

ORDINANCE NO. 2020-04

AN ORDINANCE TOWN OF CHARLESTON, UTAH ESTABLISHING GENERAL STANDARDS AND REQUIREMENTS FOR RESIDENTIAL SHORT-TERM RENTALS.

WHEREAS, the Charleston Town Council (the "Council") met in regular session on July 2, 2020 to consider, among other things, approving an ordinance regarding establishing general standards and requirements for residential short-term rentals; and

WHEREAS, Town staff and other interested persons have recommended the addition to the Charleston Town Code, an Ordinance to establish general standards and requirements for residential short-term rentals; and

WHEREAS, Utah Code Annotated Title 10, Chapter 3, Part 7 Section 701, et seq. allows municipalities within the State of Utah to exercise its legislative powers by passing and enforcing ordinances; and

WHEREAS, the Council has determined that an ordinance establishing general standards and requirements for residential short-term rentals is needed;

NOW, THEREFORE, BE IT ORDAINED by the Charleston Town Council initiate proceedings to establish general standards and requirements for residential short-term rentals in order to protect the public health, safety, and general welfare and also to implement the health and general welfare objectives of the Town, the Council hereby adopts the following:

Section 1 Addition to Town Code: Residential Short-term Rental Business License Requirements

Short-term Rental Business License Requirements

i. Definition:

"Short-term Rental" means a residential unit or any portion of a residential unit within a residential zone, that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days or a residential unit or any portion of a residential unit or that is actually used for accommodations or lodging of guests for a period of less than thirty consecutive days.

ii. Business License Required:

It is unlawful to conduct or operate a short-term rental without having first obtained a business license therefor and having an annually renewed business license thereafter.

iii. Applications shall contain the following information:

1. The location of the short-term rental,
2. The number of rooms therein contained,
3. The number of persons the short-term rental will accommodate (may be altered after inspection by the Fire Marshal),
4. The name of a property manager,
5. A sales tax collection and accounting number,

6. The name, address and telephone number of a local responsible party who is available by telephone twenty-four hours per day, and

7. Such other information as the license official shall from time to time require.

iv. The application shall include a statement by the applicant affirming that the applicant is currently in compliance with all legal requirements and has paid all applicable taxes, fees and other charges, including but not limited to the transient room tax.

v. License; Application; Investigation

1. Applications shall be referred by the Mayor to the Town Fire Marshal and Wasatch County Health Department or such other agency as the license official may deem appropriate to make or cause to be made an investigation of the short-term rental premises, the applicant and other relevant matters. Recommendation as to the issuance or denial of the license, based on the above inspections, shall then be referred to the Mayor for approval or to recommend denial in accordance with the State adopted Fire Codes or County adopted Health Codes.

2. A license that has been granted may be suspended or revoked for any violation of the provisions of this chapter or for any of the reasons as contained in the Charleston Town Nuisance Abatement Ordinance, the International Fire Code as adopted by the State of Utah, the Wasatch County Health Department regulations or other relevant Town or State codes and regulations.

3. Any appeal of a decision to deny, suspend or revoke a license shall be heard in accordance with those procedures established by the Town Council's Official Complaint Policy;

vi. License Fee

1. The annual fee for a license under this chapter shall be the same as the general business license and fire inspection fees. A license with applicable fees is required for each separate short-term rental property.

vii. Inspections for Compliance

1. After a license has been granted, the license official may cause make periodic inspections of a short-term rental to ensure compliance with this chapter and all other applicable law. A fire inspection shall be required to be passed before issuance of the initial business license and then again annually before renewal of the business license.

viii. Maintenance; Structures and Grounds; Other Requirements And Limitations

1. A short-term rental shall be maintained to the following minimum standards:

a. Periodic housekeeping service shall be provided by the owner, including removal of trash to the nearest collection point, on at least a weekly basis.

3. Short-term rentals may not be used for any of the following:

a. Commercial purposes not otherwise permitted in the zone;

b. Distribution of retail products or personal services to invitees for marketing or similar purposes;

c. The outdoor display of goods and merchandise for sale; and

- d. The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes;
- e. The access to the short-term rental unit and the layout of the short-term rental shall be designed so that noise and physical trespass from the short-term rental unit is not likely to be a substantial intrusion on adjoining properties; and
- f. If the short-term rental shares an access or driveway with another dwelling, written consent of the owner or owners of the other dwelling or dwellings is required.

ix. Required parking areas and access to parking areas shall be maintained and available for use at all times:

- 1. Parking for this use shall include a minimum of two parking spaces for each dwelling unit, shall be contained on the site, and shall not be allowed on the public rights-of-way.

xi. Responsible Party.

- 1. The licensee must designate a responsible party that is either an individual or a property management company that either resides or maintains an office in Wasatch County.
- 2. The responsible party is personally liable for failure to properly manage the short-term rental.
- 3. The responsible party must be available by telephone, or otherwise, twenty-four hours per day and must be able to respond to inquiries within twenty minutes of receipt of an inquiry.
- 4. The licensee must have a sales tax collection and sales tax accounting number for the rental operation and the sales tax number must be included on the short-term rental application. All applicable taxes, charges and fees, including the transient room tax, must be paid in full during the period of licensure.

xii. Nameplate Sign

- 1. One nameplate sign shall be permanently attached to the building in a conspicuous location near the front entrance of the short-term rental.
- 2. The nameplate sign shall:
 - 1. Not exceed four inches by six inches in dimension;
 - 2. Provide the name and telephone number of at least one responsible individual located within Wasatch County that can be contacted twenty-four hours a day;
 - 3. Contain the occupant load of the building as allowed by the International Building Code;
 - 4. Be made of durable, weather resistant material; and
 - 5. Contain no advertising.

xiii. Separate Violations

1. For purposes of prosecution of violations of this chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation.

xiv. License; Application; Denial Conditions; Appeals

1. After receiving a recommendation from Town Staff, the Mayor may deny a license or a license renewal if the applicant has within five years immediately preceding the date of application:

a. Obtained a license by fraud or deceit;

b. Failed to pay personal property taxes, Utah state sales taxes, or other required fees; or

c. Violated the laws of the state, the United States Government, the ordinances of the town, or the rules and regulations of any local government or Utah state agency governing operation of the business holding the license or permit.

SECTION 2. Severability.

If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date.

This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED by the Town Council of Charleston Town,
Utah, this 2nd day of July, 2020 by the following vote:

	YES	NO	ABSENT
Council Member Vaughn Rasband	<u>X</u>	<u> </u>	<u> </u>
Council Member Darrell Nish	<u>X</u>	<u> </u>	<u> </u>
Council Member Jim Brown	<u>X</u>	<u> </u>	<u> </u>
Council Member Scott Solum	<u>X</u>	<u> </u>	<u> </u>
Mayor Brenda Kozlowski	<u>X</u>	<u> </u>	<u> </u>

Attest: Ailene Buehler
Town Clerk

By: Brenda Kozlowski
Mayor

Seal:



Approved as to form:
[Signature]
Town Attorney

PASSED AND APPROVED this 2nd day of July, 2020.