

GARFIELD COUNTY, UTAH

ORDINANCE NO. 2019-9

SHORT-TERM RENTALS

AN ORDINANCE TO REGULATE THE USE OF PRIVATELY-OWNED DWELLING UNITS AS SHORT-TERM RENTALS IN GARFIELD COUNTY, UTAH.

WHEREAS, The Board of County Commissioners of Garfield County, Utah deem it necessary to enact certain standards, rules and regulations regarding the use of privately-owned dwelling units as Short-Term Rentals located in Garfield County, Utah in the interest of the health, safety and welfare of the citizens of Garfield County, Utah.

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

Section 1 SHORT TITLE

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

Section 2 PURPOSE

The purpose of this Ordinance is to establish regulations for the use of privately-owned residential dwellings as Short-Term Rentals that ensure basic health and safety to renters and neighbors, assist in the collection and payment of Transient Room Taxes and appropriate Sales and Use Taxes and minimize the negative secondary effects of such use on surrounding properties.

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 Garfield 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 the Short-Term Rental.

6. **Property:** A legal lot of record on which a Short-Term Rental is located.
7. **Rental Term:** A separate defined period of time during which the dwelling is rented to a particular occupant, similar to a hotel reservation.
8. **Short-Term Rental:** A privately-owned residential dwelling, such as, but not limited to, a single-family dwelling or multiple family dwelling, apartment house, guest house, duplex, rented for occupancy for dwelling, lodging, or sleeping purposes for any period less than thirty (30) consecutive days, when the Owner is not present.
9. **Short-Term Rental Conditional Use Permit:** A County issued permit that allows the use of a privately-owned residential dwelling as a Short-Term Rental unit pursuant to the provisions of this section and any other potential licensing required in Garfield County or Utah State Code.
10. **Short-Term Rental Business License:** A County issued Business License that allows the use of a privately-owned residential dwelling as a Short-Term Rental unit pursuant to the provisions of this section and any other potential licensing required in Garfield County or Utah State Code.
11. **Transient:** Occupancy of a dwelling unit or sleeping unit for not more than thirty (30) days.
12. **Zoning Administrator:** The person formally assigned by the Garfield County Commission to enforce the provisions of this Ordinance.

Section 4 SHORT-TERM RENTAL BUILDING INSPECTION REQUIRED

An inspection for compliance with the regulations set forth in this Ordinance will be performed at the Short-Term Rental property by the County Building Inspector prior to approval of the Conditional Use Permit and Business License.

Section 5 CONDITIONAL USE PERMIT AND BUSINESS LICENSE REQUIRED

1. Short-Term Rentals are a Conditional Use in all zoning districts except in a Commercial Zone. With the exception of Commercially zoned properties, no dwelling in any zoning district shall be occupied, advertised or used as a Short-Term Rental until the Owner has obtained an approved 1) inspection from the County Building Inspector 2) Conditional Use Permit and 3) Business License for a Short-Term Rental issued in accordance with the provisions of this Ordinance.
2. 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 (1) year past due on applicable taxes until the Owner has paid all applicable taxes.
3. If an individual is managing more than one Short-Term Rental property, a separate Conditional Use Permit and Business License shall be required for each Short-Term Rental property, in addition to the Business License required for the Manager themselves.

Section 6 FEES

Fees shall be charged for Short-Term Rental inspections; Conditional Use Permits, Business Licenses and such other services required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the legislative body and shall be referred to in the Garfield County Planning and Zoning Fee Resolution.

Section 7 AUTHORIZED AGENT OR REPRESENTATIVE

1. An Owner may designate an agent or a representative to comply with the requirements of this Ordinance on behalf of the Owner. The designated agent or representative is referred to as "Manager" in this Ordinance.
2. Notwithstanding subsection 1, 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 or their guests.
3. **Manager Availability.** While a Short-Term Rental unit is occupied, the Manager and/or designated Local Contact Person shall be reasonably available for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental, or their guests.
4. **Manager Responsibility for Guest's Conduct.** The Manager and/or designated Local Contact Person shall use reasonably prudent business practices to ensure that the occupants and/or guests 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 subject Short-Term Rental.
5. **Manager Response to Complaint.** The Manager and/or Local Contact Person shall, upon notification that any occupant and/or guest 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 subject short-term unit, respond within one (1) hour to halt or prevent a recurrence of such conduct. Upon failure of the Owner, Manager or Local Contact Person to respond to calls or complaints in one (1) hour regarding the condition, operation or conduct of occupants and/or guests of the Short-Term Rental, the Owner and/or Manager or Local Contact Person may be subject to all administrative, legal and equitable remedies available to the County.

