

ORDINANCE No. 2022-09

AN ORDINANCE OF THE ANNABELLA TOWN COUNCIL FOR REGULATING SHORT-TERM RENTAL PROPERTY AND THE USE OF REAL PROPERTY FOR SHORT TERM RENTALS WITHIN THE TOWN OF ANNABELLA, UTAH

WHEREAS, it is the intent to preserve the neighborhoods in Annabella Town as residential, single family dwelling.

WHEREAS, the Annabella Town Council finds it in the best interests of the health, safety, and welfare of Annabella Town, its residents, and visitors to establish reasonable regulations and permitting requirements for short-term rentals of single-family homes, detached residential dwellings, or any portion of those units.

THEREFORE, BE IT ORDAINED by the Annabella Town Council that:

Section 1. Purpose

The Annabella Town Council finds it in the public interest to regulate the rental of properties in Annabella for periods less than 30 days in which short-term rental of single-family homes, detached residential dwellings, or any portion of those units may be conducted.

Section 2. Definitions

(1) Short term rental: A residential unit or any portion of a residential unit, which is rented for less than 30 days.

- Must be a permanent structure
- Must meet the minimum building requirements in the Land Use Ordinance

(2) Licensing Official: The Town Clerk or such other officer(s) as designated by the Town Council.

(3) Adjacent Property: Nearby but not necessarily touching. This means properties separated by a natural barrier such as a river or by a street but not separated by another property.

(4) Code means Town Code, State of Utah Fire Code and Current International Building Code.

(5) Change of ownership means the transfer of title from one person or entity to another.

Section 3. Short-Term Rental

Short-term rental of any residential unit shall be authorized only when the residential unit is located in Annabella Town.

Section 4. Limitation on Short Term Rentals

There shall be imposed limitations on short term rentals as follows:

- (1) The total number of licensed short-term rentals shall at all times be limited to 5% of the number of current culinary water connections in Annabella Town.
- (2) The minimum allowable distance between two adjacent licensed short-term rentals shall be 1,200 feet. *The Planning Commission maintains the right to adjust the minimum allowable distance, within reason, on a case-by-case basis.*
- (3) There may be no more than one short-term rental on any one lot.
- (4) A short-term renter may not use a short-term rental for a purpose not incidental to its use for lodging or sleeping purposes. This restriction includes, but is not limited to, using the rental for a wedding, banquet, reception, bachelor or bachelorette party, concert, fundraiser, sponsored event, or any similar group activity.
- (5) No tent, trailer or RV may be used as a short-term rental and no tent, trailer, RV camping, or other methods of outdoor sleeping are allowed on a short-term rental property.

Section 5. License Requirements and Compliance

- (1) It is unlawful for any person to keep, conduct, operate or maintain a short-term rental property without first having obtained approval from the Annabella Planning Commission and a short-term rental business license from the Annabella Town licensing official.
- (2) The owner of any property found to be operating a short-term rental without an Annabella Town short-term rental business license after the effective date of this Ordinance, shall be ordered to cease such activity on the property. Any property found to be operating in violation of these regulations shall be ineligible for a short-term rental business license for a period of two (2) years from the discovery of the violation.
- (3) The vested title property owner shall be the licensee for the short-term rental.
- (4) Short-term rental business license is a one-year license that is required to be paid at the rate of \$250 each year at the time of license application and renewal. Subject to the requirements of this Ordinance, a license may be renewed annually, extending the term for one additional year from the expiration of the current license.
- (5) If a short-term rental business license is granted during the license year, the license fee is fully due and payable.
- (6) Short-term rental business license issuance and renewal date is January 1.
- (7) The short-term rental business license fee may be changed by resolution of the Town Council.
- (8) A business license for a short-term rental dwelling is not transferable between persons or structures. A short-term rental business license attaches only to the property for which it is issued and is non-transferrable to another dwelling or person. Upon sale or other transfer of ownership of the property, the new owner of the property has 60

days to renew the short-term rental license for that property. After 60 days, the new owner of the property may apply for a short-term rental business license if one is available. Such application is no guarantee a license will be available or granted.

Section 6. Application, Issuance, Renewal

(1) An application for a business license for a short-term rental, whether initial or for renewal, shall be made on a form provided by the Town. It shall include the following information: The name and address of the vested title property owner; address of the short-term rental; maximum occupancy of the rental; owner representative, including a 24-hour contact phone number of a person living within 15 minutes of the property; parking plan for guest(s); fire/disaster escape plan for guests; proof of an up-to-date certificate of insurance documenting that the dwelling is insured as a short-term rental and the non-refundable required license fee.

