

ORDINANCE NO. 17-18

**AN ORDINANCE REGARDING SHORT-TERM RENTAL APPLICATIONS
TO BE INCLUDED IN THE AMENDED ZONING AND SUBDIVISION
ORDINANCE FOR THE UNINCORPORATED AREA OF DAGGETT
COUNTY**

WHEREAS, after giving notice and conducting a public hearing on July 19, 2017, the Daggett County Planning Commission has recommended that the attached land use ordinance regarding Short Term Rental Units as a Conditional Use be included in the Amended Zoning and Subdivision Ordinance For The Unincorporated Area of Daggett County, and;

WHEREAS, The Daggett County Board of Commissioners has reviewed the recommendations of the Daggett County Planning Commission and held a public meeting after giving proper notice, and;

WHEREAS, Daggett County adopted the Amended Zoning and Subdivision Ordinance For The Unincorporated Area of Daggett County on July 26, 2017, and;

WHEREAS, the Daggett County Board of Commissioners finds it is in the best interest of the public health, safety, and welfare of the county to enact this ordinance which was recommended by the Planning Commission and to incorporate the changes into the Amended Zoning and Subdivision Ordinance For The Unincorporated Area of Daggett County.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Daggett County Board of Commissioners as follows:

Section 1: The attached land use ordinance regarding Short Term Rental Units as a Conditional Use is hereby adopted and shall be incorporated into the Amended Zoning and Subdivision Ordinance For The Unincorporated Area of Daggett County.

Section 2: This ordinance shall be recorded and shall be in full force and effect from and after its passage and approval as provided by law.

APPROVED and ADOPTED this 8 day of August, 2017.

ATTEST:

DAGGETT COUNTY
BOARD OF COMMISSIONERS



Brian Raymond
County Clerk/Treasurer



Jack Lytle, Chair



Clyde Slaugh, Commissioner



Randy Asay, Commissioner



Short-term Rental Units as a Condition Use:

The rules and regulations and process contained within this title shall be known as the Short Term Rental Ordinance.

Definitions: The following words and phrases shall have the definitions and meanings set forth below. If any words or phrases are defined elsewhere in this code, and there is a contradiction as to their meaning, the definitions set forth in this section shall control the Short Term Rental Ordinance.

1. **Application:** The application for a Short Term Rental shall be a Conditional Use permit for a Short term rental.
2. **Complete Application:** shall mean an Application that has satisfied all of the submittal requirements set forth in this Short Term Rental Ordinance and otherwise complies with all of the criteria required for the issuance of a Short Term Rental Condition Use Permit.
3. **Floor Plan:** shall mean a level-by-level plan of the Rental Property with labeling of all enclosed spaces within the structure and dimensions, including without limitation, all sleeping areas.
4. **Nightly/short term Rental:** Shall mean the rental of Dwelling Unit or a portion thereof for less than thirty (30) days to a single person. Nightly Rental does not include the Use of a Dwelling for Commercial Uses.
5. **Guest Room:** A room which is designed for occupancy by one (1) or more guests for sleeping purposes, but having no cooking facilities and not including dormitories.
6. **Owner:** Shall mean owner of record, recorded in the Daggett County Recorders office, of the residence for which a Short Term Rental Conditional Use Permit is sought or has been issued to. The Owner may be a person or any form of business entity recognized by the State of Utah. If the Owner is a form of business entity, the business entity shall maintain current registration with the Utah Department of Commerce.
7. **Parking Space:** Shall mean an area with a width of not less than 9 feet and a length of not less than 18 feet located within the designated garages, or on impermeable surfaces such as asphalt, concrete or gravel.
8. **Property or Short Term Rental Property:** Shall mean all such residences or dwelling units used for Short Term Rental purposes.
9. **Property Management Company:** Shall mean the Owner's agent for renting the Property, if any.
10. **Sleeping Area:** Shall mean any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, pull out couch or futon. To be a valid sleeping area the sleeping area shall have appropriate exits, ceiling heights, and windows. A sleeping are shall require a minimum of 100 square feet of floor space.
11. **Transient:** Shall mean Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

12. **Use With Criteria:** Shall mean the land use approval process contained in the Daggett County Ordinances; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the County Ordinances and the process and requirements set out in this Short Term Rental Ordinance, the terms and conditions in this Short Term Rental Ordinance shall control.
13. **Valid Objection:** Shall mean 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 Condition Use Permit.

