

## **SHORT TERM RENTAL**

### **CONDITONAL USE INFORMATION**

(For full Ordinance See City Ordinance 10.07)

**PROCEDURE:** Any person seeking a conditional use permit shall apply to the Planning Commission no later than 3 weeks prior to the meeting. The City will send written notice of the application to the residents and/or property owners within 300 feet of the applicant's property.

**EFFECT ON PRIVATE COVENANTS AND AGREEMENTS:** Title 10, Zoning Regulations, of the South Weber City ordinances shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons but shall prevail notwithstanding such provisions which are less restricted. Enforcement of private covenants and agreements affects only the parties in interest and the responsibility therefore may not be assumed by the City or its agents.

**APPEAL:** In the event of disapproval or objection to any condition or limitation requirement made by the Planning Commission as set forth in subsection 10.07.040, appeal may be made in writing, addressed to the Appeal Authority and shall set forth specifically the matter objected to, and must be filed within ten (10) days from the date wherein the Planning Commission rendered its decision.

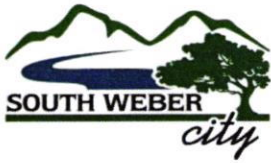
**SUBSEQUENT PERMITS/LICENSES:** Following the issuance of a conditional use permit, the zoning administrator shall ensure all applicable building permits and/or business licenses applications are provided and once received will ensure that the development is undertaken in compliance with both said permits/licenses and conditions set forth during final approval of the Conditional Use Permit. If the nature of the conditional use is such that it requires a City business license, a City business license shall be maintained and renewed as required by South Weber City Code. Any business license that expires and is not renewed within one year of its expiration shall be deemed to be abandoned, the conditional use permit shall expire, and the business shall cease operations if it has not already done so.

**EXPIRATION:** The application shall expire six (6) months from the date of initial application. Upon expiration, the applicant shall be required to reapply and pay all associated fees.

The conditional use permit shall expire if

1. The uses and conditions prescribed in the conditional use permit are **not** implemented within a maximum period of one year from its issuance.

The original approving body may grant a maximum extension of six (6) months under extenuating circumstances out of the control of the applicant.



**APPLICATION PROCESS:** Please submit all requested items and answer all questions as completely as possible, omissions may delay processing. If there are any questions, contact the City Office at (801) 479-3177.

- \_\_\_\_\_ Application with fees (fees listed on Conditional Use Application) (cash or check)
- \_\_\_\_\_ Copy of the recorded plat showing subject property (clearly marked) and all properties within 300 feet (front, back and sides). This information is available at the Davis County Recorder's Office.
- \_\_\_\_\_ One set of labels with names and mailing addresses of all property owners within 300 feet of the outer boundary of subject property. Including "Or current resident" is recommended. Names are available at Davis County Assessor's Office. Allow 2 days for processing. The Assessor can also provide the labels for an additional fee.
- \_\_\_\_\_ A list of the above names and addresses.
- \_\_\_\_\_ Register Business with the State of Utah (provide # on Business License Application)
- \_\_\_\_\_ Obtain a Utah State Sales Tax Id Number (provide # on Business License Application)
- \_\_\_\_\_ Completed South Weber City Business License Application (License will be issued after Conditional Use Permit is granted).
- \_\_\_\_\_ Agree to ensure that no more than one short-term or vacation rental agreement per Dwelling unit is in use at any one time.

Office Use Only

CU: \_\_\_\_\_

Max Occupancy: \_\_\_\_\_ Approved or Denied (circle one) Date: \_\_\_\_\_

Fire Inspection Completion Date: \_\_\_\_\_ Approved or Denied (circle one)

[Conditional Use Fee: \$200] [Business License Fee: \$50] [Fire Inspection Fee: \$40]

Total Fee: \$290 Receipt# \_\_\_\_\_ Date Paid: \_\_\_\_\_

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## Short Term Rental Conditional Use Application

Property Owner: \_\_\_\_\_ Owner Email: \_\_\_\_\_

Full Mailing Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Nighttime Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_

