

AN ORDINANCE REGULATING THE CREATION AND USE OF SHORT TERM
RENTAL PROPERTIES

ORDINANCE # 2018-11-15

SECTION 1: VIOLATIONS AND PENALTIES: A violation of this Ordinance shall be an Infraction and conviction, of not less than \$100.00 nor more than \$750.00 for each violation. Each day that a violation exists or continues shall constitute a separate offense for which the above fine and penalty may be imposed. The remedies provided herein shall be in addition to any other remedies as provided by law in a civil proceeding.

SECTION 2: All Ordinance or parts of Ordinances, which are inconsistent with this Ordinance, are hereby repealed.

SECTION 3: REGULATIONS FOR SHORT TERM RENTAL: The rules and regulations and process contained within this title shall be known as the Short-Term Rental Ordinance.

Definitions: The following words and phrases shall have the definitions and meanings set forth below. If any words or phrases are defined elsewhere in this code, and there is a contradiction as to their meaning, the definitions set forth in this section shall control the Short-Term Rental Ordinance.

- A. Application shall mean the application for a Short-Term Rental License, which shall be a form, approved by the Town Council.
- B. Complete Application shall mean an Application that has satisfied all of the submittal requirements set forth in this Short-Term Rental Ordinance and otherwise complies with all of the criteria required for the issuance of a Short-Term Rental License.
- C. Clerk shall mean the Town of Mantua Recorder or Financial Clerk.
- D. Floor Plan shall mean a level-by-level plan of the Rental Property with labeling of all enclosed spaces within the structure and dimensions, including without limitation, all sleeping areas.
- E. Nightly/Short Term Rental shall mean the rental of a Dwelling Unit or a portion thereof, including a Lockout Unit for less than thirty (30) days to a single person. Nightly Rental does not include the Use of a Dwelling for Commercial Uses.

- F. Owner shall mean the record titled owner of the residence for which a Short Term Rental License is sought or has been issued. The Owner may be a person or any form of business entity recognized by the State of Utah. If the Owner is a form of business entity, the business entity shall maintain current registration with the Utah Department of Commerce.
- G. Parking Space shall mean an area with a width of not less than: 9 feet and a length of not less than 18 feet located either within designated garages, or on impermeable surfaces such as asphalt, concrete or gravel.
- H. Property or Short Tem Rental Property shall mean all such residences or dwelling units used for Short Term Rental purposes.
- I. Property Management Company shall mean the Owner's agent for renting the property, if any.
- J. Sleeping Area shall mean any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, pull out couch or futon. To be a valid sleeping area the sleeping area shall have appropriate exits, ceiling heights, and windows. A sleeping area shall require a minimum of 100 square feet of floor space.
- K. Temporary Access Easement shall mean an easement granted to the Owner to cross over the property of another when such access is necessary to provide entry to the Property being rented. The Temporary Access Easement shall be recorded in the records of the Box Elder County Recorder and shall terminate on the transfer by the owner granting the Temporary Easement.
- L. Town shall mean the Town of Mantua.
- M. Use With Criteria shall mean the land use approval process contained in the Town's Land Use Code; provided, however if there are any conflicts, contradictions, or differences between the process and requirements set out in the Land Use Code and the process and requirements set out in this Short Term Rental Ordinance, the terms and conditions in the Short Term Rental Ordinance shall control.
- N. Valid Objection shall mean an objection based on:
1. The Owner's objective failure to file a Complete Application; or
 2. The Owner's failure to meet any of the required criteria for the issuance of a Short Term Rental License.

SECTION 4: LICENSES: To operate as a Short Term Rental, the Property Owner of Owner's Agent shall file an Application with the clerk. An Owners failure to meet the requirements prior to renting shall be subject to the Penalties as referred to in Section 1.

SECTION 5: REQUIREMENTS FOR APPLICATIONS: Short-Term rentals shall be allowed in all zones except where Homeowner's Associations do not allow them. Homeowner's Association must provide the city with a letter stating they do not allow Short-Term rentals in their subdivisions along with a copy of their CCR's showing that they are clearly prohibited. The following information and documentation shall accompany the application and be provided to the Clerk:

- A. Completed Application
- B. Proof of Ownership for each unit.
- C. Site Plan for each unit, including the parking area.
- D. Proof of valid insurance for each unit being licensed for short term rentals.
- E. Proof of valid liability insurance for the following:
 - a. Owner
 - b. Property Management company/or any other entity
 - c. Contact Person
- F. Floor plan
- G. Zone designation and street address for each unit.
- H. If direct vehicular access from the Property to a public street is not shown on the Site Plan, the application must include a Temporary Access Easement from the owners of each property over which vehicles must pass to access the Property. All Temporary Access Easements shall be signed and notarized by the owner of owners of the property or properties granting the Temporary Access Easements. Upon the termination of any Temporary Access Easement, it shall be the responsibility of the Owner to obtain a new Temporary Access Easement from the new property owner. Failure to obtain a replacement Temporary Access Easement shall be cause for termination of the License.
- I. Copies of currently valid Town and State Sales Tax collection and accounting numbers in the name of the Owner or the Property Management Company.
- J. The name, address and contact information including a 24-hour contact phone number for the person at the Property Management Company managing the Property; or, if there is no Property Management Company, the name address and contact information, including a 24-hour contact phone number, of a person living within 15 minutes of the property(s) who may be the Owner or Owner's Agent, and who can be contacted in the event of an emergency.
- K. Inspection by the Town of Mantua Building Inspector and Town of Mantua Fire Chief.

