

CITY OF WASHINGTON TERRACE

**ORDINANCE NO. 19-02
VACATION AND SHORT TERM RENTALS**

AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, ADOPTING CHAPTER 5.14 OF THE WASHINGTON TERRACE MUNICIPAL CODE FOR VACATION AND SHORT TERM RENTALS, PROVIDING LICENCING REGULATIONS FOR THE SAME, AMENDING CHAPTER 17.08 TO RENAME “REGULATION FOR MORE THAN ONE ZONE” AND ADOPT LAND USE REGULATIONS FOR VACATION AND SHORT TERM RENTALS; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the City of Washington Terrace (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, said City has desires to mitigate any impacts created by use of dwellings in neighborhood as vacation or short term rentals;

WHEREAS, City Council deems it necessary to establish regulations in order to balance the right of property owners and others in neighborhoods who seek the quiet use and enjoyment of their property;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update its municipal code in order to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on __April 25_____, 2019, to take public comment on this proposed Ordinance, after which the Planning Commission gave its recommendation to __Apporve_____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on ____May 21, 2019_____;

NOW, THEREFORE BE IT ORDAINED by the Washington Terrace City Council as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Chapter 5.14 and Chapter 17.08 of the Washington Terrace Municipal Code are hereby adopted and amended to read as follows:

Chapter 5.14 Vacation and Short Term Rentals

05.14.010 Purpose.

The purpose of this chapter is to mitigate any detrimental secondary effects that any vacation and/or short term rental properties with transient lodging for transient populations in otherwise primarily permanent residents in established neighborhoods. Transient populations may or may not sustain neighborhood morals, manners, customs, expectations, and consideration to the same extent as permanent residents. The regulations set forth in this Chapter are based on a desire to maintain the overall residential character of the City's neighborhoods for primarily residential uses. This Chapter shall be in effect throughout the time a license is valid, regardless of whether the property is occupied by the owner or any guest of the owner.

05.14.020 Business License Required.

No residential dwelling, or any portion thereof, shall be occupied or used as vacation short term rental less than thirty (30) days per month, or advertised as such, unless the property owner has obtained a business license issued in accordance with Title 5 and this Chapter.

05.14.030 Requirements.

In order to obtain a valid business license under this Chapter, the property owner shall:

1. Contact Information. Lists the name, address, and phone number each property owner, and any other person designated as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this Chapter.
2. Property Address. Provide documentation that of the vacation and/or rental property address, and include the portion or portions used in the residential home for short term rental purposes.
3. Separation. Not be located within three hundred (300) feet linear feet in any direction from any another vacation and/or short term rental property.
4. Taxes. Include the owner's valid Utah State Tax Number for remittance of the required transient lodging taxes to the Utah State Tax Commission.
5. Single-family. No single-family dwelling shall be split in to two (2) units.

05.14.040 Parking Regulations.

The owner of any property licensed as a vacation short term rental shall provide off-street parking any guest as following:

1. On-site Required. All guest parking shall be on-site and off-street on the same lot as the residential dwelling licensed under this Chapter.

2. Adequate. All parking shall be on-site and adequate to accommodate all guests. Tandem driveway parking is acceptable.
3. Prohibited. No street parking is permitted and no parking at any neighboring residential use is permitted.
4. Living Area. No parking space may be located in front of the living area of any single-family dwelling unless there is a circular driveway.

05.14.050 Maintenance Standards.

Each owner shall comply with the following maintenance standards for any residential dwelling used as a vacation and/or short term rental:

1. Maintenance. Structures shall be properly maintained, painted, and kept in good repair. All grounds and landscaped areas shall be properly maintained and irrigated. No signs or other improvements are allowed, specifically those that detract from the general appearance of the neighborhood.
2. Neighborhood Conformance. The use of a dwelling as a vacation short term rental shall not in any way change the residential character of a neighborhood.
3. Code Requirements. Each sleeping room must meet most current standards set forth in the International Residential Code (IRC) for egress and be equipped with appropriate and functional smoke and other required detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.

05.14.060 General Rules and Regulations.

Each owner shall ensure that all guests comply with the following rules and regulations for operation of any vacation and/or short term rental:

1. Respondent Superior. Each owner is responsible for the conduct of each guest and any violation under this chapter.
2. Noise. Any noise that by virtue of its time, nature, intensity or duration that are out of character with noises customarily heard in the surrounding residential neighborhood is prohibited.
3. Behavior. No person shall disturb the peace of surrounding residential property residents by engaging in drug use, excessive consumption of alcohol, shouting, fighting, loud music, racing vehicles, or any other disturbance no customarily part of the neighborhood.
4. Recreation. No outdoor recreational activities shall be permitted after midnight.
5. Trespassing. No trespassing on interfere with the privacy of surrounding residents or properties.
6. Littering. No littering or pet disturbances on any surrounding properties, including any public property.
7. Nuisance. Comply with the nuisance regulations of the City set forth in Chapter 8.16.
8. Posting. Each property owner shall post the following information in a concise and unambiguous manner and in a conspicuous location inside any vacation and/or short term rental:
 - a. The business license.
 - b. The name, address, and phone number of the owner or property manager.
 - c. The location of all fire extinguishers.
 - d. A list of all rules applicable for vacation rentals set forth in this Chapter, in

- addition to any house rules of the owner.
- e. The maximum occupancy vehicles allowed and parking regulations.

05.14.070 Specific Rules and Regulations.

Each owner shall ensure that all guests comply with the following specific rules and regulations for operation of any vacation and/or short term rental:

1. Pools. Outdoor pools, hot tubs, and spas shall not be used between the hours of midnight and 6:00 AM.
2. Emergency. A sign shall be place on the front door of the property that contains the emergency contact information and 24-hour phone number for the owner or manager. The sign shall also include information instructions for guests to contact local first responders in case of fire or other emergency.
3. Response Time. The owner or manager shall respond to complaints and concerns within one (1) hour of any notification.

15.14.80 Enforcement.

1. Inspection. The City may conduct business license inspections to ensure compliance with this Chapter.
2. Taxes. All taxes shall be collected by the owner or manager and remitted to the Utah State Tax Commission as provided by law for transient lodging.
3. Penalty. In addition to license suspension and revocation as provided in this Title, any license violation under this Chapter shall be subject to the penalties set forth in Section 05.02.130.

**Chapter 17.08
Regulations for One or More Zones**

17.08.010 Applicability.

This Chapter consists of various land use regulations that are applicable to one or more zones.

17.08.020 Vacation and Short Term Rentals.

No residential dwelling, or any portion thereof, in any zone shall be occupied or used as vacation short term rental, or advertised as such, unless the property owner complies with Chapter 5.14.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective Date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this 21____ day of May_____, 2019.

Washington Terrace City, Utah
Ordinance 2019-02- Vacation and Short Term Rentals

____signature on file_____
MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

____signature on file_____
AMY RODRIGUEZ, City Recorder

RECORDED this 21__ day of _May_____, 2019.
PUBLISHED OR POSTED this __22_ day of __May_____, 2019.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with the provision of Utah Code Annotated §10-3-713, as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) __City Hall_____, 2) __Senior center_____, and 3) __City Web_____ on the above referenced dates.

AMY RODRIGUEZ, City Recorder

DATE: _____