Section 8 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 thirty (30) days of the date of purchase or transfer. In the event that the purchaser or transferee fails to make necessary amendments within said thirty (30) days, the license will be forfeited and the Owner must re-apply for all appropriate inspections, permits and licenses.

Section 9 MAINTENANCE STANDARDS

Any property that contains a dwelling which is licensed as a Short-Term Rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the surrounding area;
2. Short-Term Rental unit(s) with more than five (5) sleeping rooms, or the ability to sleep more than ten (10) occupants, shall receive written approval from the Garfield County Building Inspector prior to occupancy of the Short-Term Rental unit.
3. Each sleeping room must meet current International Building Code requirements for egress;
4. Each dwelling unit shall have at least one operable fire extinguisher;
5. One operable smoke detector in each bedroom, in the major living areas, and on each floor (the major living area can count for the detector on that floor);
6. An operable carbon monoxide detector on each floor installed per the manufacture's specifications, when gas appliances are utilized in the structure; and
7. Trash shall not be left stored within public view, except in proper containers for the purpose of collection by an authorized waste hauler on scheduled trash collection days.

Section 10 PARKING REGULATIONS

The Owner of any property licensed as a Short-Term Rental shall provide off-street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a Short-Term Rental. All guest parking shall be contained on the site; and
2. The number of vehicles allowed by the occupants of a Short-Term Rental home shall be restricted to the number of off-street parking spaces provided by the Owner.

Section 11 PREVENTION OF NOISE, NUISANCE OR TRESPASS

The Owner of any dwelling licensed as a Short-Term Rental shall be responsible to ensure that guests or 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 engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational or other activities after 10:00 P.M.;
3. Interfere with the privacy or trespass onto surrounding properties; and
4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the Owner or custodian of the pet or animal.

Section 12 REQUIRED POSTING

The following information must be posted in a clear, concise and unambiguous manner and in a conspicuous location inside any dwelling licensed as a Short-Term Rental:

1. A copy of the Short-Term Rental Business License;
2. The name and 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 list of all rules applicable for the specific Short-Term Rental;
5. The maximum occupancy of the dwelling unit and the maximum number of vehicles allowed;
6. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property; and
7. A map showing property boundaries and parking spaces.

Section 13 ENFORCEMENT PROVISIONS

1. Any Owner of any dwelling within Garfield County who allows or permits occupation of said dwelling as a Short-Term Rental, as defined herein, without having first obtained a Conditional Use Permit and Business License in accordance with the provisions of this Ordinance shall 1) receive a request from the County to come into compliance; 2) upon failure to respond to the first request within thirty (30) days, receive a formal incompliance notice from the County Attorney; and 3) upon failure to respond to the second notice within fourteen (14) 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 of any dwelling within Garfield County who, having first obtained a Conditional Use Permit and Business License for use or occupation 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.
3. Violation of any provision of this section regulating Short-Term Rentals shall constitute a separate offense for each day said violation occurs or continues.
4. In the event of any one (1) violation of this Ordinance committed by an Owner, Manager, Local Contact Person or guest, the County Commission may, depending on the nature or extent of the violations, proceed with revocation of the Conditional Use Permit and Business License for any Short-Term Rental property in accordance with the provisions of this Ordinance.

Section 14 APPEALS

Any person or entity aggrieved by a decision in the enforcement and/or administration of this Section shall have the right to appeal such decision to the County Commission if a written request for an appeal is filed with the zoning administrator within fourteen (14) days of verification that the aggrieved person or entity has been made aware of the decision.

Section 15 GENERAL PROVISIONS

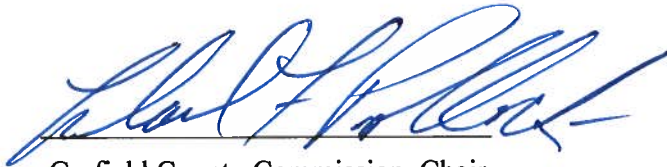
Sections of the Garfield County Administrative Code identified in this Ordinance shall be, and hereby are, amended with the express intent of allowing Short-Term Rentals as a permitted use for the zones prescribed herein in accordance with Utah State law.

Section 16 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 17 ADOPTION

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 14th day of October, 2019.



Garfield County Commission, Chair
Leland F. Pollock

ATTEST:



Garfield County Auditor/Clerk
Camille A. Moore

County Seal:

