

ORDINANCE 2023-45

AN ORDINANCE amending Section 5.26.040, Application Form and adding 5.26.045 Notice of Short-Term Rental Restriction.

BE IT ORDAINED by the City Council of Heber City, Utah, that Heber City Municipal Code Section 5.26.040, Application Form is amended and 5.26.045 Notice of Short-Term Rental Restriction is added as set forth in **Exhibit A**, attached hereto and incorporated herein.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

If any provisions of the Heber City Code heretofore adopted are inconsistent herewith they are hereby repealed.

To the extent that any ordinances, resolutions, or policies of Heber City materially conflict with the provisions of this Ordinance, they are hereby amended to comply with the provisions hereof.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 19th day of December 2023.

	AYE	NAY	ABSENT	ABSTAIN
Rachel Kahler	<u>X</u>	_____	_____	_____
Michael Johnston	<u>X</u>	_____	_____	_____
Ryan Stack	<u>X</u>	_____	_____	_____
Scott Phillips	<u>X</u>	_____	_____	_____
Yvonne Barney	<u>X</u>	_____	_____	_____

APPROVED:

Heidi Franco
Mayor Heidi Franco

ATTEST:

Dina Woollee Date: 12/19/2023

RECORDER

4859-5428-0595, v. 2



Exhibit A

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.

5.26.045 Notice of Short-Term Rental Restriction

A. If the City receives a Notice of Short-Term Rental Restriction Form from a Homeowner Association that notifies the City that the CC&Rs controlling the area within the Homeowner Association prohibit short-term rentals, the City shall not issue a business license for any short-term rentals within that Homeowner Association. The notice from the Homeowner Association shall include the following:

1. A map showing the location of the properties within the Homeowner Association and parcel numbers for each property within the HOA.
2. A certificate showing the Homeowner Association is registered with the Utah Department of Commerce.
3. A copy of the CC&R's showing that short-term rentals are prohibited within the Homeowner Association.
4. A verified statement from the person signing the Notice of Short-Term Rental Restriction Form that the Notice of Short-Term Rental Restriction Form has been approved by the Homeowner Association and that the person signing the Notice of Short-Term Rental Restriction Form has legal authority to execute the Notice of Short-Term Rental Restriction Form on behalf of the Homeowner Association.
5. The name, phone number, address and email of the person signing the Notice of Short-Term Rental Restriction Form.

B. If the City receives a complete Notice of Short-Term Rental Restriction Form that includes a property that has previously been issued a business license for a short-term rental, the City shall notify any person or entity with a business license for a short-term rental within the HOA that the City has received a Notice of Short-Term Rental Restriction Form and that their business license will be revoked one hundred and twenty (120) days after the date of the notice from the City.