A. General Provision:

It shall be unlawful for any person to rent for less than thirty (30) days a residence without possessing and maintaining a Conditional Use Permit as required by this Ordinance. For this Ordinance, the word Permit shall mean the same as Conditional Use Permit. Only the owner(s), as defined in this Ordinance, shall be allowed to hold a permit. A residence providing short term rentals, when allowed as a Conditional Use, shall be approved only in accordance with Title 8 of this Ordinance, and the conditions for this use as stated below.

1. **Term of Permit:** All Permits issued for Short Term Rentals shall be good for one year from the date of issue and must be renewed annually.
2. The owner of a single family dwelling for which a short term rental permit is sought shall not hold a permit to operate another short term rental unit within the Daggett County boundaries.
3. Conditional Use Permits shall only be issued to the owner(s) of the property.
4. Each owner and his agent renting or leasing a short term residential rental unit shall maintain that unit in a condition fit for human habitation and in accordance with this ordinance and the rules of the Tri-County Health Department. Each short term residential rental unit shall have electrical systems, heating, sanitation plumbing, and hot and cold water.
5. Each unit shall pass a safety inspection by the Daggett County Building inspector and pay the appropriate fees for said inspection.
- ~~6.~~ In the event of a sale or other transfer of any property containing a permit as a short term rental unit, the purchaser or transferee of the property shall be required to apply for a new license within forty five (45) days of the date of purchase or transfer. In the event that the purchaser or transferee fails to apply for a new license within said forty five (45) days, the Conditional Use Permit will be forfeited and the owner must re-apply for a Short Term Conditional Use Permit.
7. Each short term residential rental property owner shall keep a register of guests. Such registration or list shall include the names and addresses of all guests and be available for inspection by the building inspector or law enforcement at any time.
8. Must comply with all Home Owners Association (HOA) rules and regulations. If Short term rentals are not allowed then said HOA rules shall apply.

9. Short Term Rental Units are a Conditional use in MU 40, MU80, MU 160, AG 20, AG40 and RR10 zones.

B. Application Requirements:

1. The Application for a Conditional Use Permit for Short Term Rental of Residential Property must be filled out completely and all required fees paid before the application will be considered.
2. The conditions for approval will be questioned on application and must be met in order to be considered for a Conditional Use Permit.
3. An initial safety inspection of the property by the Building Inspector shall be a part of this application. Said safety inspection must be completed and applicable fees for said inspection must be paid before the application can be considered.
4. Proof of Ownership for said unit.
5. Proof of valid insurance for each unit being licensed for short term rentals.
6. Proof of valid liability insurance for the following: Owner, Property management company/or any other entity.
7. Floor plan and site plan, including the parking area with each parking space mapped out, drawn to scale with dimensions.
8. Zone designation and street address for each unit.
9. A Daggett County Business License is required.
10. The application must include a valid Utah State Tax number for remittance of transient lodging taxes.
11. A signed acknowledgment on the application, that the Owner, Property Management Company and/or Owners agent, if any, have read all of the Daggett Counties regulations and ordinances pertaining to the operation of a Short Term Rental.
12. The Owner shall sign the application certifying the accuracy of the information submitted and agreeing 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 authorized officer of the Property Management Company, or both, shall also sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations.

C. Conditions for Approval:

1. A county business license shall be obtained before occupancy and after approval of the Conditional Use Permit. Sales and Transient Room taxes must be collected and remitted to the proper authority.
2. No more than four (4) occupants per room shall be allowed, and total occupants of the dwelling cannot exceed the number allowed by the International Building Code.
3. A fire escape plan shall be developed in accordance with The International Residential Code.
4. Passed safety inspection by the Daggett County Building Inspector.
5. A notification to guests shall be prepared and shall contain the residence rules and the fact that the residence is being rented under a Conditional Use Permit that may be revoked if guest actions lead to complaints from neighbors of the residence.

6. Upon receipt of a completed Short Term Residential Conditional Use permit application, the Planning & Zoning Administrative Assistant shall notify all persons with real property within three hundred (300) feet of the proposed short term residential rental unit location.
7. The application may be denied by the Planning & Zoning Commission with valid objections.
8. **Public Hearing:** No public hearing need be held; however, a hearing may be held when the Planning Commission shall deem a hearing to be necessary and in the public interest.
 - a. The Planning Commission may hold the hearing.
 - b. The Planning Commission shall have a record of the hearing, together with a report of findings and recommendations relative thereto, for its consideration of the proposed conditional uses.
 - c. Such hearing, if deemed necessary, shall be held not more than sixty (60) days from the date of the application. The particular time and place shall be established by the Planning Commission.
 - d. The Planning Commission shall publish a notice of hearing in a newspaper of general circulation in the County not less than ten (10) days prior to date of said hearing. Failure of property owners to receive notice of said hearing shall in no way affect the validity of action taken.

D. Parking Regulations

The owner of any property permitted as a short term rental unit shall provide off street parking for the guest in accordance with the following:

1. Required parking areas and access to parking areas shall be maintained and available for use at all times. All vehicles belonging to overnight occupants shall be parked on the property and shall not be parked on any adjacent property, street or public right-of-ways. Vehicles including all motorized vehicles and such vehicle's trailers, R V's, boats, motor-homes, etc. shall be parked in a designated parking area. Each trailer parked at a licensed property shall be considered a vehicle.
2. Parking shall be provided, at a minimum, of one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. The number of vehicles allowed by the occupants of a short term rental home shall be restricted to the number of parking spaces provided by the owner.
4. All parking spaces shown on site plan shall be available for parking and shall not be blocked or otherwise unavailable due to storage of materials or for any other reasons. Snow shall be removed as outlined in state and local codes.

E. Maintenance Standards

Any Property that contains a dwelling which is permitted as a short term rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and grass watered in order that the use in no way detracts from the general appearance of the neighborhood;
2. The use of a dwelling as a short term rental does not in any way change the appearance of the dwelling or property for residential purposes; and
3. Each sleeping room must meet current International Residential Code codes for egress and be equipped with smoke and CO detectors.
4. 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 all accumulated garbage, refuse, and weeds. All large boxes must be collapsed and trash bagged and placed in the appropriate receptacles.

F. Prevention of Noise, Nuisance or Trespass and prohibited activities:

The owner of any dwelling permitted as a short term rental property shall be responsible to ensure that guests or occupants of the short term rental do not:

1. Create noises that by reason of time, nature, intensity of duration are out of character with noises customarily heard in the surrounding residential neighborhood.
2. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
3. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
4. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.
5. Occupancy beyond the specified number allowed in the Permit.
6. Outdoor sleeping of individual(s), which exceeds the occupancy permitted.
7. No alcoholic beverages shall be sold on the premises.
8. No cooking facilities shall be allowed in guest rooms.
9. All signs shall be in accordance with the Daggett County Ordinances.

G. Required Posting:

The following information must be posted in a clear, concise and unambiguous manner and in a conspicuous location inside any dwelling permitted as a short term rental unit:

1. A copy of the rental unit business license
2. A copy of the Conditional Use Permit
3. The name, address, and phone number of the owner or property manager
4. The location of all fire extinguishers

5. A fire escape plan shall be developed and graphically displayed in each guest room.
6. A list of all rules applicable for short term rental property
7. The maximum occupancy of the short term rental property and the maximum number of vehicles allowed.
8. One nameplate sign not to exceed 12"x18" made of durable weather-resistant material containing the name and telephone number of the owner or the owner's designated agent, as defined herein, who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests, who can be contacted 24 hours a day shall be permanently and conspicuously attached to the building near the front entrance. Such nameplate shall not contain any advertising.

