

ORDINANCE NO. 2019-26

AN ORDINANCE ADOPTING CHAPTER 5.26 SHORT TERM RENTALS

WHEREAS, Short Term Rentals have hitherto been unregulated by Heber City.

WHEREAS, the Heber City Council finds it in the public interest to adopt an ordinance requiring a business license to own and/or operate a Short Term Rental.

WHEREAS, the Heber City Council finds it in the public interest to adopt standards for Short Term Rentals to preserve the character of neighborhoods and the City, and provide a fair process for licensing of Short Term Rentals.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 5.26 Short Term Rentals is **ADOPTED** as shown in Exhibit 1.

This Ordinance shall take effect immediately upon passage.

ADOPTED and PASSED by the City Council of Heber City, Utah this 15th day of September, 2020, by the following vote:

	AYE	NAY
Council Member Heidi Franco	<u>X</u>	_____
Council Member Wayne Hardman	<u>X</u>	_____
Council Member Rachel Kahler	<u>X</u>	_____
Council Member Ryan PC Stack	<u>X</u>	_____
Council Member Mike Johnston	<u>X</u>	_____

APPROVED:



Kelleen Potter
Mayor Kelleen Potter

ATTEST:

Kim M. Moore
RECORDER

Date: 9/1/2020

Date of First Recording: _____

Exhibit 1

5.26 Short Term Rentals

5.26.010 Purpose

5.26.020 Definitions

5.26.030 License Required

5.26.040 Application Form

5.26.050 Maintenance Of Registry

5.26.060 Non-Transferability

5.26.070 No Property Rights Conferred

5.26.080 Denial, Suspension Or Revocation

5.26.010 Purpose

The purpose of this chapter is to provide a fair process for the licensing and administration of Short Term Rental Licenses in Heber City.

5.26.020 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- A. **Lodger** means any person who, individually or as part of a group, reserves and resides in a Short-term Rental.
- B. **Owner Occupied** means a dwelling in which the property owner, whether an individual, couple, or principle of an LLC or Trust, as listed on the County records, currently and permanently resides for no less than 6 months of the year.
- C. **Short Term Rental** means Short-term Rental. The rental of any single family residential dwelling, or any portion thereof, for a period of less than 30 days to a single entity or person.
- D. **Room Rental** means the short-term rental of a portion of a single residential dwelling that is owner occupied.
- E. **Home Rental** means the short-term rental of an entire dwelling that is owner occupied.
- F. **Vacation Rental** means the short-term rental of an entire dwelling that is not owner occupied.

5.26.030 License Required

It is unlawful to engage in a Short Term Rental business without first receiving a Business License from the City. All Short Term Rental Licenses shall comply with the following:

- A. Rental owners shall be onsite or be managed by a rental manager located within 10 miles of the rental property. Contact information for said rental managers shall be on file with the City and the Heber City Police Department.
- B. Rentals are subject to passing an inspection by the following:
 - 1. Wasatch County Health Department
 - 2. Wasatch County Fire District
- C. Heber City and its departments maintain the right to inspect any Short-Term Rental for the purpose of determining compliance with State, Local, Health, and Safety codes, upon the City's request.
- D. Modifications to buildings that include, but are not limited to, remodels, basement finishes, pools, and accessory buildings, require a building permit.
- E. Exterior signs associated with rentals are prohibited.
- F. The following shall be posted inside the dwelling:

1. Heber City Business License
 2. Fire and Health Department certifications
 3. Rental Manager Contact information
 4. Occupancy limit
 5. Parking plan
 6. Summary of Quiet Hours and Noise Restrictions as outlined in Section 9.22.020
- G. Commercial activities are prohibited.
- H. Recreational Vehicles, Campers, or other travel trailers are prohibited.
- I. Tents or other temporary structures intended sleeping are prohibited.
- J. Room Rental. Room Rentals are permitted in any single family residential dwelling so long as the following provisions have been met.
1. Room Rentals are limited to no more than one reservation at a single time.
 2. Room Rentals are limited to no more than two bedrooms in the dwelling.
 3. Property owners shall be present during the hours of 10 PM – 7 AM for the entirety of the reservation period.
 4. Lodgers shall be limited to no more than one vehicle.
 5. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
 6. Owner Occupied Accessory Apartments are considered a Room Rental and shall comply with these provisions. Occupancy of the apartment is as permitted in Section 18.108.110.
- K. Home Rental. Home Rentals are permitted in any single family residential dwelling so long as the follow provisions have been met.
1. The entire dwelling shall be rented with a single reservation. Occupancy shall not exceed that of a Family as defined in Section 18.08.200, or 8 individuals, whichever is more.
 2. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
 3. Lodgers shall be limited to no more than 4 cars, based upon off street parking availability.
- L. Vacation Rental. Vacation Rentals are permitted in any single family residential dwelling so long as the following provisions have been met.
1. The entire dwelling shall be rented with a single reservation. Occupancy shall be limited to 1 lodger per 200 square feet, not to exceed 12 lodgers.
 2. Lodgers shall not park on the street. Garages shall be clear and available to patrons for parking. All cars shall be located in a garage, driveway, or permitted parking area.
 3. Lodgers shall be limited to no more than 4 cars, based upon off street parking availability.
 4. The following shall be posted on the exterior of the property:
 - a. Property Manager name, phone number, address, and email address
 - b. Business License number