(2) The licensing official shall deny any application, whether initial or for any renewal, where the application and supporting documentation do not establish the short term rental's conformity with the requirements of the ordinance. The licensing official may also deny any application that contains false, misleading, or incomplete information, or for compelling cause shown.

(3) Final approval of license issuance is the responsibility of the Annabella Planning Commission.

(4) It shall be the duty of the fee title owner of the short-term rental to:

- a) Obtain a renewal of the short-term rental business license annually if the property remains a short-term rental.
- b) Cause the short-term rental to comply with the ordinance continuously and without interruption.
- c) Promptly notify the licensing official upon any change of local contact.

Section 7. Operational Requirements

(1) The owner of a short-term rental shall cause lodging tax, sales tax, and all other applicable taxes to be collected and remitted to all appropriate and designated agencies.

(2) Sleeping area will be designated in the business license application, based on the square footage of the allowable sleeping area, and shall be required as part of the business license application and approval process. The occupancy or number of guests shall not exceed two (2) persons per 100 square feet of sleeping area, with a maximum occupancy of 12 people. The maximum number for occupancy shall not include children under the age of three (3).

(3) All short-term residential properties shall designate a local property manager. The local property manager shall be available twenty-four (24) hours per day to respond to tenant and neighborhood questions or concerns. The local contact person must be

capable of physically responding to issues that may arise at the short-term rental property within 30 minutes of the initial attempt to contact them.

(4) The local contact information must be provided to the owners of all adjacent properties. Notification of any change must be provided within 5 business days of the change.

(5) A detailed parking plan shall be submitted with the application for a short-term rental. All parking for the short-term rentals must be on the short-term rental property and shall not be parked on any adjacent property or public right-of-way. There shall be at least one parking space on the short-term rental property for every four (4) occupants as a condition of the license. Vehicles including all motorized vehicles and such vehicle's trailers, RV's, boats, motor homes, etc. shall be parked in the designated parking plan areas.

(6) Carbon monoxide detectors, smoke detectors, chemical fire extinguishers, and all other safety features required by the International Building Code are required in all short-term rentals.

(7) Each short-term rental shall have a clearly visible and legible notice posted within the dwelling that identifies the following information:

- a) The name of the property management company, agent, and/or property owner, living within 15 minutes of the property and the contact person's telephone number who may be reached on a 24-hour basis.
- b) The maximum number of occupants permitted by the license.
- c) The maximum number of vehicles permitted on the property and the designated parking plan.

Section 8: Inspection

If the Town has reasonable grounds to believe that prohibited activities are occurring at the short-term rental, the Town may require an inspection of the property without advanced notice to the owner, property management company, agent, or local contact person.

Section 9. Violation

(1) Violations of this Ordinance shall be punishable by denial of a license for a short-term rental for the property that has offended such limitation for a period of two years from Annabella's discovery of the unlawful lease or rental.

(2) The owner of any property found to be operating a short-term rental without an Annabella Town license after the effective date of this Ordinance or any short-term rental business licensee violating any provision or failing to comply with any of the requirements of this ordinance, in addition to other penalties hereunder, must pay a penalty. Licensee will have 5 business days upon violation to address the violation. A penalty of \$250 per day or portion of a day for each violation, beginning the 6th day

after the day of the citation plus, payment of the town's reasonable attorneys' fees, witness fees, staff time and other costs incurred in enforcing said penalty will be assessed.

(3) All amounts due and owing Annabella Town in connection with any violation of this Ordinance may result in the creation of a lien as allowed by Utah Code 11-60-101.

Section 10. Appeal:

In the event of denial of any permit, or the revocations thereof, or the objection to the limitations placed thereon, appeal may be made to the Annabella Town Council.

Section 11. Severability

If any section, sentence, clause, phrase, word or other provision of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or the validity of this Ordinance as an entirety, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 12. Saving Clause

(1) If an item in this Ordinance or any addenda thereto is held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any Ordinance is restrained by such tribunal, the remainder of this Ordinance and addenda shall not be affected thereby, and the parties shall enter into immediate discussion for the purpose of arriving at a mutually satisfactory replacement for such Ordinance.

(2) If the Town Code is modified during the term of this Ordinance and any modifications thereof conflict with an express provision of this Ordinance, the express provision shall become null and void.

Section 13. Effective date

This Ordinance was approved and adopted by the Annabella Town Council on this 10th day of November, 2022.