

### **Rich County Short Term Rental Ordinance**

The County Legislative Body of Rich County, Utah ordains as follows:

Section 1. Purpose.

The intent of this ordinance is to:

- A. Put rules in place that will govern the business of operating a short term rental in unincorporated Rich County.
- B. Regulate the business of short term rentals to protect the peace and enjoyment of surrounding communities and neighborhoods.
- C. Do so by requiring a short term rental business license for all persons who engage in the business of operating short term rentals.

Section 2. Definitions.

For the purposes of this ordinance:

- A. “Short term rental” means the rental of any dwelling, house, or residence, or a portion thereof for less than thirty (30) consecutive days to any renter, when the rental includes over-night accommodations. Short term rental does not include rental of over-night accommodations where there is an owner or an agent of the owner on the property throughout the rental period, such as is normally the case with hotels, motels, or bed and breakfasts.
- B. “Sleeping area” means those interior portions of the rental unit that have been physically set up for sleeping, such as a bedroom or loft. Sleeping areas must have an “egress” window with access to the outside and otherwise comply with building and fire codes. Each sleeping area shall require a minimum area of 100 square feet of floor space.
- C. “Floor plan” means a level-by-level plan of the rental property with all enclosed indoor spaces labeled with dimensions. All proposed sleeping areas should be clearly indicated.
- D. “Owner” means the record title owner of the property for which the short term rental business license is sought or held. An owner may be a person or any form

of business entity recognized by the State of Utah. If the owner is not a person, the entity shall maintain current registration with the Utah Department of Commerce.

- E. "Parking space" means an area with a width of not less than 9 feet and a length of not less than 18 feet located either within a designated garage or on a gravel, concrete, or asphalt surface.
- F. "Egress window" is a window providing access from the house to the outside. The window must (1) be at least 20" wide, (2) be at least 24" tall, (3) have at least 5.7 square feet in area, and (4) have a window sill no higher than 44" above the floor.
- G. "Life safety electrical" requires placement of GFCI outlets in all kitchens, bathrooms, garages and any outlets near wet location

### Section 3. Business License Required.

- A. To operate a short term rental in unincorporated Rich County, the owner must first: (1) submit a completed application to the county's Planning and Zoning Administrator and (2) receive a short term rental business license.
- B. A separate application is required for each rented unit. An owner must have a separate short term rental business license for each individual unit operated as a short term rental.
- C. The short term rental business license shall clearly indicate the maximum occupancy of the rented property and the maximum number of vehicles to be parked at the property.

### Section 4. Location.

A short term rental business license shall be issued for any applicant complying with the terms of this ordinance. However, property located inside a Beach Development Zone (BD) must also obtain a conditional use permit from the County's Planning and Zoning Commission before engaging in the business of operating a short term rental.

### Section 5. The Application.

A separate application is required for each unit operated as a short term rental.

The following information shall accompany the application and be provided to the Planning and Zoning Administrator:

- A. A completed Application for a Short Term Rental Business License on a form authorized by the Board of Commissioners, which can be obtained from the County Clerk or the Planning and Zoning Administrator.
- B. Proof of ownership of each affected unit.
- C. A site plan drawn to scale for each unit, including the unit's parking area with each individual parking space mapped out. The site plan should show the vehicular access to the rental property from the nearest public road.
- D. Proof of liability insurance for each affected unit.
- E. A floor plan drawn to scale with dimensions. The floor plan will be used to determine rental capacity and should indicate sleeping areas for the unit.
- F. The street address for each unit.
- G. If there is no direct vehicular access from the unit to a public street, the application must include a signed and notarized current access easement from any owner of private property through which vehicular access would be necessary.
- H. Copies of currently valid Utah sales tax collection and accounting numbers in the name of the owner or the property management company.
- I. The application must provide the name, address, and contact information of a person living within one (1) hour of the property who could be contacted in the event of a problem or emergency and who would have access to the property. If the property is managed by a property management company, the application must also include the name, address, and contact information (including a 24-hour contact phone number) for a person at the property management company.
- J. Proof of inspection by the Rich County Building Inspector and Rich County Fire District Fire Chief.
- K. A signed acknowledgement on the application that the owner has read all of the terms of this ordinance along with a certification that all of the information provided with the application is true and correct. If there is a property management company, the appropriate agent at the property management company shall sign making the same acknowledgment and certification.