5.26.040 Application Form

The Licensing Officer shall provide a standard Application Form for Short Term Rental Licenses. Each Application Form shall require the following information, documentation, and fee:

- A. **Review of Written Disclosures.** An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.
- B. **Contact Information.**
1. Applicant's name, telephone number, home address, mailing address, and email address.
 2. Applicant's business name, telephone number, business address, mailing address, and email address.

- C. **Proof of Identity.** An in-person verification by the Licensing Officer of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:
1. A valid driver's license issued by any State;
 2. A valid passport issued by the United States;
 3. A valid identification card issued by any State; and
 4. A valid identification issued by a branch of the United States military. Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the Applicant.
- D. **Rental Manager Information**
1. Manager name
 2. Managing company name
 3. Manager contact address, phone number, and email
- E. **Proof of Registration with Department of Commerce.** The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce.
- F. **Properties list.** A list of all Short-Term Rental properties owned and/or operated by the business, including address and parcel id number.
- G. **HOA Consent.** A letter of consent from the Home Owners Association is required for any properties that are governed by and HOA.
- H. **Site and Floor Plans.** A site plan and floorplan including the following shall be required for each property listed under the license.
1. Layout of property
 2. Designated parking areas.
 3. Floor plan of building with area in square feet that will be used for short-term rentals.
- I. **Fee.** The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the Certificate and/or Identification Badge. Refer to the Consolidated Fee Schedule for current fees.
- J. **Execution of Application.** The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful and accurate.

5.26.050 Maintenance Of Registry

All Short Term Rentals shall maintain a register of lodgers and individual bookings. This register shall be available to the City or Police Department upon written request.

5.26.060 Non-Transferability Of Certificates

Short Term Rental Licenses are non-transferable between property owners or business owners. Upon the change of business or property ownership, a new license will be required.

5.26.070 No Property Rights Conferred

Short Term Rental Licenses shall not be construed as providing property right or vested interests and entitlements in continued operation of a Short Term Rental. Short Term Rental Licenses are revocable licenses which expire annually. Short Term Rental Licenses shall not run with the land.

5.26.080 Denial, Suspension Or Revocation

- A. **Denial.** The City shall deny a Short Term Rental application for the following reasons:
1. The application is not complete or does not comply with the requirements of this chapter.
 2. The property is in violation of provisions of this chapter or any other Title, Chapter, or Section of the Heber City Municipal Code.
 3. The applicant has any licenses that are currently suspended or revoked.

- B. Suspension or Revocation.** The City may either suspend or revoke a Short Term Rental License when any of the reasons warranting the denial of an application occurs. The process for suspension and revocation are as follows:
1. **Suspension.** Short Term Rental Licenses will be suspended upon the second instance of violation of this chapter, or any other Title, Chapter, or Section of the Heber City Municipal Code, or failure to resolve any violation within the required time period. Suspensions shall be a minimum of 3 months or until the violation is resolved, whichever is greater, but not to exceed 6 months.
 2. **Revocation.** Short Term Rental Licenses will be revoked upon the third instance of violation of this chapter or any other Title, Chapter, or Section of the Heber City Municipal Code, or upon failure to resolve any violation during the suspension period, notwithstanding the number of instances of the violation. Revoked Short Term Rental Licenses will become null and void and require a new application. Applicant's with a revoked license may not apply for a new business license for a period of 6 months following the revocation of their license or until the violation has been resolved, whichever is greater.
- C. Notice of Denial, Suspension, or Revocation.** Upon determination of the Licensing Officer to deny an Applicant's Completed Application, suspend a current Short Term Rental License, or revoke a current Short Term Rental License, the City shall cause written notice to be sent to the Applicant or Registered Manager by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial, suspension, or revocation, and the documentation or information the City relied on to make the decision.