

PIUTE COUNTY, UTAH

ORDINANCE NO. 2022-0213-02

SHORT-TERM RENTALS

AN ORDINANCE ESTABLISHING CERTAIN RULES AND REGULATIONS FOR SHORT-TERM RENTALS WITHIN THE UNINCORPORATED AREAS OF PIUTE COUNTY, UTAH.

WHEREAS, The Board of County Commissioners of Piute County, Utah deem it necessary to enact certain standards, rules and regulations regarding Short-Term Rentals located in Piute County, Utah in the interest of the health, safety and welfare of the Short-Term Rental occupants and the citizens of Piute County, Utah.

Be it ordained by the Board of Commissioners of Piute County, Utah as follows:

Section 1 SHORT TITLE

This Ordinance shall be known as the "Short-Term Rental Ordinance."

Section 2 SCOPE

The provisions of this Ordinance shall apply to any residential dwelling unit, accessory dwelling unit or other structure operating and occupied as a Short-Term Rental within the unincorporated areas of Piute County. The owner of the subject property shall be responsible for compliance with the provisions of this Chapter and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Chapter shall be deemed noncompliance by the owner.

Section 2 PURPOSE

The purpose of this Ordinance is to establish regulations for the use of Short-Term Rentals to protect local residents' quality of life, building safety and fire hazard mitigation, ensure proper collection and remittance of Transient Room Taxes and appropriate Sales and Use Taxes and to address negative impacts relating to noise, parking, traffic, garbage and other common occurrences resulting from Short-Term Rentals.

Section 3 DEFINITIONS

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

1. **APPLICANT.** The Owner of the Short-Term Rental unit or the Owner's authorized agent or representative.
2. **GLAMPING UNIT.** A canvas-like structure designed to be used or occupied for transient and recreational purposes. Canvas-like structure include, but are not limited to: tents, yurts, teepees, covered wagons, etc. Glamping Units are regulated under the Piute County Glamping Ordinance.
3. **LOCAL CONTACT PERSON** The person designated by the Owner or the Manager, for the purpose of: 1) responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental; and 2) taking remedial action to resolve any such complaints.
4. **MANAGER.** The Owner or the designated agent or representative of the Owner who is responsible for compliance with this Ordinance.
5. **OWNER.** The person(s) or entity(ies) that hold(s) legal and/or equitable title to a dwelling unit being operated, legally or not, as a Short-Term Rental.
6. **PROPERTY.** A legal lot or parcel of land on which a Short-Term Rental is located.
7. **SHORT-TERM RENTAL.** A dwelling unit, or any portion thereof, being used for transient accommodation purposes, including but not limited to, single-family dwellings, multiple family dwellings, accessory dwelling units (ADU's), glamping units or any other dwelling unit for a period *typically* less than thirty consecutive days.

Additionally, any dwelling unit that 1) is listed on any accommodation website including but not limited to Airbnb, Vrbo, HomeAway, Trip Advisor, etc.; 2) has (or should have) an approved Piute County Business License and Conditional Use Permit, if applicable, for a STR or 3) pays (or should pay) applicable Sales and Use and Transient Room Taxes for the STR, is hereby considered a Short-Term Rental and shall be subject to the regulations set forth in this Ordinance, even if the STR is rented out for a period longer than thirty days. (See Appendices 2 and 3).

8. **TRANSIENT.** Occupancy of a dwelling unit for not more than thirty days.
9. **ZONING ADMINISTRATOR.** The person formally assigned by the Piute County Commission to enforce the provisions of this Ordinance.

Section 4 SHORT-TERM RENTAL PERMIT REQUIREMENTS

4.1 Self Inspection.

A self-inspection for compliance with the regulations set forth in Sections 8-10 of this Ordinance and the current International Building Code shall be performed at the Short-Term Rental property by the applicant prior to approval of the Conditional Use Permit and/or Business License. The applicant shall furnish evidence of compliance via pictures and documentation as required by Sections 8-10 of this Ordinance.

4.2 Conditional Use Permit.

Short-Term Rentals shall be permitted only in Commercial zoning districts. A Conditional Use Permit for a Short-Term Rental shall be required for any Short-Term Rental in all other zoning districts in the unincorporated areas of Piute County.

A Conditional Use application for a Short-Term Rental shall only be considered once the Self-Inspection has been completed and approved by Piute County.

4.3 Business License

An approved business license shall be required for all Short-Term Rentals within the unincorporated areas of Piute County. The business license application shall include:

1. Contact Information;
2. Property Information;
3. State of Utah Sales and Use Tax Number; and
4. State of Utah Transient Room Tax Number.

The Owner of any Short-Term Rental shall be required to collect and remit all Transient Room Taxes and appropriate Sales and Use Taxes by the end of the year. The County shall suspend all permits and licenses for Short-Term Rentals more than one year past due on applicable taxes until the Owner has paid all applicable taxes.

If a Manager or individual is managing more than one Short-Term Rental property in Piute County, a separate Conditional Use Permit and Business License shall be required for each Short-Term Rental property in Piute County, in addition to the Business License required for the Manager themselves.

Section 5 FEES

Appropriate fees shall be charged for Conditional Use Permit applications, Business License applications and renewals and any other services required by this Ordinance. Such fees shall be established by the County Commission and shall be referred to in the Piute County Planning and Zoning Fee Resolution.

Section 6 AUTHORIZED MANAGER OR LOCAL CONTACT PERSON

6-1 Designation.

An Owner may designate a Manager or Local Contact Person to be held responsible for compliance with the requirements of this Ordinance on behalf of the Owner. Notwithstanding this subsection, the Owner shall not be relieved from any responsibility or liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental, regardless of whether such noncompliance was committed by the Owner, Manager, Local Contact Person or the occupants of the Owner's Short-Term Rental.

6-2 Availability.

While a Short-Term Rental is occupied or open for business, the Owner, Manager and/or Local Contact Person shall provide a phone number that shall be available 24/7 for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental.

6-3 Manager Responsibility for Guest's Conduct.

The Manager and/or Local Contact Person shall use reasonably prudent business practices to ensure that the occupants of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the Short-Term Rental.

6-4 Manager Response to Complaint.

The Manager and/or Local Contact Person shall, upon notification that any occupant of the Short-Term Rental has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the Short-Term Rental, respond within one hour to halt or prevent recurrence of such conduct.

6-5 Failure to Respond.

Upon failure of the Manager or Local Contact Person to respond to calls or complaints in one hour regarding the condition, operation or conduct of occupants of the Short-Term Rental, the Manager shall receive written notice from the County. In the event that the Owner, Manager or Local Contact Person fail to respond to the complaints and or written notification from the County, the County Commission may consider revocation of the Owner's Conditional Use Permit in a public meeting.

Section 7 SALE OR TRANSFER OF PROPERTY

In the event of a sale or other transfer of any property containing a dwelling licensed as a Short-Term Rental, the purchaser or transferee of the property shall be required to amend the Conditional Use Permit and Business License within sixty days of the date of purchase or transfer. In the event that the purchaser or transferee fails to make necessary amendments within said sixty days, the license will be forfeited and the Owner shall be required to re-apply for all appropriate inspections, permits and licenses.

Section 8 BUILDING STANDARDS

At a minimum, any dwelling unit permitted as a Short-Term Rental shall conform to the standards listed in the Short-Term Rental Self-Inspection Checklist (**See Appendix 1**).

Section 9 PARKING REGULATIONS

The Owner or Manager or any Short-Term Rental shall ensure appropriate off-street parking is provided for its occupants of the Short-Term Rental in accordance with the following:

1. Unless specifically approved by adjacent property owners, off street parking shall be provided **on the same Property** as the Short-Term Rental; and
2. The number of vehicles allowed for the occupants of a Short-Term Rental shall be restricted to the number of off-street parking spaces provided by the Owner.

Section 10 REQUIRED POSTING

The following information shall be posted in a conspicuous location inside any dwelling unit licensed as a Short-Term Rental:

1. A copy of the Short-Term Rental Business License;
2. The name and 24/7 phone number of the Owner, Local Contact Person or Manager and local emergency contact information;
3. The location of all fire extinguishers and emergency exits;
4. A map showing property boundaries and parking spaces;
5. The maximum occupancy of the dwelling unit and number of vehicles allowed;
6. Trash pick-up day, if applicable, and rules and regulations pertaining to leaving or storing trash on the exterior of the property; and
7. A list of all rules for the specific Short-Term Rental, if applicable.

Section 11 PREVENTION OF NOISE, NUISANCE OR TRESPASS

The Owner or Manager of any Short-Term Rental shall ensure occupants of the Short-Term Rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding areas;
2. Disturb the peace of surrounding properties by shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets or engaging in outside recreational or other activities after 10:00 P.M and before 10:00 A.M.;
3. Interfere with the privacy or trespass onto surrounding properties; and
4. Allow pets or animals to create incessant noise, roam the streets without an owner present, trespass on neighboring properties or create any type of mess that is not cleaned up by the owner of the pet or animal.

Section 12 ENFORCEMENT PROVISIONS

1. Any Owner who allows occupation of a dwelling unit as a Short-Term Rental in Piute County, as defined herein, without having first obtained the required approvals as outlined in Section 4 of this Ordinance shall:
 - a. Receive a request from the County to come into compliance;
 - b. Upon failure to respond to the first request within thirty days, receive a formal noncompliance notice from the County Attorney; and
 - c. Upon failure to respond to the second notice within fourteen days, the Owner may be guilty of a Class C Misdemeanor, which shall be punishable by a fine of up to \$750, imprisonment for up to 90 days or any combination thereof for each such violation.
2. Any Owner or Manager of a Short-Term Rental in Piute County who refuses to cooperate with, or respond to the Zoning Administrator, Clerk's Office or any other County Office or staff member after a period of 60 days from the initial notification concerning the provisions of this Ordinance may be guilty of a Class C Misdemeanor, which shall be punishable by a fine of up to \$750, imprisonment for up to 90 days or any combination thereof for each such violation.
3. Any Owner or Manager of a Short-Term Rental in Piute County who, having first obtained the required approvals for use of said dwelling as a Short-Term Rental, thereafter operates or permits operation of said Short-Term Rental in violation of the terms and provisions of this Ordinance may be guilty of an Infraction, and may be punished by a fine of up to \$750 for each such violation.
4. In the event of any one violation of this Ordinance committed by an Owner, Manager, Local Contact Person or occupant of the Short-Term Rental, the County Commission shall discuss said violation(s) in a public meeting and consider action, including possible fines or revocation of the Conditional Use Permit and/or Business License for the Short-Term Rental in accordance with the provisions of this Ordinance.

Section 13 APPEALS

Any person or entity aggrieved by a decision of the Zoning Administrator, Planning Commission or any other County Office or staff member regarding the provisions of this Ordinance shall have the right to appeal such decision to the County Commission if a written request for an appeal is filed with the County Clerk's Office within fourteen days of verification that the aggrieved person or entity has been made aware of the decision.

Section 14 SEVERABILITY

Should any portion of this Ordinance be found for any reason to be unconstitutional, unlawful or otherwise void or unenforceable, the balance of the Ordinance shall be severable therefrom and shall survive such declaration, remaining in full force and effect.

Section 15 ADOPTION

Passed and adopted by the Board of County Commissioners of Piute County, Utah, this 14th day of February, 2022.



Piute County Commission, Chair
Will Talbot

ATTEST:



Piute County Auditor/Clerk
Kali Gleave

County Seal:

