

ORDINANCE NO. 2020-01-04

RESIDENTIAL FACILITIES. AN ORDINANCE REPEALING AND REPLACING CHAPTER 17.18 OF THE AMERICAN FORK CITY CODE REGULATING SHORT TERM RENTALS IN AMERICAN FORK CITY.

WHEREAS, the City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, it is in the best interest and general welfare of residents of American Fork to amend the City Code relating to Accessory Apartment and create a new Section regulating Short Term Rentals; and

NOW THEREFORE, be it ordained by the City Council of American Fork, Utah that:

1. Chapter 17.18 shall be hereby repealed and replaced with the following:

CHAPTER 17.18 SHORT TERM RENTALS

Section 17.18.010	Findings and Purpose
Section 17.18.020	Definitions
Section 17.18.030	Business License; Room Tax
Section 17.18.040	Minimum Duration
Section 17.18.050	Owner Occupancy
Section 17.18.060	Bedrooms and Occupancy Limits
Section 17.18.070	Management/Maintenance Standards
Section 17.18.080	Complaints
Section 17.18.090	Parking
Section 17.18.100	Violations and Penalties

Section 17.18.010 Findings and Purpose

The City Council finds that while short-term rental properties may provide additional lodging opportunities for visitors to the city, such use is, essentially, a commercial use that can have significant adverse impact on the appearance, tranquility and standard of living in the surrounding neighborhoods and, therefore, merits careful regulation and enforcement. The purpose of this chapter is to regulate short-term rentals in the city in order to promote health, safety and general welfare of the residents of the city by establishing standards for short term rentals.

Section 17.18.020 Definitions

Bedroom means a room designated and used primarily for sleeping and rest on.

Owner means a natural person; or a business, corporation, or other group of persons who collectively own a dwelling; or a family trust created for the primary purpose of estate

planning; who holds legal title to a rental dwelling.

Owner-Occupied means occupancy by a natural person who possesses fifty percent ownership or more in the dwelling and said dwelling is the primary residence of such person; or, where a family trust is created for the primary purpose of estate planning, occupancy by one or more trustors who create the trust, place the dwelling in such trust, and whose primary residence is such dwelling.

Responsible Party means a natural person who has actual or delegated authority over Short Term Rental Property, such as an owner or landlord.

Short Term Rental means the rental, letting of rooms or subleasing/renting of any structure, dwelling, or portion thereof for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty consecutive days.

Short Term Rental Property means any real property used, or to be used, for short term rentals purposes.

Section 17.18.030 Business License; Room Tax

The operator must continuously maintain in force and effect a city business license under Chapter 5.42 for the short-term rental property and timely pay all taxes and fess relating to such business, including, without limitation, the city's transient room tax.

Section 17.18.040 Minimum Duration.

Renting, letting of rooms or subleasing/renting of any structure or dwelling or portion thereof for occupancy, dwelling, lodging or sleeping purposes for less than two consecutive overnights is prohibited in any zone in the city where residential use is a permitted or conditional use unless use of such structure as a hotel, motel, bed and breakfast or similar use has been specifically authorized as a permitted or conditional use of such parcel.

Section 17.18.050 Owner Occupancy.

No property within American Fork shall be rented under this Chapter unless the property is Owner-Occupied.

Section 17.18.060 Bedrooms and Occupancy Limits

- A. A short term rental property shall not contain more than 4 bedrooms used for the purpose of short term rentals. Any excess bedrooms in a proposed short-term rental property not occupied by the owner must be converted to, and continuously used for, non-bedroom purposes for so long as such property is used for short-term rental purposes.
- B. Occupancy in any short-term rental property shall not exceed the lesser of:
 - a. Two adults and two related children per room;

- b. Total occupancy of no more than 12 persons in the entire short-term rental property

Section 17.18.070 Management/Maintenance Standards

- A. Short-term rental properties 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.
- B. Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling; provided, that in case of a storm between the hours of 5:00 p.m. and 7:00 a.m., the sidewalk shall be cleaned before 8:00 a.m. the morning following the storm.
- C. The property must be kept free from accumulated garbage and refuse and trash cans shall not be left at the curb for any period in excess of twenty-four (24) hours.
- D. Each short term rental operator shall ensure that the occupants and guests of its short-term rental property do not create unreasonable noise or disturbances (judged against, inter alia, the nature of the neighborhood where the short-term rental property is located, the time of day of the noise or disturbance, and the level of noise or similar disturbances then emanating from surrounding properties), engage in disorderly conduct, or violate provisions of this code or any other applicable federal, state, county, city or other law, rule or regulation pertaining to noise, disorderly conduct, overcrowding, illegal consumption of alcohol, use of illegal drugs, or otherwise. An operator shall be deemed to have ensured compliance with applicable law if it:
 - a. Clearly advises its occupants and guests of such requirements before they take occupancy of the property;
 - b. Promptly and appropriately responds to complaints concerning the behavior of its occupants and guests;
 - c. Promptly evicts from the short-term rental property any who have failed to comply with applicable laws on two or more occasions during their period of occupancy of a short-term rental property; and
 - d. Refuses to allow any persons who have engaged in or been party to persistent violations of applicable laws in their occupancy of a short term rental property to occupy in the future any short-term rental property under such operator's ownership or control.
- E. Promptly, upon notification that the occupants or guests of a short-term rental property have violated this Chapter, the operator shall use its most diligent best efforts to prevent a recurrence of such conduct by those occupants or guests and all future occupants or guests. Such response shall occur within thirty minutes after receipt of notification.
- F. The Planning Director or Business License official shall be authorized to prospectively impose additional reasonable conditions, applicable to all short-term rental properties in the city, as necessary to achieve the intent and objectives of this chapter.
- G. A short term rental property shall not have any signs visible from the exterior of the premises that advertise the use of the property as a short-term rental.
- H. The use of a property in a residential neighborhood for short-term rental purposes shall not change the exterior appearance of the property so that it appears dissimilar from residential properties in the surrounding neighborhood.

Section 17.18.080 Complaints

Operators shall respond to telephonic complaints within thirty minutes after such complaint is made. Inappropriate and/or non-response to such complaints shall constitute a violation of this Chapter and

shall be grounds for imposition of the penalties specified in this Chapter.

Section 17.18.090 Parking

Occupants or guests of any short-term rental property shall not park more vehicles at the short-term rental property than can be legally parked in the garage or permanent carport or on the driveway. Parking of occupant or guest vehicles on the public right-of-way adjoining the short-term rental property, or on areas of the property designated as yard or lawn, is prohibited.

Section 17.18.100 Violations and Penalties

Failure to comply with this chapter shall constitute a violation of this code for which a citation may be issued and penalties may be imposed by the city as a Class "C" misdemeanor. In addition, any violation shall be grounds for revocation of any business license issued hereunder or under chapter 5.40. Each day that a violation occurs or continues is a separate violation.

Section 2. This ordinance shall take effect on March 1, 2020.

PASSED AND ADOPTED BY THE AMERICAN FORK CITY COUNCIL, STATE OF UTAH, ON THIS 28 DAY OF JANUARY, 2020.

AMERICAN FORK CITY:

MAYOR BRADLEY J. FROST

ATTEST:

TERILYN LURKER, CITY RECORDER