- L. A signed acknowledgment on the application, that the Owner, Property Management Company, and/or Owner's agent, if any have read all of the Town's regulations pertaining to the operation of a Short Term Rental.
- M. The Owner shall sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations. If there is a property Management Company or other agent of the Owner managing the Short Term Rental, the agent or an authorized officer of the Property Management Company, or both, shall also sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations.

SECTION 6: EFFECTIVE DATE OF LICENSE: The License shall be issued by the Clerk upon approval by the Town Council, provided that:

- A. The Town Council has reviewed the application, and if necessary has interviewed the applicant/owner and set requirements as stipulated by this ordinance for issuing the license and:
- B. The Council had reviewed all Valid Objections, and:
 - 1. The Applicant/owner has addressed and corrected any violations, listed in the objection, as stipulated by this ordinance, or
 - 2. The Town Council finds that the objection is not valid as stipulated by this ordinance.
- C. All conditions of the license approval, by the Town Council, have been completed by the applicant or owner.

SECTION 7: FEES: The administration fee and annual renewal fee shall be set by resolution and will be used to offset the cost to the Town to process, administer and monitor the operation of Short Term Rentals.

SECTION 8: TERM OF LICENSE: The license shall be valid for up to one year and may be renewed annually by January 31st, of each year. The License may be renewed upon the payment of the annual renewal fee unless there is a substantial change to the information contained in the application. If the license is not renewed by January 31st, it is considered to be suspended until such time the renewal process is complete.

- A. Prior to May 1st, but after January 31st, Paying the annual renewal fee and a penalty equal to that renewal fee, or
- B. After May 1st Paying \$500
- C. All Short Term Rentals may be subject to a random annual inspection during checkout times and unoccupied periods.

The Owner shall amend the Application at any time there is a change in circumstances that would require an update to the information submitted by the Owner of Property Manager. By way of example, and not limitation, a change in circumstance would be: a change of ownership of the Property, any modification to the physical premises, including any changes to the Floor Plan, Site Plan or number of sleeping area; any change of the Property Management Company; or any change in the 24-hour contact information. At the time of renewal, the Owner, Property Management Company, or Owner's agent shall specify the number of ordinance violations incurred within the preceding 12-month period, together with any other convictions for conduct described in Section 14 of this Ordinance.

SECTION 9: ADDITIONAL CRITERIA:

- A. Sleeping area will be designated in the application packet-based on the square footage of the allowable sleeping area, and shall be required as part of the License application and approval process.
- B. There shall be a least one parking space on the Property for every four (4) occupants as a condition of the License. Parking shall be based on the total number of occupants the unit is licensed for. All parking spaces shown on the Site Plan shall be available for parking and shall not be blocked or otherwise unavailable due to the storage of materials or for any other reasons. All vehicles shall be parked on the Property and shall not be parked on any adjacent property or public right-of-ways. Vehicles including all motorized vehicles and such vehicles trailers, RV's boats, motor-homes, etc. shall be parked in license's designated parking areas. Each trailer parked at a licensed property shall be considered a vehicle.
- C. The occupancy or number of guests shall not exceed two (2) persons per 100 square feet of sleeping area. The maximum number of occupancy shall not include children under the age of three (3). Any advertising of occupancy over the allowed number by the license shall be subject to fines as set in the Town of Mantua Code Infraction Schedule.
- D. The Owner or Property Management Company, or Owner's shall:
 1. Mail or provide directly to the party signing any rental agreement or reserving the Property a copy of all Short Term Rental rules and regulations as soon as possible, but no later than 10 days after reserving the Property; and
 2. Prominently display, on the Property in all of the rules and regulations pertaining to Short Tern Rentals.
 3. Collect appropriated Sales, Resort and Transient Rental Taxes.

- E. Each Short Term Rental shall have a clearly visible and legible notice within the unit, on or adjacent to the front door, containing the following information:
 - 1. The name of the Property Management Company, agent and/or Property Owner, living within 15 minutes of the property(s), the contact person's telephone number who may be reached on a 24 hour basis;
 - 2. The maximum number of occupants permitted by the license;
 - 3. The maximum number of vehicles permitted on the property and that all vehicles must be parked on the property;
 - 4. The number and location of all on-site parking spaces and the parking rules for seasonal snow removal;
- F. The trash pick-up day and notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out and that city approved containers shall be used for all trash going to curb.

