

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH, AMENDING SECTION 3-10-11 OF THE HURRICANE CITY CODE, REGULATING THE LICENSING AND USE OF DWELLINGS IN A RESIDENTIAL ZONE FOR SHORT TERM VACATION RENTALS.

WHEREAS the Hurricane City Council previously passed an ordinance regulating the licensing and use of dwellings in a residential zone as short term vacation rentals; and

WHEREAS said City Council thereafter placed a moratorium on the issuance of business licenses for short term vacation rentals pending further review and study of the issues surrounding the use of dwellings in a residential zone for short term vacation rentals; and

WHEREAS said City Council deems it necessary to amend said ordinance in order to balance the right of property owners to use their property in all lawful ways against the right of property owners to the quiet use and enjoyment of their property; and

WHEREAS said City Council finds it necessary for the protection and preservation of the public health, safety and welfare,

BE IT HEREBY ORDAINED that Section 3-10-11 of the Hurricane City Code be amended in its entirety to read as follows:

3-10-11 SHORT TERM VACATION RENTAL RULES AND REGULATIONS:

Regulations and restrictions imposed by this section are in recognition of the premise that a vacation rental provides lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. Separation requirements listed in B. below and total license limits listed in C. below are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single family residential zones to promote safe locations for residential uses.

A. Business License Required:

No dwelling in a residential zone shall be occupied or used as short term vacation rental, or advertised for use as a short term vacation rental, until such time that the owner has obtained a short term vacation rental business license issued in accordance with the provisions of this section.

B. Conditions for Issuance of a Business License for a Short Term Vacation Rental:

In addition to any other requirement of this section, a short term vacation rental business license shall be approved by the business license officer if:

1. The dwelling unit is located in a single family dwelling that has been issued a certificate of occupancy by the date of the adoption of this ordinance, or has been in use as a residential dwelling for at least six (6) months from issuance of a certificate of occupancy before application is made for a short term vacation rental license. Notwithstanding the previous restriction,

application may be made for a short term vacation rental license for a single family dwelling that has been issued a certificate of occupancy but has not met the six month residential use restriction upon deposit of \$100 and submittal of a complete application. If applicant does not then pay the remainder of the licensing fee and complete the licensing process within 7 months of the initial deposit, deposit shall be forfeit. Portions of a single family dwelling may not be used as a short term vacation rental unless licensed as a bed and breakfast or residential hosting facility in accordance with the regulations for that use. A short term vacation rental and a bed and breakfast or residential hosting facility may not be located in the same single family dwelling,

2. The owner of a single family dwelling for which a short term vacation business license is sought does not hold a business license to operate another short term vacation rental within the Hurricane City limits. For purposes of this paragraph, "owner" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling.

3. The property line of another dwelling licensed as a short term vacation rental or with a complete application and deposit on file while waiting to fulfill the six month waiting period is not located within 300' (three hundred feet), as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term vacation rental license is being sought,

4. The application lists the name, address and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section, and

5. The application includes a valid Utah State Tax number for remittance of transient lodging taxes.

C. Limit on Total Number of Short Term Vacation Rental Licenses:

The total number of short term vacation rental business licenses issued within the City of Hurricane shall be limited in accordance with the following:

1. The maximum number of short term vacation rental business licenses for property in single family zones to be issued shall be based on the total population of the City, allowing three (3) licenses for every 1,000 of total population.

2. The total number of licenses available each year shall be recalculated based on an estimated population derived by adding the total number of new dwelling units times 2.9 residents per unit to the prior year's base population.

3. If a complete application meeting all other requirements for licensure is received after the maximum number of licenses has been issued, the application shall be placed on a waiting list in order of the date of receipt of a completed application. No fees will be due until a license becomes available.

4. In the event of a sale or other transfer of any property containing a dwelling licensed as a short term vacation rental, 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 license will be forfeited and the owner must re-apply for any available license or be placed on the waiting list.

D. Parking Regulations:

The owner of any property licensed as a short term vacation rental shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental.
2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. All guest parking should be contained on the site.
4. No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
6. The number of vehicles allowed by the occupants of a vacation rental home shall be restricted to the number of off street parking spaces provided by the owner.

E. Maintenance Standards:

Any property that contains a dwelling which is licensed as a short term vacation 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 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 shall 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. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.

F. Prevention of Noise, Nuisance or Trespass:

The owner of any dwelling licensed as a short term vacation rental 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 or duration are out of character with noises customarily heard in the surrounding residential neighborhood.

2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10 p.m., or other similar activities.
3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
4. 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.
5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

G. Required Posting:

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

1. a copy of the vacation rental business license
2. the name, address, and phone number of the owner or property manager
3. the location of all fire extinguishers
4. a list of all rules applicable for vacation rentals
5. the maximum occupancy of the vacation rental and the maximum number of vehicles allowed.

H. Miscellaneous Rules and Regulations:

The following rules and regulations shall apply to any dwelling for which a short term vacation rental business license has been issued:

1. Outdoor pools, hot tubs or spas shall not be used between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m.
2. Maximum occupancy in any dwelling licensed as a short term vacation rental shall be ten (10) persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Hurricane Valley Fire District, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign.
3. The owner of any property containing a dwelling licensed as a short term vacation rental shall cause to be displayed in a city approved location on the exterior of the property an approved sign containing the name and 24 hour-per-day, 365 day-per-year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The sign shall not exceed 12" X 18" and shall be the only sign other than an address permitted on a short term vacation rental property.

4. The owner or property manager shall provide information on current occupants to police, emergency, or city 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 business license holder and property owner.

5. The requirements of this section shall be in effect throughout the time a short term vacation rental license is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or paying guests of the owner. The City 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 licensed as a short term vacation rental.

6. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license review. Additional inspections may be performed with 24 hour notice to the license holder/property manager if deemed necessary by the City.

7. The owner of any dwelling licensed as a short term vacation rental shall be required to collect and remit on a timely basis transient lodging taxes.

I. Enforcement Provisions:

1. Any owner of any dwelling in a residential zone within the City of Hurricane who allows or permits occupation of said dwelling as a short term vacation rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be guilty of a Class B misdemeanor, which shall be punishable by a fine of up to \$1,000, imprisonment for up to 6 months, or any combination thereof for each such violation.

2. Any owner of any dwelling in a residential zone within the City of Hurricane, who, having first obtained a business license for use or occupation of said dwelling as a short term vacation rental, thereafter operates or permits operation of said short term vacation rental in violation of the terms and provisions of this section shall be guilty of an Infraction, and shall be punished by a fine of not less than \$750 for each such violation.

3. Any person who occupies a short term rental 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. Violation of any provision of this section regulating short term vacation rentals shall constitute a separate offense for each day said violation occurs or continues.

5. In the event of three (3) or more violations of this section committed by an owner or guest, or any combination of the two, within any 12 month period, the city council may, depending on the nature or extent of the violations, proceed with revocation of the business license for any short term vacation rental property in accordance with the provisions of the general business license ordinance.

BE IT FURTHER ORDAINED that the subject matter of this ordinance shall be deemed to be of an urgent nature or in the nature of an emergency, and that this ordinance, upon passage and approval, shall take effect at the earliest possible time permitted by law after publication or posting.

PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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John Bramall, Mayor

Attest:

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Kaden DeMille, City Recorder