

**ESCALANTE CITY  
ORDINANCE 2019-08**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE NO. 10.75.010 AND 10.75.100 AND PROVIDING REPEALER WITHIN THE CITY OF ESCALANTE, STATE OF UTAH**

**WHEREAS**, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to amend the following Ordinance; and

**WHEREAS**, The City Council and Mayor wish to amend such an Ordinance.

**NOW THEREFORE**, be it ordained by the Council of Escalante City, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “10.75.010 Definitions” of the Escalante Municipal Code is hereby *amended* as follows:

**B E F O R E   A M E N D M E N T**

10.75.010 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 Vacation Rental Ordinance.

**APPLICATION:** The application for a Vacation Rental License, shall be a form, approved by the City Recorder.

**CITY:** Escalante City, Utah.

**COMPLETE APPLICATION:** an Application that has satisfied all of the submittal requirements set forth in this Vacation Rental Ordinance and otherwise complies with all of the criteria required for the issuance of a Vacation Rental License.

**FLOOR PLAN:** 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.

**GARFIELD COUNTY:** Garfield County, Utah.

**OWNER(S):** the record titled owner(s) of the residence for which a Vacation Rental License is sought or has been issued. The Owner(s) may be a person, or any form of business entity recognized by the State of Utah. If the Owner(s) is a form of business entity, the business entity shall maintain current registration with the Utah Department of Commerce

PARKING: There shall be one parking space for each guest room which shall be constructed according to Escalante City standards.

PROPERTY OR VACATION RENTAL PROPERTY: All such residences or dwelling units used for Vacation Rental purposes.

PROPERTY MANAGEMENT COMPANY: The Owner's agent for renting the Property, if any.

RECORDER: The Escalante City Recorder or deputy Recorder.

SIGNAGE: One (1) Premises identification sign, not to exceed four (4) square feet in sign area.

SLEEPING AREA: The number of guests per Vacation Rental shall be limited to two (2) guests per bedroom plus two (2) guests and to a maximum of no more than ten (10) guests per holiday home at any time.

USE WITH CRITERIA: The land use approval process contained in the City's Municipal Code; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the Municipal Code and the process and requirements set out in this Vacation Rental Ordinance, the terms and conditions in the Vacation Rental Ordinance shall control.

VALID OBJECTION: An objection based on:

- A. The Owner's objective failure to file a Complete Application; or
- B. The Owner's failure to meet any of the required criteria for the issuance of a Vacation Rental License.

VACATION RENTAL: The rental of a single-family residence which is periodically provided to the vacationing public in its entirety for compensation. The length of stay shall be less than thirty (30) days to a single person.

## AFTER AMENDMENT

### 10.75.010 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 Vacation Rental Ordinance.

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PROPERTY MANAGEMENT COMPANY: The Owner's agent for renting the Property, if any.

RECORDER: The Escalante City Recorder or deputy Recorder.

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USE WITH CRITERIA: The land use approval process contained in the City's Municipal Code; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the Municipal Code and the process and requirements set out in this Vacation Rental Ordinance, the terms and conditions in the Vacation Rental Ordinance shall control.

VALID OBJECTION: An objection based on:

- A. The Owner's objective failure to file a Complete Application; or
- B. The Owner's failure to meet any of the required criteria for the issuance of a Vacation Rental License.

VACATION RENTAL: The rental of a pre- existing single-family residence which is periodically provided to the vacationing public in its entirety for compensation. The length of stay shall be less than thirty (30) days to a single person.

**SECTION 2:**        **AMENDMENT** "10.75.100 Licenses" of the Escalante Municipal Code is hereby *amended* as follows:

## BEFORE AMENDMENT

### 10.75.100 Licenses

To operate as a Vacation Rental, the Property Owner or Owner's Agent shall file an Application with the City Recorder. An Owner's failure to meet the requirements of Ordinance 3.10, prior to renting shall be subject to the penalties as referred to in ordinance 3.10.150.

## AFTER AMENDMENT

### 10.75.100 Licenses

To operate as a Vacation Rental, the Property Owner or Owner's Agent shall file an Application with the City Recorder. An Owner's failure to meet the requirements of Ordinance 3.10, prior to renting shall be subject to the penalties as referred to in ordinance 3.10.150.

Upon receiving a Business License the Vacation Rental must be operational within ninety (90) days or the Business License will be revoked.

**SECTION 3:**        **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 4:**        **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 5:**        **EFFECTIVE DATE** This Ordinance shall be in full force and effect immediately upon approval and publication according to law.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL AUGUST 20, 2019.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Louise Barnes	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Dan'l Lindsay	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Marlene Stowe	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Guy Graham	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Lenza Wilson	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Presiding Officer

Attest



Melani Torgersen, Mayor, Escalante  
City



Stephanie Steed, CMC, City Recorder  
Escalante City



**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with Utah Code Annotated 10-3-711 as amended, I hereby certify that the foregoing Ordinance was duly passed and published or posted at:

- 1) *Escalante Post Office*
- 2) *Escalante City Office*
- 3) *Griffins Mercantile*

on the above referenced dates.

Attest



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Stephanie Steed, CMC, City Recorder,  
Escalante City