H. Miscellaneous Rules and Regulations:

The following rules and regulations shall apply to any dwelling for which a short term rental property conditional use permit has been issued:

1. The owner or property manager shall provide information on current occupants to police, emergency, city or county personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one (1) hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the conditional use permit holder and property owner.
2. The requirements of this section shall be in effect throughout the time a short term rental property conditional use permit is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guest of the owner, or paying guests of the owner. The County finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is permitted as a short term rental unit.
3. An inspection of a short term rental property for compliance with these regulations will be performed at the time of conditional use permit review. Additional inspections may be performed with a 24 hour notice to the permit holder/property manager if deemed necessary by Daggett County.
4. The owner of any dwelling licensed as a short term rental property shall be required to collect and remit on a timely basis transient lodging taxes.

I. Conditions for Conditional Use Permit Renewal for a Short Term Rental Property:

1. A copy of the Current County business license shall be included with the conditional use permit renewal application.
2. Sales taxes and transient room taxes must have been collected and remitted in a timely manner to the proper authorities.
3. Documented complaints must be minimal and must have been successfully addressed by the owner in a timely manner. Original complaints should be reported and or documented to the

owner at the time of violation using the County form available from the Planning & Zoning secretary. A copy must be submitted to the Planning & Zoning secretary within 30 days by the aggrieved party. In the case of a complaint involving immediate health or safety concerns, 911 should be called before contacting the owner. Recurring and or unresolved complaints could instigate an investigation and/or revocation of the conditional use permit.

4. Owner must maintain a list of rental dates, renters and their addresses.
5. Applications for renewal are due annually and must be submitted 2 months prior to expiration. No property shall be rented on a short term basis without a current conditional use permit.
6. The short term residential rental unit shall meet all conditions of this ordinance and other applicable ordinances and laws. There shall be an initial inspection of the premises by the County Building Inspector and one follow up if necessary.
7. The Planning & Zoning Commission *may* deem it unnecessary for the owner of the Short term rental property to renew the Conditional Use permit if all ordinances, rules and regulations have been complied with and there have been no complaints filed against said property for a period of two consecutive years. All other regulations must be complied with on an annual basis.

J. Revocation or Modification of a Conditional Use Permit with a Valid Objection:

If there is cause to believe that grounds exist for revocation or modification of an approved Conditional Use Permit for a short term rental, the Planning & Zoning Commission shall hold a public meeting and question of modification or revocation of a Conditional Use Permit granted under the terms and the provisions of this Ordinance.

A Conditional Use Permit may be modified or revoked if the Planning Commission finds that one or more of the following conditions exist.

1. The Conditional Use Permit was obtained in a fraudulent manner.
2. The use which the Conditional Use Permit was granted has now ceased for at least twelve (12) consecutive calendar months.
3. One or more of the conditions of the Conditional Use Permit have not been met.
4. Upon discovery of an immediate health hazard to renters, the Code Enforcement Officer can suspend the Short Term Rental Conditional Use Permit until the hazard has remedied and the property has been inspected.

Additionally, The Daggett County Planning & Zoning Commission without the consent of the owner may modify the conditions under which a Conditional Use Permit was originally approved, if the Daggett County Planning & Zoning Commission finds that the use or related development constitutes or is creating a demonstrated nuisance.

K. Enforcement Provisions:

1. Any owner of any dwelling in a residential, rural or agriculture zone within Daggett County who allows or permits occupation of said dwelling as a short term rental, as defined herein, without having first obtained a business license and a conditional use permit in accordance with the provisions of this section shall be guilty of a Class C misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of Daggett County Ordinance. Every violator shall be deemed guilty of a separate offence for each day such violation is permitted to exist after official notice has been given.
2. Violation of any provision of this section regulating short term rental unit shall constitute a separate offense for each day said violation occurs or continues.
3. Any person who occupies a short term rental property as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules or ordinances.
4. In the event of three (3) or more violations of this section committed by any owner or guest, or any combination of the two, within any 12 month period, the Planning & Zoning Commission, may depending on the nature or extent of the violation, proceed with revocation of the Conditional Use Permit for any short term rental unit in accordance with the provisions of the Conditional Use Permit Ordinance and the Short Term Rental Unit Ordinance.
5. Procedures for imposition of Penalties for Violations per Daggett County Ordinance 8-3-8 Violations and Penalty.