Is Property to be Primarily Owner Occupied: \_\_\_\_\_ {If "NO" fill out Local Responsible Party}

Local Responsible Party: \_\_\_\_\_ Local Party Email: \_\_\_\_\_

Local Responsible Party Mailing Address: \_\_\_\_\_

Local Party Daytime Phone: \_\_\_\_\_ Nighttime Phone: \_\_\_\_\_

Proposed Use: Short Term Rental Parcel Number(s): \_\_\_\_\_

Total Acres: \_\_\_\_\_ Current Zone: \_\_\_\_\_ Surrounding Land Uses: \_\_\_\_\_

Business Name (if applicable): \_\_\_\_\_

Anticipated # of Employees: \_\_\_\_\_ Anticipated # of Customers At One Time (Daily): \_\_\_\_\_

Hours of Operation: \_\_\_\_\_ Days of Operation: \_\_\_\_\_

# of Guest Bedrooms: \_\_\_\_\_ # of Parking Stalls: \_\_\_\_\_ # of Smoke Detectors: \_\_\_\_\_

#Carbon Monoxide Detectors: \_\_\_\_\_ # of Fire Extinguishers: \_\_\_\_\_ Approved Fire Sprinklers (Y or N) \_\_\_\_\_

### APPLICANT'S AFFIDAVIT

State of Utah )  
County of \_\_\_\_\_)

I, \_\_\_\_\_, the sole owner or Authorized Agent of the Owner of the property involved in this application, swear the statements and answers contained herein, in the attached plans, and other exhibits, and that the statements and information above referred to are in all respects true and correct to the best of my knowledge and belief. By signing below, I am agreeing to abide by ALL terms and conditions set forth in: **South Weber City Code Chapter 10.18 Enacting Regulations Pertaining to Short-Term or Vacation Rentals.**

I do also hereby give permission to South Weber City to place a city "public notice" sign on the property contained in this application for public notification of the conditional use application and to enter the property to conduct any inspections related to this application.

Date \_\_\_\_\_ Owner or Agent's Signature \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_

Notary Public \_\_\_\_\_

If someone will be acting on behalf of the owner, fill out the information below.

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### AGENT AUTHORIZATION

State of Utah )  
County of \_\_\_\_\_)

I, \_\_\_\_\_, the sole owner(s) of the real property in this application hereby appoint \_\_\_\_\_ as my agent with regard to this application and authorize said agent to appear on my behalf before any city commission, board or council considering this application.

Date \_\_\_\_\_ Owner's Signature \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_

Notary Public \_\_\_\_\_

## **ORDINANCE 19-12**

### **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**

##### **10-18-1 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.

##### **10-18-2 Definitions**

As used in this chapter:

- A. **SHORT-TERM or VACATION RENTAL** 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.

**10-18-3 Conditional Use Permits Required**

- A. Permits: A conditional use permit shall be required for each unit used as a short-term or vacation rental, regardless of the zone, type, or primary use of the property.
- B. Application for Permit: The application for a conditional use permit shall be signed by the owner of the property on which the short-term or vacation rental is located and shall include:
  - 1. the owner's daytime and evening phone contact numbers and email address;
  - 2. a designated local responsible party with phone and email contact information if the short-term or vacation rental is not owner-occupied;
  - 3. the number of off-street parking stalls available for occupants;
  - 4. a checklist showing compliance with the other requirements of this chapter; and
  - 5. the application fee established in the Consolidated Fee Schedule.
- C. Review: The Planning Commission shall review the complete application 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. As a condition of receiving a conditional use permit and prior to conducting business, the applicant shall:
  - 1. register the business with the State of Utah and obtain a Utah State Sales Tax identification number;
  - 2. apply for and pay the annual City business license fee, with the license to be issued after the conditional use permit is granted; and

3. ensure that no more than one short-term or vacation rental agreement per dwelling unit is in use at any one time.

#### **10-18-4 Tax**

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

#### **10-18-5 Noise and Occupancy**

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

- A. occupants and their pets shall 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 shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between 10 p.m. and 7 a.m.;
- C. occupants and their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;
- D. occupants shall 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.

#### **10-18-6 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.

#### **10-18-7 Camping**

No camp trailers, recreational vehicles, tents, yurts, or any similar non-permanent structures shall 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.

**10-18-8 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.

**10-18-9 Signage**

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

**10-18-10 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 shall be posted.
- G. An annual inspection shall be conducted by the fire marshal to ensure compliance with fire safety provisions. *and occupancy requirements.*



**10-18-11 Complaints and Violations**

- A. Complaints received by the City from any person alleging any violation of this chapter shall be handled as stated in this section.
- B. Upon receiving a first complaint, the City shall call or email, and send a letter or notification to the property owner and responsible party explaining the nature of the complaint and requiring immediate correction.
- C. A second complaint will result in the City sending second letter or notification to the property owner and responsible party, explaining the complaint and warning that the conditional use permit may be in jeopardy of being revoked.
- D. A third complaint will result in written notification from the City to the property owner and responsible party requiring their attendance at a Planning Commission meeting to 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.
- E. Following a show-cause hearing and short of revoking the conditional use permit, the commission may add any conditions or make any other adjustments to the permit it deems reasonably necessary.
- F. Following a show-cause hearing, the Planning Commission may revoke a conditional use permit issued under this chapter if it finds that:
  - 1. the permittee failed to comply repeatedly with any condition set forth in this chapter or the conditional use permit;
  - 2. the permittee engaged in a pattern of unlawful activity; or
  - 3. the permittee violated state law or local ordinances.
- G. 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. General Repealer.** Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 3. 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 14<sup>th</sup> day of May 2019.

  
MAYOR: Jo Sjoblom

  
ATTEST: City Recorder, Lisa Smith



Roll call vote is as follows:

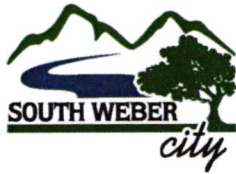
Council Member Halverson	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Hyer	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Petty	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Taylor	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Winsor	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST

### CERTIFICATE OF POSTING

I hereby certify that Ordinance 19-12 was passed and adopted the 14th day of May 2019 and that complete copies of the ordinance were posted in the following locations within the City this 15<sup>th</sup> day of May 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

  
Lisa Smith, City Recorder



## **BUSINESS LICENSE Information & Application Instructions**

**\*Please read through this packet before beginning the application process, applications that are incomplete will not be accepted. A Conditional Use Permit or Site Plan approval may be required.**

### **1. Register your business with the State:**

- Division of Corporations and Commercial Code 1-877-526-3994 or One-Stop Online Business Registration:  
[www.business.utah.gov/registration](http://www.business.utah.gov/registration)

### **2. If applicable, a State Sales & Use Tax Number must be obtained:**

- State Tax Commission 1-800-662-4335 or with online business registration: [www.business.utah.gov/registration](http://www.business.utah.gov/registration)

### **3. If applicable, Federal ID # must be obtained:**

- <http://www.irs.gov>

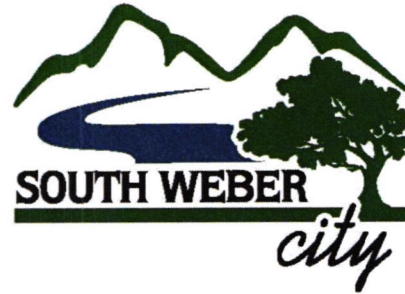
### **4. Submit the Following:**

- Completed Business License Application
- License Fee & Fire Inspection Fee\*
- Verification of the following (if applicable):
  - Business Name Registration
  - State Sales Tax Number
  - State License Number/Business Entity Number
- Davis County Assessor New Business Information Form (City will send to County)

\*Cash, Check, or Money Order Only

**For Office Use Only**

Application/License #: \_\_\_\_\_  
Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
License Fee: \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_  
Fire Inspection Fee: \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_  
Initial Fire Inspection: \_\_\_\_\_ Next: ☐ Annually  
PC Meeting Date: \_\_\_\_\_  
Conditional Use Permit Approval Date: \_\_\_\_\_



