

ORDINANCE NO. 2019-_____

**AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL ADOPTING
SOUTH WEBER CITY CODE CHAPTER 10.18, ENACTING REGULATIONS
PERTAINING TO SHORT-TERM OR VACATION RENTALS**

WHEREAS, the South Weber City Council has a responsibility to preserve and protect the health, safety and welfare of its inhabitants, the family and other community values; and

WHEREAS, nationwide, statewide and local short-term and vacation rental applications have risen significantly; and

WHEREAS, the Council finds and determines that an ordinance is necessary to allow short-term or vacation rentals in the City limits under reasonable standards designed to regulate the industry to ensure the community's values and the citizen's health, safety and welfare are not compromised;

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, State of Utah:

Section 1. Chapter adopted. Chapter 10.18 of the South Weber City Code is hereby adopted to read as follows:

CHAPTER 10.18. SHORT-TERM OR VACATION RENTALS

10.18.010 Purposes

The purposes of this chapter are to strengthen the City's values of community, family, and safety by permitting short-term or vacation rentals according to the standards of this chapter, to protect the integrity and characteristics of the land use districts, and to require that short-term or vacation rentals be conducted in a manner that neighbors, under normal conditions, would not be aware of their existence.

10.18.020 Definitions

As used in this chapter:

A. **SHORT-TERM or VACATION RENTALS** means a transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than 30 consecutive days as an alternative to a hotel or motel.

B. **RESPONSIBLE PARTY** means the owners and local representatives of the short-term or vacation rental property.

C. OCCUPANTS mean the persons renting or residing in a short-term or vacation rental dwelling unit.

D. PETS mean dogs, cats, other domesticated animals, and any other animals that the occupants of a short-term or vacation rental bring onto the premises.

10.18.030 Conditional Use Permits Required

A. Permits: Conditional use permits shall be required for all properties used as short-term or vacation rentals, regardless of the zone, type, or use of the property. A fee, according to the consolidated fee schedule will be required with the conditional use application.

B. Application for Permit: The applicant shall pay for and obtain a City business license, register the business with the State of Utah, and obtain a Utah State Sales Tax ID# before applying for a conditional use permit. The applicant shall also pay any annual fee established in the Consolidated Fee Schedule for short-term or vacation rentals. The application for a conditional use permit shall be made by the owner of the property on which the short-term or vacation rental is located, shall include a phone contact number and email address, and identify the number of off-street parking stalls available for occupants. A local responsible party shall be designated with contact information if the short-term or vacation rental is not owner-occupied.

C. Review: The planning commission shall review complete applications for a conditional use permit under this chapter and shall approve or deny the conditional use permit based on the criteria listed in this chapter.

D. Revoking a Permit: The City may revoke a conditional use permit issued under this chapter if:

1. a licensee engages in a pattern of unlawful activity;
2. a licensee violates state law or local ordinances;
3. a licensee fails to repeatedly comply with any condition set forth at time of permit approval.

10.18.040 Tax

Each short-term or vacation rental owner shall collect and remit sales, resort, and transient room taxes to the Utah State Tax Commission.

10.18.050 Noise and Occupancy

The responsible party shall regulate the occupancy of the short-term or vacation rental and ensure that:

- A. occupants or their pets do not create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood;
- B. occupants do not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities after ten o'clock p.m.;
- C. occupants and their pets do not interfere with the privacy of surrounding residents or trespass onto surrounding properties;

D. occupants do not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and

E. the rental complies with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.

10.18.060 Parking

An off-street parking stall shall be provided for each vehicle the occupants bring to the short-term or vacation rental. There shall be no more occupant vehicles allowed at any one time than the number of bedrooms available in the short-term or vacation rental. Vehicles parked at the short-term or vacation rental shall not block clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on other property rights.

10.18.070 Camping

No camp trailers, recreational vehicles, tents, yurts, or any similar non-permanent structures will be allowed for short-term or vacation rentals under the conditional use permit, except those located in a private area licensed by the City for camping. Camps shall comply with Utah Administrative Code Rule R392-300, Recreation Camp Sanitation.

10.18.080 Pets

Owners or keepers of any pets on short-term or vacation rental properties shall not allow the animals to create noise that could be considered disturbing, to run at large, or to create a mess that is not immediately cleaned up by the owner or keeper. It shall be unlawful for an owner or keeper of any pet to go upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.

10.18.090 Signage

Information shall be displayed in the interior of the dwelling unit listing 24/7 contact information and the regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct. Exterior signage shall not be allowed.

10.18.100 Maintenance and Standards

Any property that contains a dwelling which is licensed as a short-term or vacation rental shall conform to the following standards:

- A. Structures shall be properly maintained and kept in good repair.
- B. Grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood or causes any hazard to the occupants.
- C. Each habitable space shall meet current building codes for size, egress, and be equipped with smoke and carbon monoxide detectors.
- D. Garbage shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pick up days.
- E. A fire extinguisher shall be accessible.

F. A fire exiting route plan and maximum occupancy number shall be posted in each dwelling used for short-term or vacation rentals.

G. An annual inspection shall be conducted by the fire marshal to ensure compliance with fire safety provisions.

10.18.110 Complaints

- A. Complaints received by the City for any violation of this chapter will be handled as stated in this section.
- B. A first complaint will result in a letter or I-works notification being sent to the property owner and responsible party notifying the owner of the problem and requiring immediate correction. A second complaint will result in a second letter or I-works notification being sent to the property owner and responsible party and the conditional use permit will be in jeopardy of being revoked.
- C. A third complaint will result in a written request from the City to the property owner and responsible party to attend a planning commission meeting to discuss the complaints and show cause why the conditional use permit should not be revoked. The show-cause hearing shall be held even if the owner or responsible party fails to appear. If the planning commission finds just cause, the commission shall revoke the conditional use permit.
- D. Notwithstanding any other remedy in this section, violations of the City Code or State law may be prosecuted as a criminal offense in the justice court.

Section 2. Effective Date. The City Council of South Weber City, State of Utah, has determined that the public health, safety and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the _____ day of _____ 2019.

ATTEST:

MAYOR: Jo Sjoblom

Mark McRae, City Recorder

Roll call vote is as follows:		
Mr. Halverson	Yes	No
Mr. Hyer	Yes	No
Ms. Petty	Yes	No
Mr. Taylor	Yes	No
Mr. Winsor	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for the City of South Weber, hereby certify that Ordinance 2019-____ was passed and adopted the ____ day of _____ 2019, and also certify that complete copies of the ordinance were posted in the following locations within the municipality this ____ day of _____, 2019:

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

Mark McRae, City Recorder