

Rich County Short-Term Rental Ordinance

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

Section 1. Prior ordinance repealed.

This ordinance repeals and replaces county ordinance 8-2.

Section 2. 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 in addition to a separate conditional use permit issued by planning and zoning for all persons who engage in the business of operating short-term rentals.

Section 3. 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.

management company, the appropriate agent at the property management company shall sign making the same acknowledgment and certification.

Section 7. Fees.

- A. The license fee shall be based on the maximum occupancy of the short-term rental, as calculated by the Planning Administrator following review of the completed application. The fee must be paid before the short-term rental license may be issued.
- B. The license fee for is \$25 per person multiplied by the approved total occupancy of the rental property.
- 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 8. 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 new applications and place on agenda for planning commission review. Upon approval by the planning commission the planning 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 9. 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.
- B. A license may be renewed each year by submitting a written certification to the Planning and Zoning Administrator that (1) the facts as stated in the original application have not materially changed or explaining any changes, (2) the annual fire inspection has been completed and (3) includes payment of a renewal fee.
- C. The renewal fee is \$15 per person multiplied by the approved total occupancy of the rental property.
- D. Annual renewal applications are to be submitted between January 1, and March 31, of each year. Renewal applications after March 31 will be subject to the fees for original licenses. A license that has lapsed for 12 months may not be renewed and a subsequent application will be treated for all purposes as a new application.
- E. The original application and all subsequent renewal certifications shall be kept on file with the Zoning and Planning Administrator.
- F. 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.
- G. A license holder who ceases operating a short-term rental is encouraged to notify the Planning and Zoning Administrator.

Section 10. 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 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 11. 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 12. 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 13. Prohibited Activities.

The following activities are prohibited in a short-term rental:

- A. Occupancy above 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 14. 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 15. 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.
- 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 14.
- F. Failing to provide the maintenance required under Section 12.
- G. Failing to provide or post the notices to renters required by Section 11.

Section 16. 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 mailed to the address on file for tax notices with the County. 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 17. 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, will be subject to a \$300/day fine.
- C. Subsequent violations in a calendar year will be subject to a \$500/day fine.
- D. Penalties are to be paid directly to the Rich County Clerk.
- E. A short-term rental business license cannot be processed 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.
- J. Rich County will not pursue enforcement on the basis of "solely" advertising a short-term rental listing.

Section 18. 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.

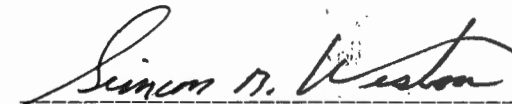
- B. The owner or his agent may appeal a decision by filing a notice of appeal with the County Clerk. The matter will then be heard at a regular meeting held by the Board of Commissioners. The owner or his agent will be given notice of the hearing and an opportunity to be heard and present evidence.
- 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 19. Effective Date.

This ordinance shall become effective upon posting as provided by law.

APPROVED and ADOPTED this 8th day of January, 2024.

BOARD OF RICH COUNTY COMMISSIONERS



Chairman

ATTEST:



Rich County Clerk

Commissioner Sim Weston voted	<u>yes</u>
Commissioner Bill Cox voted	<u>yes</u>
Commissioner Jon Lee voted	<u>yes</u>