

ORDINANCE NO. 258-20

**AN ORDINANCE OF THE CITY COUNCIL OF UINTAH CITY, UTAH,
AMENDING THE CITY CODE IN TITLE NINE; ADOPTING AND ADDING CHAPTER
23; RESIDENTIAL RENTALS; LONG AND SHORT TERM; PROVIDING FOR
REPEALER, SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, Uintah City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, in conformance with the provisions of UCA § 10-3-717, and UCA § 10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and

WHEREAS, the City Council finds and determines that the City, from time to time, needs to amend its laws, rules and regulations found within the city code to correct errors, omissions, perform updates or to better clarify language, add meaning or definitions; and

WHEREAS, the Uintah City Planning Commission held a public meeting and considered all competent evidence offered in support of and opposed to said proposed amendment; and

WHEREAS, the City finds it is in the best interest of the health, safety, welfare and well-being of the community and its citizens to revise the city code in this context; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF UINTAH CITY, UTAH that:

SECTION 1: The Uintah Municipal Ordinance, Title 9 - Land Use Regulations; is hereby amended to include Chapter 23 – Residential Rentals; Long and Short Term:

9-23-1: PURPOSE AND LIMITATIONS:

9-23-2: DEFINITIONS:

9-23-3: CONDITIONAL USE PERMIT REQUIRED:

9-23-4: NOISE AND OCCUPANCY:

9-23-5: PARKING:

9-23-6: SIGNAGE:

9-23-7: MAINTENANCE AND STANDARDS:

9-23-8: COMPLAINTS AND VIOLATIONS:

9-23-9: ADDITIONAL REQUIREMENTS FOR SHORT TERM RENTALS:

9-23-1: PURPOSE AND LIMITATIONS:

The purposes of this chapter are to strengthen the City's values of community, family, and safety while maintaining rights of property owners by permitting rental, both long and short term

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according to the standards of this chapter, to protect the integrity and characteristics of the land use districts, and to require that rentals be conducted in a manner that is consistent with neighborhood usage.

9-23-2: DEFINITIONS:

As used in this chapter:

LONG TERM RENTAL: Means a lodging facility in a single-family dwelling unit, or in an accessory dwelling unit (ADU), occupied by a single group on a semi-permanent basis for more than thirty (30) consecutive days.

OCCUPANTS: Mean the persons renting or residing in a short-term or vacation rental dwelling unit.

PETS: Mean dogs, cats, other domesticated animals, and any other animals that the occupants of a short-term or vacation rental bring onto the premises.

RESPONSIBLE PARTY: Means the owners and local representatives of the rental property.

SHORT TERM RENTAL: Means a transient lodging facility in a single-family dwelling unit, or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than thirty (30) consecutive days as an alternative to a hotel or motel.

9-23-3: CONDITIONAL USE PERMITS REQUIRED:

A. Permits: A conditional use permit shall be required for each unit used as a residential rental, long and short term, regardless of the zone, type, or primary use of the property.

B. Application For Permit: The application for a conditional use permit shall be signed by the owner of the property on which the rental is located and shall include:

1. The owner's daytime and evening phone contact numbers and email address;
2. A designated local responsible party with phone and email contact information.
3. The number of off-street parking stalls available for occupants;
4. The application fee established in the appropriate resolution.

C. Review: The Planning Commission shall review the complete application for a conditional use permit under this chapter and shall approve or deny the conditional use permit based on the criteria listed in this chapter.

D. Applicant Requirements: As a condition of receiving a conditional use permit and prior to conducting business, the applicant shall:

1. Apply for and pay the annual City business license fee, with the license to be issued after the conditional use permit is granted.
2. Obtain an inspection by the Fire Marshal to ensure compliance with fire safety provisions and occupancy requirements.

9-23-4: NOISE AND OCCUPANCY:

The responsible party shall regulate the occupancy of the short-term or vacation rental and ensure that:

- A. Owners or keepers of any pets on rental properties shall not allow the animals to create noise that could be considered disturbing, to run at large, or to create a mess that is not immediately cleaned up by the owner or keeper. It shall be unlawful for an owner or keeper of any pet to go upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.
- B. Occupants shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.;
- C. Occupants and their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;
- D. Occupants shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and
- E. The rental complies with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.

9-23-5: PARKING:

An off-street parking stall shall be provided for each vehicle the occupants bring to the rental. Vehicles parked at the rental shall not block clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on other property rights.

9-23-6: SIGNAGE:

Information shall be displayed in the interior of the dwelling unit listing twenty four (24) hours seven (7) days a week contact information and the regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct. Exterior signage shall not be allowed.

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9-23-7: MAINTENANCE AND STANDARDS:

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

- A. Structures shall be properly maintained and kept in good repair.

- B. Grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood or causes any hazard to the occupants.

- C. Each habitable space shall meet current Building Codes for size, egress, and be equipped with smoke and carbon monoxide detectors.

- D. Garbage shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pick up days.

- E. A fire extinguisher shall be accessible within the unit.

9-23-8: COMPLAINTS AND VIOLATIONS:

- A. Complaints received by the City from any person alleging any violation of this chapter shall be handled as stated in this section.

- B. Upon receiving a first complaint, the City shall call or email, and send a letter or notification to the property owner and responsible party explaining the nature of the complaint and requiring immediate correction.

- C. A second complaint will result in the City sending second letter or notification to the property owner and responsible party, explaining the complaint and warning that the conditional use permit may be in jeopardy of being revoked.

- D. A third complaint will result in written notification from the City to the property owner and responsible party requiring their attendance at a Planning Commission meeting to show cause why the conditional use permit should not be revoked. The show-cause hearing shall be held even if the owner or responsible party fails to appear.

- E. Following a show-cause hearing and short of revoking the conditional use permit, the commission may add any conditions or make any other adjustments to the permit it deems reasonably necessary.

- F. Following a show-cause hearing, the Planning Commission may revoke a conditional use permit issued under this chapter if it finds that:
 - 1. The permittee failed to comply repeatedly with any condition set forth in this chapter or the conditional use permit;
 - 2. The permittee engaged in a pattern of unlawful activity; or
 - 3. The permittee violated State law or local ordinances.

- G. Notwithstanding any other remedy in this section, violations of this Code or State law may be prosecuted as a criminal offense in the Justice Court.

9-23-9: ADDITIONAL REQUIREMENTS FOR SHORT TERM RENTALS

- A. Each short-term or vacation rental owner shall collect and remit Sales, Resort, and Transient Room Taxes to the Utah State Tax Commission.

- B. Each short term rental shall have posted within the unit and with any listing service (website, brokerage) these minimum house rules:
 - 1. Park in designated off street areas only.
 - 2. Only registered guests are permitted on property. No parties.
 - 3. Quiet time: 10:00 P.M. – 7:00 A.M.

SECTION 2: Repealer of Conflicting Enactments

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION 3: Prior Ordinances and Resolutions

The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed.

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SECTION 4: Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Uintah City.

SECTION 5: Date of Effect:

This ordinance shall take effect immediately upon its passage and any posting required by law.

PASSED AND ADOPTED by the City Council of Uintah this 1st day of September 2020.

MAYOR:

Gordon S. Cutler

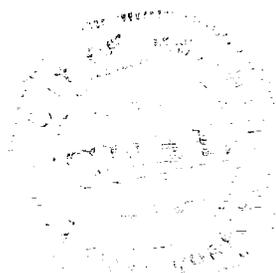
ATTEST:



Darinda Wallis, City Recorder

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Mayor Cutler:	<u>✓</u>	___
Council Member Roberts:	<u>✓</u>	___
Council Member Smith:	<u>✓</u>	___
Council Member Boothe:	<u>✓</u>	___
Council Member Bell:	<u>✓</u>	___



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