Section 6. Fees.

- A. The application fee shall be \$250 for each application.
- B. Thereafter, a \$150 renewal fee shall be charged each year for each affected unit.
- C. The above fees will be used to offset the County's costs to process, administer, and monitor the operation of short term rentals.

Section 7. Effective Date of the Short Term Rental Business License.

- A. The application shall be filed with the Planning and Zoning Administrator or with the County Clerk.
- B. The Planning and Zoning Administrator shall review the application. The Planning and Zoning Administrator shall note any objections or defects in the application.
- C. The Planning and Zoning Administrator shall notify the applicant of any defects or objections in order to allow the applicant an opportunity to remedy the problem.
- D. The Planning and Zoning Administrator shall review all applications and place on agenda for planning commission review. Upon approval by the planning commission the Planning and Zoning Administrator will issue a short term rental business license and conditional use permit where the requirements of this ordinance have been met.
- E. If the Planning and Zoning Administrator denies an application, the Administrator shall notify the applicant in writing and include a statement of the reason for the denial. The applicant may appeal to the Board of County Commissioners who will then review the application and determine whether the application meets the requirements of this ordinance. The Planning and Zoning Administrator shall forward to the Board of County Commissioners: (1) a copy of the denied application, (2) any paperwork received regarding the denied application, and (3) a brief written statement of why the application was initially denied.

Section 8. Term of the Short Term Rental Business License and Ongoing Duty of Applicant.

- A. The short term rental business license shall be valid for one year. A license may be renewed each year by submitting a written certification to the Planning and

Zoning Administrator that the facts as stated in the original application have not materially changed, the annual fire inspection has been completed and paying the \$150 renewal fee.

- B. The original application and all subsequent renewal certifications shall be kept on file with the Zoning and Planning Administrator.
- C. The owner shall amend the original application whenever there is any material change in the facts as stated in that application. Examples of material changes would include: (1) a change in ownership of the property, (2) a change in the property management company listed in the application, (3) a change in the contact information for the person listed as the 24/7 contact, or (4) any modification to the property that affects the site plan or floor plan.

Section 9. Maximum Occupancy and Parking.

- A. The maximum occupancy of the short term rental property will be calculated using the square footage of the available sleeping area in the unit.
- B. The maximum occupancy for the unit shall not exceed two (2) persons per 100 feet of sleeping area. The maximum number of occupancy shall not count children under the age of four (4) years old.
- C. There shall be at least one parking space on site for every six (6) occupants. All designed parking spots should be marked on the submitted site plan. Designated parking spots must be on the property and not on public streets.

Section 10. Notice to Overnight Guests.

- A. The owner or property management company shall provide renters with a copy of the short term rental rules listed in this ordinance as well as the maximum occupancy and number of parked vehicles. The owner shall provide the above notice as soon as possible after signing the rental agreement.
- B. The owner shall also prominently post in the rental unit: (1) a notice of the maximum occupancy; (2) a notice of the maximum number of vehicles to be parked at the unit; (3) a copy of the rules of short term rentals as contained in this ordinance; (4) the name and contact information of the owner, property manager, or other person who can be reached 24/7; and (5) the physical address of the unit.

Section 11. Management.

Rental property used as a short term rental must be properly managed. As a condition of holding the short term rental business license, the owner must provide:

- A. Structural maintenance to keep the rental property up to building code.
- B. Reasonable routine upkeep, including painting and landscaping, to a level that is consistent with the level of maintenance of the neighborhood in which the property is located.
- C. Trash collection, which ensures that the trash is properly put out for collection and that trash cans are not left on the street for more than twenty four hours.

Section 12. Prohibited Activities.