## SHORT TERM RENTAL BUSINESS LICENSE APPLICATION

### Applicant

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**Best Way/Preferred Method of Contact:**

Email Phone Mail

### Business

Name: \_\_\_\_\_  
Brief Description: \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
State License #: \_\_\_\_\_ Entity #: \_\_\_\_\_  
State Sales & Use Tax #: \_\_\_\_\_  
Federal ID#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Parcel #: \_\_\_\_\_ Zone: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_  
Name Phone

### Short Term/Vacation Rentals Only:

Square Footage of Business: \_\_\_\_\_ Total Square Footage of Residence): \_\_\_\_\_

Will this business include a part-time full-time (circle one) employee (other than applicant)? ☐ Yes ☐ No

➤ If yes, is the employee a bona fide resident of the dwelling? ☐ Yes ☐ No

➤ Number of hours part-time employee will work: \_\_\_\_\_

To be completed and signed by Applicant

**APPLICANT AFFIDAVIT**

State of Utah )  
County of \_\_\_\_\_ )

I (We) \_\_\_\_\_, being duly sworn, depose and say I (we) am (are) the sole owner(s)/  
Property Owner(s) or Agent  
agent of the owner(s), of the property involved in this application, to wit, \_\_\_\_\_,  
Property Address

South Weber, Utah, and that the statements and answers contained herein, in the attached plans, and other exhibits, thoroughly and to the best of my ability, present the argument in behalf of the application. Also, all statements and information are in all respects true and correct, to the best of my knowledge and belief; and in consideration of obtaining this permit, I have read and agree to all conditions set forth in Title 3, Business & License Regulations, of the South Weber City Code.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed: \_\_\_\_\_  
Applicant (Property Owner or Agent) Applicant (Property Owner or Agent)

Subscribed and Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public: \_\_\_\_\_

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To be completed and signed by Property Owner if not Applicant

**AGENT AUTHORIZATION**

State of Utah )  
County of \_\_\_\_\_ )

I (We) \_\_\_\_\_, the sole owner(s) of the real property located at  
Property Owner(s)  
\_\_\_\_\_, South Weber City, Utah, do hereby appoint \_\_\_\_\_,  
Property Address

as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and to appear on my (our) behalf before any city boards considering this application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed: \_\_\_\_\_  
Property Owner Property Owner

Subscribed and Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public: \_\_\_\_\_

**NOTE:** If a secondary agent authorization is needed, such as an apartment manager, two agent authorizations will be required. You may copy this page for this purpose or obtain another form at the City office.

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Return to South Weber City with Application

*ASSESSOR'S USE ONLY*

DIST \_\_\_\_\_ ACCOUNT # \_\_\_\_\_ PARCEL \_\_\_\_\_ AREA \_\_\_\_\_

DAVIS COUNTY ASSESSOR  
NEW BUSINESS INFORMATION RECORD  
PHONE (801)451-3249 FAX (801)451-3134

BUSINESS NAME: \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BUSINESS LOCATION: \_\_\_\_\_

BUSINESS LICENSE #: \_\_\_\_\_ NATURE OF BUSINESS: \_\_\_\_\_

FEDERAL TAX ID # (NO SOCIAL SECURITY #): \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ DATE OPENED: \_\_\_\_\_

TYPE OF BUSINESS (CHECK ONE):

\_\_\_\_\_ SOLE PROP. \_\_\_\_\_ PARTNERSHIP \_\_\_\_\_ CORPORATION \_\_\_\_\_ L.L.C

STATE THE VALUE OF PERSONAL PROPERTY USED IN YOUR BUSINESS: \$ \_\_\_\_\_  
(DO NOT INCLUDE INVENTORY FOR SALE)

OWNER OR REGISTERED AGENT: \_\_\_\_\_

OWNER/AGENT ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

STAMP

PLEASE RETURN THIS FORM WITHIN TEN DAYS TO:  
DAVIS COUNTY ASSESSOR  
PERSONAL PROPERTY DIVISION  
P.O. BOX 618  
FARMINGTON, UT 84025-0618