

**CHAPTER 8-600 The rules and regulations and process contained within this title shall be know as the Short Term Rental Ordinance.**

**8-601 Definitions:** The following words and phrases shall have the definitions and meanings set forth below. They shall be capitalized to indicate their special definitions. If any of the words or phrases are defined elsewhere in this code, and there is a disagreement as to their intended meaning, the definitions and meanings set forth in this section shall control the Short Term Rental Ordinance.

A. Application shall mean the application for a Short Term Rental License, which shall be a form, approved by the Town Council.

B. Complete Application shall mean an Application that has satisfied all of the submittal requirements set forth in this Short Term Rental Ordinance and otherwise complies with all of the criteria required for the issuance of a Short Term Rental License.

C. Clerk shall mean the Garden City Town Clerk or Assistant Clerk.

D. Floor Plan shall mean a level-by-level plan of the Property labeling all enclosed spaces within the structure, including without limitation, all Sleeping Rooms.

E. Nightly/Short Term Rental shall mean the rental of a Dwelling Unit or a portion thereof, including a Lockout Unit for less than thirty (30) days to a single person. Nightly Rental does not include the Use of a Dwelling for Commercial Uses.

F. Owner shall mean the titled owner of the residence for which a Short Term Rental License is sought or has been issued. The Owner may be a natural person or any business entity recognized by the State of Utah. If the Owner is a business entity it must be registered with the Department of Commerce.

G. Parking Spaces shall mean areas with a width of no less than 9 feet and a length of no less than 18 feet located either within designated garages, on impermeable surfaces such as asphalt, concrete or gravel.

H. Property or Short Term Rental Property shall mean the residence to be used as a Short Term Rental.

I. Property Management Company shall mean the Owner's agent for renting the Property, if any.

J. Sleeping Room or Space shall mean any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, a roll out couch or futon. To be a valid Sleeping Room the Sleeping Room shall comply with all pertinent International Building Code (IBC) requirements, including, without limitation, exit requirements, ceiling height requirements, and window requirements. A Sleeping space shall require a minimum of 100 square feet of floor space.

K. Temporary Access Easement shall mean an easement in favor of the Owner and the Property over the property of another necessary to provide access to the Property. A Temporary Access Easement shall be recorded in the records of the Rich County Clerk and Recorder and shall terminate on the transfer by the owner granting the Temporary Easement.

L. Town shall mean Garden City, Utah.

M. Use With Criteria shall mean the land use approval process contained in the Town'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 Short Term Rental Ordinance, the terms and conditions in the Short Term Rental Ordinance shall control.

N. Valid Objection shall mean an objection based on:

1. The Owner's objective failure to file a Complete Application; or

2. The Owner's failure to meet any of the required criteria for the issuance of a Short Term Rental License.

**8-602 Licenses:** To operate as a Short Term Rental, the Owner of the Property or their Agent must file an Application with the Clerk. If an Owner fails to meet these requirements they will be subject to the Penalties as referred to in Section 8-611B.

**8-603 Requirements for Application: Short-term rentals shall be allowed in all zones.** The following information and documentation shall be contained in the application and provided to the Clerk:

- A. Completed Application signed by the Owner.
- B. Proof of Ownership shall be as set out in the Municipal Code.
- C. Site Plan drawn to scale.
- D. Zone designation and street address for each unit.

E. If direct vehicular access from the Property to a public street is not shown on the Site Plan, the Application must include a Temporary Access Easement from the owners of each property over which vehicles must pass to access the Property. All Temporary Access Easements shall be signed and notarized by the owner or owners of the property or properties granting the Temporary Access Easements. Upon the termination of any Temporary Access Easement, it shall be the responsibility of the Owner to obtain a new Temporary Access Easement from the property transferred. Failure to obtain a replacement Temporary Access Easement shall be cause for termination of the License.

F. A letter from the Homeowners Association of the subdivision in which the Property is located verifying that nightly/short term rentals are not prohibited in the CC&R's.

G. Copies of currently valid Town and State Sales Tax collection and accounting numbers in the name of the Owner or the Property Management Company.

H. The name and address and contact information including a 24-hour contact phone number for the Property Management Company managing the Property; or, if there is no Property Management Company, the name, address and contact information, including a 24-hour contact phone number, of a person living within 15 minutes of the property(s), which may be the Owner or Agent of the Owner of the Property, who can be contacted in the event of an emergency.

I. An acknowledgement that the Owner, Property Management Company, and/or agent of the Owner, if any, have read all regulations pertaining to the operation of a Short Term Rental.

J. The Owner shall sign and certify the accuracy of the information submitted and agree to comply with all regulations. If there is a Property Management Company or other agent of the Owner managing the Short Term Rental, the agent or an authorized officer of the Property Management Company, or both, shall also sign and certify the accuracy of the information submitted and agree to comply with all regulations.

**8-604 Effective Date of License.** The License shall be issued by the Clerk upon approval by the Town Council, provided that:

A. The Town Council has reviewed the application, interviewed the applicant/owner and if necessary set requirements as stipulated by this ordinance for issuing the license, and;

B. The Council has reviewed all Valid Objections, and:

- 1. The Applicant/owner has addressed and corrected any violations, listed in the objected, as stipulated by this ordinance, or
- 2. The Town Council finds that the objection is not valid as stipulated by this ordinance.

C. All conditions of the license approval, by the Town Council, have been completed by the applicant or owner.

**8-605 Fees:** The application fee and annual renewal fee shall be set by resolution and will be used to offset the cost to the Town to process, administer and monitor the operation of Short Term Rentals.

**8-606 Term of License:** The License shall be valid for up to one year and is to be renewed annually by January 1<sup>st</sup>. The License may be renewed upon the payment of the annual renewal fee unless there is a substantial change to the information contained in the application.

A. If a short term rental license is not renewed by January 1<sup>st</sup>, it is considered to be suspended until one of the following is completed:

1. If a short-term rental license has not been renewed by March 1<sup>st</sup>, the fee, which is set by resolution, will double. The property management company or owner of the property will also be reported to the Credit Bureau.

2. If a short-term rental license has not been renewed by May 1<sup>st</sup>, the license for property management/owner or subject property will be expired, a red tag will be placed on property/properties, and rental of the property/properties must cease and desist. The Owner shall amend the Application at any time that there is a change in circumstances that would require an update to the information submitted by the Owner. By way of example and not limitation, a change in circumstance would be change of ownership of the Property, any modification to the premises, including any changes to the Floor Plan or the Site Plan, or number of Sleeping Rooms, any changes of Property Management Company, or any change in 24-hour contact information. At the time of renewal, the Owner, Property Management Company, or other agent of Owner shall specify the number of civil penalty violations incurred within the preceding 12-month period, together with any other convictions for conduct described in section 8-612 of this Ordinance.

**APPROVAL:** This Ordinance will become effective immediately upon approval of the Garden City Town Council. Approved February 12, 2009

**8-607 Additional Criteria:**

A. Sleeping Space will be designated upon review of the Town Building Official based on the IBC requirements.

B. There shall be at least one parking space on the Property for every five (5) occupants as specified in the License. Parking will be based on the total number of occupants that the unit is licensed for. All parking spaces shown on the Site Plan shall be available for parking and shall not be blocked or otherwise unavailable due to the storage of materials or for any other reason. All vehicles belonging to overnight occupants shall be parked on the Property and shall not be parked on any adjacent public right-of-way. All vehicles include trailers, RV's, boats, motor homes, etc. shall park in designated parking areas. Each trailer is considered a vehicle.

C. The occupancy or number of guests shall not exceed two (2) persons per 100 square feet of sleeping space as described by IBC. The Occupancy or number of guests staying at the property shall be based on two (2) persons per Sleeping Room. Additional occupancy can be added upon inspection and approval of the Town of Garden City Building Official based on IBC requirements. The maximum number of occupancy shall not include children under the age of three (3).

D. The Owner or Property Management Company, or other agent of Owner shall:

1. Mail or provide directly to the party signing any rental agreement or reserving the Property a copy of all Short Term Rental rules and regulations as soon as possible, but no later than 10 days after reserving the Property; and

2. Prominently display on the Property all of the rules and regulations pertaining to Short Term Rentals.

3. Collect appropriate Sales, Resort, and Transient Rental Taxes.

E. Each Short Term Rental shall have a clearly visible and legible notice within the unit on or adjacent to the front door, containing the following information:

1. The name of the Property Management Company, agent, and/or Owner of the Property, living with 15 minutes of the property(s), contact person telephone number at which that party may be reached on a 24-hour basis;

2. The maximum number of occupants permitted to stay in the Property as defined by the Town of Garden City's Building Official at the time of license;

3. The maximum number of vehicles allowed for the occupants of the Property and that all allowed vehicles must be parked on the Property;

4. The number and location of all on-site parking spaces and the parking rules for seasonal snow removal;

F. The trash pick-up day and notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out and that animal-proof containers must be used.

**8-608 Prohibited Activities:**

A. Occupancy beyond the specified amount in the License.

B. Parking of vehicles in non-compliance with section 607 B of this ordinance.

C. Outdoor sleeping of individual(s), which exceeds the occupancy level.

D. Any unauthorized commercial activities.

E. The preparation of any food on site for persons other than the allowed occupants and the allowed guests.

F. There shall be no employees of the Owner or the property management company living in the Property; provided, however, if the Property has a Secondary Unit, this section does not restrict whom the Owner may have as a tenant.

**8-609 Management Standards:** The short-term rental property authorized by this ordinance must be managed properly. As a condition to holding a valid short-term rental license, the licensee agrees to provide or arrange to provide for adequate maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services required and management regulations include:

A. Structural maintenance to preserve substantial code compliance as described herein.

B. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.

C. Trash collection which insures that trash containers are not left at the curb for any period in excess of twenty-four (24) hours and the property must be kept free of the accumulated garbage and refuse. All large boxes must be collapsed and trash bagged and placed in the appropriate receptacles.

**8-610 Inspection:** If the Town Council has reasonable grounds to believe that the information

provided in the Application is inaccurate, has become inaccurate, or that prohibited activities are occurring at the Property, the Town Council may require an inspection of the Property with 24-hour advanced notice to the Owner, Property Management Company, or agent or local contact person for the Owner unless the prohibited activity is deemed to pose an immediate threat to public safety whereupon an immediate inspection shall be warranted.

**8-611 Violations and Penalties:**

A. The following conduct shall constitute a violation for which the penalties specified in subsection (B) of this section shall be imposed.

1. The Owner, Property Management Company, or agent of Owner has signed an application, which, at the time of signing, was substantively incorrect;
2. The Owner, Property Management Company, or agent of Owner has failed to comply with any of the additional criteria set forth in Sections 607, 608 or 610;
3. The Owner, Property Management Company, or agent of Owner has *knowingly* conducted, permitted, or allowed any of the Prohibited Activities set forth in section 608 to occur on the Property.

B. The penalties for violations specified in subsection (A) of this section shall be as follows:

1. For the first violation a written warning letter issued from the Town of Garden City.
2. For the second violation within any 12-month period, the penalty shall be \$250.00 per property in violation;
3. For a third violation within any 12-month period, the penalty shall be a fine of \$500.00 per property in violation;
4. For a fourth violation and all subsequent violations within any 12-month period, the penalty shall be a fine of \$1,000.00 per property in violation.

C. These Violations and Penalties shall be in addition to any other violations of law that may be charged under the Garden City Municipal Code, including, without limitation, Noise Pollution, Nuisances, and failure to pay sales, special use, and/or occupancy taxes.

D. The penalties for violations specified in subsection 609 of this Ordinance shall be fined \$250.00 for each violation and paid by the Owner, Property Management Company, or Agent of the Owner, and paid to the Town of Garden City within five (5) business days of the violation.

**8-612 Procedure for Imposition of Penalties for Violations of sections 607, 608, 610 and 614:**

Any person with reason to believe that an Owner, Property Management Company, or other agent of Owner has violated any of the provisions of this Chapter, he or she may file a complaint with the Rich County Sheriff. After investigation by Town Council, if there exists probable cause to proceed with the complaint, the Owner, Property Management Company, or other agent of Owner shall be summoned into Rich County Magistrate Court to answer charges. The standard of proof for any such prosecutions under this Ordinance (as opposed to the charges referenced in section 611 D of this Ordinance) shall be a preponderance of the evidence and shall result, upon conviction, in a civil penalty.

**8-613 Revocation:** Show Cause Hearing: Upon the occurrence of any of the following, the Town Council shall schedule a hearing requiring the Owner to show cause why the License should not be revoked:

- A. The imposition of a civil penalty for a fourth violation of sections 608 and 610 within one calendar year;

B. At the time of annual renewal, the combination of civil penalties and violations under section 610 D reported by the Owner, Property Management Company, or other agent of Owner are sufficient, in the discretion of the Town Council Member assigned to be over short term rental licenses, to warrant a show cause hearing on revocation of the License.

C. A show-cause hearing for the revocation of a Short Term Rental license shall be conducted by the Town Council. If, after public hearing, the Town Council determines that the operation of the described Short Term Rental Property has been more detrimental to the existing neighborhood character than it has been beneficial to the community in fostering its resort, business, and economic base, then the License shall be suspended for such period as determined by the Town Council. The Town Council may also revoke the License. Upon revocation, the Owner may not reapply for a Short Term Rental License at that location for two years.

**8-614 Operating a Short Term Rental without a License:** Any Person violating the provisions of this Chapter by operating a Short Term Rental without a valid License shall, upon conviction, be guilty of a misdemeanor resulting in the imposition of a fine of the maximum allowable amount for a misdemeanor per occurrence. The Owner of the Property, at the time of violation, being operated as a Short Term Rental shall not be eligible for a Short Term Rental License for two years after conviction. Upon passage of this Short Term Rental Ordinance, any Property operating as a Short Term Rental shall have three months to apply for a License without violation of this section.

**8-615:** The Town Council acknowledges that Short Term Rentals are not currently operating under the rules and regulations of this Ordinance. All existing Short Term Rental shall have until April 1, 2008 to apply for a Short Term Rental License under this new Short Term Rental Ordinance and comply with these new regulations, or, in the alternative, to apply for another use, which, in the opinion of the Owner, is a more appropriate land use designation for their particular business.