The Occupancy or number of guests staying at the property shall be based on two (2) persons per Sleeping Room. Additional occupancy can be added upon inspection and approval of the Town Building Official based on IBC requirements. The maximum number of occupancy shall not include children under the age of three (3).
- D. The Owner or Property Management Company, or other agent of Owner shall:
 - 1. Mail or provide directly to the party signing any rental agreement or reserving the Property a copy of all Short Term Rental rules and regulations as soon as possible, but no later than 10 days after reserving the Property; and
 - 2. Prominently display on the Property all of the rules and regulations pertaining to Short Term Rentals.
 - 3. Collect and remit appropriate Sales, Resort, and Transient Rental Taxes.
- E. Each Short Term Rental shall have a clearly visible and legible notice within the unit on or adjacent to the front door, containing the following information:
 - 1. The name of the Property Management Company, agent, and/or Owner of the Property, living within 15 minutes of the property(s), contact person telephone number at which that party may be reached on a 24-hour basis;

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2. The maximum number of occupants permitted to stay in the Property as defined by the Town Building Official at the time of license;
 3. The maximum number of vehicles allowed for the occupants of the Property and that all allowed vehicles must be parked on the Property;
 4. The number and location of all on-site parking spaces and the parking rules for seasonal snow removal;
- F. The trash pick-up day and notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out and that animal-proof containers must be used.

10-11-9 PROHIBITED ACTIVITIES

- A. Occupancy beyond the specified amount in the License.
- B. Parking of vehicles in non-compliance with section 10-11-8 B of this ordinance.
- C. Outdoor sleeping of individual(s), which exceeds the occupancy level.
- D. Any unauthorized commercial activities.
- E. The preparation of any food on site for persons other than the allowed occupants and the allowed guests
- F. There shall be no employees of the Owner or the property management company living in the Property; provided, however, if the Property has a Secondary Unit, this section does not restrict whom the Owner may have as a tenant.

10-11-10 MANAGEMENT STANDARDS

The short-term rental property authorized by this ordinance must be managed properly. As a condition to holding a valid short-term rental license, the licensee agrees to provide or arrange to provide for adequate maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services required and management regulations include:

- A. Structural maintenance to preserve substantial code compliance as described herein.
- G. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.
- H. Trash collection which insures that trash containers are not left at the curb for any period in excess of twenty-four (24) hours and the property must be kept free of the accumulated garbage and refuse. All large boxes must be collapsed and trash bagged and placed in the appropriate receptacles.

10-11-11 INSPECTION

If the Town Board has reasonable grounds to believe that the information provided in the Application is inaccurate, has become inaccurate, or that prohibited activities are occurring at the Property, the Town Board may require an inspection of the Property with 24-hour advanced notice to the Owner, Property Management Company, or agent or local contact person for the Owner unless the prohibited activity is deemed to pose an immediate threat to public safety whereupon an immediate inspection shall be warranted.

10-11-12 VIOLATIONS AND PENALTIES

- A. The following conduct shall constitute a violation for which the penalties specified in subsection (B) of this section shall be imposed.
 - 1. The Owner, Property Management Company, or agent of Owner has signed an application, which, at the time of signing, was substantively incorrect;
 - 2. The Owner, Property Management Company, or agent of Owner has failed to comply with any of the additional criteria set forth in 10-11-8;
 - 3. The Owner, Property Management Company, or agent of Owner has conducted, permitted, or allowed any of the Prohibited Activities set forth in section 10-11-9 to occur on the Property.
- B. The penalties for violations specified in subsection (A) of this section shall be as follows:
 - 1. For the first violation a written warning letter issued from the Town.
 - 2. For the second violation within any 12-month period, the penalty shall be \$250.00 per property in violation;
 - 3. For a third violation within any 12-month period, the penalty shall be a fine of \$500.00 per property in violation;
 - 4. For a fourth violation and all subsequent violations within any 12-month period, the penalty shall be a fine of \$1,000.00 per property in violation.
- C. Any unpaid fines after a period of 30 days will result in revocation of license.
- D. These Violations and Penalties shall be in addition to any other violations of law that may be charged under the Randolph Town Municipal Code, including, without limitation, Noise Pollution, Nuisances, and failure to pay sales, special use, and/or occupancy taxes.
- E. The penalties for violations specified in subsection 10-11-10 of this Ordinance shall be fined \$250.00 for each violation and paid by the Owner, Property Management Company, or Agent of the Owner, and paid to Randolph Town within five (5) business days of the violation.

10-11-13 PENALTIES PROCEDURE FOR VIOLATIONS

Any person with reason to believe that an Owner, Property Management Company, or other agent of Owner has violated any of the provisions of this Chapter, he or she may file a complaint with the Rich County Sheriff. After investigation by Town Board, if there exists probable cause to proceed with the complaint, the Owner, Property Management Company, or other agent of Owner shall be summoned into Rich County Magistrate Court to answer charges. The standard of proof for any such prosecutions under this Ordinance (as opposed to the charges referenced in section 10-11-12 D of this Ordinance) shall be a preponderance of the evidence and shall result, upon conviction, in a civil penalty.

