

**ORDINANCE NO. 2020-01-05**

**BUSINESS LICENSE FOR RESIDENTIAL FACILITIES. AN ORDINANCE CREATING CHAPTER 05.42 OF THE AMERICAN FORK CITY CODE REGULATING BUSINESS LICENSES FOR SHORT TERM RENTALS.**

**WHEREAS**, the City has the authority to enact ordinances that promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

**WHEREAS**, American Fork shall, from time to time, examine ordinances to ensure they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest changes as deemed proper;

**WHEREAS**, for the benefit of the residents of American Fork, the City desires to create a new business license requirement for Short Term Rentals.

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

1. Chapter 05.42 be created as follows:

**CHAPTER 05.42 BUSINESS LICENSES FOR SHORT TERM RENTALS**

Section 05.42.010	Definitions
Section 05.42.020	License Required
Section 05.42.030	Application
Section 05.42.040	Fee – Purpose – Amount
Section 05.42.050	Registration/Administration
Section 05.42.060	Compliance Required
Section 05.42.070	Register of Guests

**Section 5.42.010 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 Occupancy* 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 5.42.020 License Required**

It is unlawful for any person, firm or corporation operate a short term rental within the City without first securing approval for such use in accordance with the applicable provisions of Chapter 5.42 and obtaining a short term rental business license.

#### **Section 5.42.030 Application**

Applications shall contain such information as the license official shall from time to time require, including the location of the short-term rental property, the number of bedrooms contained in such property, the number of persons to be accommodated and a telephone number for which a responsible party may be reached 24 hours a day 7 days a week.

#### **Section 5.42.040 Fee – Purpose – Amount**

For purpose of regulation and to defray the cost of municipal services and administration, an annual Short Term Rental Business License Fee in the amount set forth in the City Fee Schedule shall be levied and assessed for each Short Term Rental.

#### **Section 5.42.050 Registration/Administration**

The American Fork City Licensing Department shall administer and facilitate a short term rental registration utilizing the information provided on the short term business license applications on file and shall publish registration data for the use of city departments and officials in print and/or electronic format.

#### **Section 5.42.060 Compliance Required**

It is unlawful to conduct or operate a short-term rental business without full compliance with the requirements of Chapter 5.42 of this code. The issuance of a short-term rental business license under this chapter does not authorize operation of a short-term rental business without concurrent compliance with all of the requirements of Chapter 5.42 and all other requirements of this code and other applicable law. Violations of this Chapter or Chapter 5.42 shall result in revocation of the applicant's License.

#### **Section 5.42.070 Register of Guests**

Each short-term rental proprietor shall keep or cause to be kept a register of guests consistent

with the requirements of Utah County Code 16-1-2. Such registration or list shall be available for inspection by the license official or designee at any time.

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:

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MAYOR BRADLEY J. FROST

ATTEST:

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TERILYN LURKER, CITY RECORDER