The following activities are prohibited in a short term rental:

- A. Occupancy beyond the maximum number specified in the short term rental business license.
- B. Parking of vehicles not in compliance with the approved site plan.
- C. Outdoor sleeping of persons, which exceeds the occupancy permitted for the unit.
- D. Any unauthorized commercial activities.

Section 13. Inspection.

- A. As a condition of holding a short term rental business license, the owner agrees to allow inspections by the county Fire District Chief, Building Inspector, or Zoning and Planning Administrator at reasonable times and with reasonable notice during periods where the unit is not being rented.
- B. If the County has reasonable grounds to believe that a prohibited activity is occurring on the property, the County may require an inspection without notice.

Section 14. Violations.

The following conduct shall be considered a violation of this ordinance and of the terms of holding a short term rental business license:

- A. The applicant signed the application, which at the time contained a factual statement that was not substantially correct.
- B. A material fact stated in the original application had changed, and the applicant failed to promptly file a notice with the Planning and Zoning Administrator as required by Section 8.C.
- C. Operating a short term rental without holding a valid short term rental business license.
- D. Violating, or allowing the violation by an owner's agent or guest, any of the terms listed in Section 12.
- E. Refusing to allow an inspection as required under Section 13.
- F. Failing to provide the maintenance required under Section 11.
- G. Failing to provide or post the notices to renters required by Section 10.

Section 15. Notice of Violation.

- A. A notice of violation may be provided by the Rich County Building Inspector, the Rich County Sheriff's Office, or the Planning and Zoning Administrator.
- B. The notice of violation will be provided either personally to the owner or mailed to the current address provided to the Planning and Zoning Administrator. If there is Property Management Company listed in the file, a copy of the notice of violation will be mailed to that company as well.
- C. A notice of violation for a physical condition to be abated on the rental property shall specify in the notice a reasonable time frame to remedy the violation.

Section 16. Penalties.

- A. For a first violation of Section 14 in a calendar year, the owner will be provided a written notice of violation. The notice of violation will also be filed with the original application.
- B. Any second violation in a calendar year, or a failure to remedy a violation after having been provided a written notice of violation under Section 15.C, will be subject to a \$300 fine.
- C. Subsequent violations in a calendar year will be subject to a \$500 fine.
- D. Penalties are to be paid directly to the Rich County Clerk.
- E. A short term rental business license cannot be renewed until the owner pays all outstanding fines and has remedied all noticed violations.
- F. Operating a short term rental without a valid short term rental business license is a class-C misdemeanor.
- G. An owner who has received three (3) violations in any calendar year or who has unreasonably failed to remedy a physical condition under Section 15.C may be given notice to appear before the Board of County Commissioners. At that hearing, the owner may present evidence and be heard on whether action should be taken on the owner's short term rental business license.
- H. A short term rental business license may not be renewed without the consent of the Board of County Commissioners if the owner received three violations in the preceding calendar year.
- I. The Board of County Commissioners, when acting under Section 16.G or 16.H may (1) take no action, (2) revoke the short term rental business license, (3) revoke, suspend, or delay renewing a license for a period of time, (4) impose a fine to not exceed \$500, (5) impose any reasonable restriction as a condition of renewal or continued holding of the license, or (6) any combination of the above.

Section 17. Appeals of Penalties.

- A. An appeal of any penalty, notice of violation, decision to not renew a short term rental business license, or any other adverse decision under this ordinance may be appealed to the Rich County Board of Commissioners.
- B. The owner or his agent may appeal a decision by filing a notice of appeal with the County Clerk. The matter will then be heard at a regular meeting held by the



Board of Commissioners. The owner or his agent will be given notice of the hearing and an opportunity to be heard and present evidence.

- C. A notice of appeal must be filed with the County Clerk within ten (10) business days of receiving the notice of violation. If an owner fails to appeal a notice of violation within that time, the penalty will be assessed as stated in Section 16.

Section 18. Effective Date.

This ordinance shall become effective May 1, 2017 and upon posting as provided by law.

(Ordinance No. 8-2, enacted March 6, 2017)