10-11-14 REVOCATION: SHOW CAUSE HEARING

Upon the occurrence of any of the following, the Town Board shall schedule a hearing requiring the Owner to show cause why the License should not be revoked:

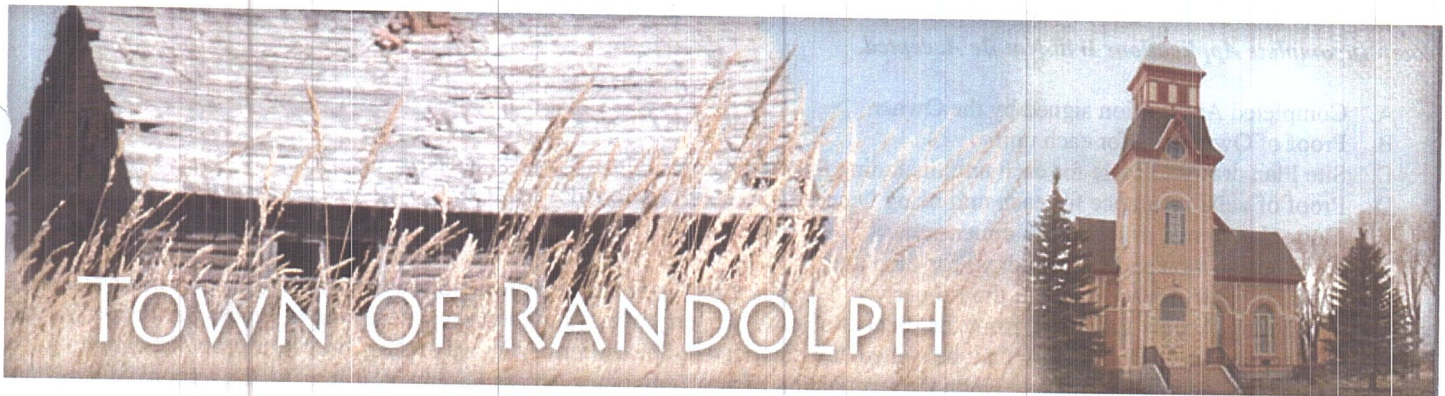
- A. The imposition of a civil penalty for a fourth violation of sections 10-11-9 and 10-11-11 within one calendar year;
- B. At the time of annual renewal, the combination of civil penalties and violations under section 10-11-11 D reported by the Owner, Property Management Company, or other agent of Owner are sufficient, in the discretion of the Town Board Member assigned to be over short term rental licenses, to warrant a show cause hearing on revocation of the License.
- C. A show cause hearing for the revocation of a Short Term Rental license shall be conducted by the Town Board. If, after public hearing, the Town Board determines that the operation of the described Short Term Rental Property has been more detrimental to the existing neighborhood character than it has been beneficial to the community in fostering its resort, business, and economic base, then the License shall be suspended for such period as determined by the Town Board. The Town Board may also revoke the License. Upon revocation, the Owner may not reapply for a Short Term Rental License at that location for two years.

10-11-15 OPERATING A SHORT TERM RENTAL WITHOUT A LICENSE

Any Person violating the provisions of this Chapter by operating a Short Term Rental without a valid License shall, upon conviction, be guilty of a Class B misdemeanor resulting in the imposition of a fine of the maximum allowable amount for a misdemeanor per occurrence. The Owner of the Property, at the time of violation, being operated as a Short Term Rental shall not be eligible for a Short Term Rental License for two years after conviction. Upon passage of this Short Term Rental Ordinance, any Property operating as a Short Term Rental shall have three months to apply for a License without violation of this section.

10-11-12 TOWN ACKNOWLEDGEMENT

The Town Board acknowledges that Short Term Rentals are not currently operating under the rules and regulations of this Ordinance. All existing Short Term Rental shall have until January 1, 2020 to apply for a Short Term Rental License under this new Short Term Rental Ordinance and comply with these new regulations, or, in the alternative, to apply for another use, which, in the opinion of the Owner, is a more appropriate land use designation for their particular business.



Short Term Rental Application

Owner or Property Management Company Name:

Owner or Property Management Company Address:

Owner or Property Management Company Phone #:

Emergency Contact Name and Phone #: *(Note: Must live within 15 minutes of property and be available 24/7)*

Contact Persons E-Mail Address:

Utah State Tax Number: *(Note: Must be registered to Town of Randolph)*

Owner of Property:

Address of STR Property:

Owners Phone #:

Parcel ID #:

Owners Mailing Address:

Subdivision or Resort Where Property is Located:

Owners E-Mail Address:

1. Structural maintenance to preserve substantial code compliance; and
2. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties; and
3. Trash collection which insures that trash containers are not left at the curb for any period in excess of twenty-four (24) hours and the property must be kept free of the accumulated garbage and refuse. All large boxes must be collapsed and trash bagged and placed in the appropriate receptacles.

By signing this document, I represent that I have read and am familiar with the Short Term Rental Ordinance, Title 10, Chapter 11 of the Town of Randolph's Development Code, and that I will conform to all the requirements therein. I also certify that this rental house/unit complies with all applicable health, safety, fire, and related public safety requirements. I further acknowledge that I understand that it is in my responsibility to contact the Town of Randolph Clerk's Office at any point that I make a change to a rental unit which might affect the information on my application.

I understand that this license does not preclude me from following the appropriate Homeowner Associate CC&R's and obtaining approval from the appropriate Homeowner Association for each unit, prior to commencing any rental. I further understand that not all subdivisions within the Town of Randolph allow Short Term Rentals and that my unit may be located within one such subdivision.

Signature of the Property Owner:	Date:
Signature of the Property Management Company:	Date:
Signature of Contact Person:	Date:

STAFF USE ONLY:

Application Fee: **NON-REFUNDABLE \$100 PLUS \$140 PER UNIT** **Amount Due:** _____

The foregoing application was _____ approved _____ disapproved at a meeting of the Randolph Town Council

held on _____ day of _____, 20_____.

Staff Signature:	Date:
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