SECTION 10: PROHIBITED ACTIVITIES:

- A. Occupancy beyond the specified number allowed in the License,
- B. Parking of vehicles not in compliance with section 9 of this ordinance
- C. Outdoor sleeping of individual(s), which exceeds the occupancy permitted
- D. Any unauthorized commercial activities.
- E. The preparation of any food on site for persons other than the allowed occupants and such occupant's allowed guest;

SECTION 11: MANAGEMENT STANDARDS: The Short-Term Rental Property authorized by this Ordinance must be managed properly. As a condition to holding a valid short-term rental license, the licensee agrees to provide or arrange to provide for adequate maintenance. The minimum services required and management regulation includes:

- A. Structural maintenance to preserve substantial code compliance as described herein.
- B. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance of adjoining or nearby properties.
- C. Trash collection which insures that trash containers are not left at the curb for any period in excess of forty-eight (48) hours and the property must be kept free of all accumulated garbage, refuse, and weeds, all large boxes must be collapsed and trash bagged and placed in the appropriate receptacles.

SECTION 12: INSPECTION: If the Town has reasonable grounds to believe that prohibited activities are occurring at the Property, the Town may require an inspection of the Property without advanced notice to the Owner, Property Management Company, agent or local contact person of the Owner.

SECTION 13: VIOLATION AND PENALTIES:

- A. Any person not in compliance with the provisions of this Chapter shall be in violation, which may result in the imposition of an administrative fine. The Fines are set by resolution for the Town Council and listed on the Fee Schedule. Any unpaid fines after a period of 30 days shall result in Revocation of license. Revocation or denial of a license may result in a 24-month suspension, at the same location of license.

SECTION 14: PROCEDURE FOR IMPOSITION OF PENALTIES FOR VIOLATIONS OF THIS CHAPTER:

After investigation, by the Town Ordinance Enforcement Officer, if there exists probable cause to proceed with a complaint, the Owner, Property Management Company, or other agent of Owner may be summoned to a hearing before the Town Administrative Judge to answer charges concerning any issued citation. The standard of proof for any such violations under this Ordinance (as opposed to the charges referenced in Section 13 of this Ordinance) shall be preponderance of the evidence and shall result, upon the Administrative Judge's finding that a violation has occurred, in an administrative penalty.

SECTION 15: REVOCATION: SHOW CAUSE HEARING: Upon the occurrence of any of the following the Town's Administrative Judge shall schedule a hearing requiring the Owner, Property Management Company, or other agent of Owner to show cause why the License should not be revoked or why one of the following penalties should not be imposed:

- A. The imposition of an administrative civil; penalty for a fourth violation of Sections 10-12 within proceeding 12-month period;
- B. At any time or at an annual renewal, any combination of an administrative civil penalties and or ordinance violations an Owner, Property Management Company, or Owner's agent has been cited for concerning such person's or entities short term rental license compliance is sufficient to warrant a show cause hearing on whether such license should be renewed or revoked.
- C. A show cause hearing for whether a Short Term Rental License should be renewed or revoked shall be conducted by the Town Council. If after a hearing the Administrative Judge determines the Short Term Rental Property was, is, or has been operated in violation of the Town's Ordinances, public health and safety regulation. Or in any other manner that is more detrimental

to the existing neighborhood character than it has been beneficial to the community in fostering its resort, business and economic base, then the License shall be suspended for such period as determined by the Town Council. The Administrative Judge may also revoke an existing license or deny the renewal of a License. Upon revocation or denial of renewal of a license, an Owner may not reapply for a Short Term Rental License at the same location for a period of 24 months following revocation or non-renewal.

SECTION 16: OPERATING A SHORT TERM TENTAL WITHOUT A LICENSE:

Any person violating the provisions of this Chapter by conducting Sort Term Rental(s) without a valid License shall be in violation, which may result in the imposition of a civil fine, which fine is set by resolution of the Town Council. The Property Owner of a Short Term Rental found to have violated this Chapter, shall not be eligible for a Short Term Rental License for a period of 24 months following a determination that this Chapter was violated.

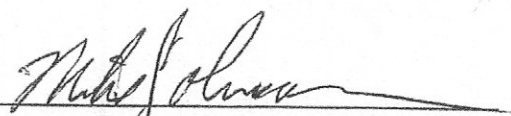
SECTION 17: DISCOVERY OF AN IMMEDIATE HEALTH HAZARD. Upon the discovery of an immediate health hazard to renters, the Code Enforcement Officer can suspend the Short Term Rental License until the hazard is remedied and the property has been inspected.

SECTION 18: TEMPORARY BUSINESS LICENSE: This section facilitates the expeditious approval of a short term rental license. The intent of the section is to help a short term rental to begin operating, where feasible, as soon as is reasonably practicable


The Town council reviews and approves or denies short term rental license application once each month in Town Council Meeting. Many of these short term rental license applications are routine in nature and do not present unusual issues that involve land use, variance, or health or safety concerns.

Temporary short term rental licenses may be approved to expedite the opening of business when accompanied by a complete license application. A complete application packet, for example, requires completion of the steps required for approval of the short term rental license (as maybe outlined by city staff and Town Council members from time to time). No temporary business license may be issued without the approval of at least three Town Council members. All temporary short term rental licenses must be ratified in the next Town Council meeting, or denied. Absent such ratification, a short term rental that began offering lodging on a temporary basis must immediately cease operations upon denial of a permanent short term rental liccnse by the Town Council.

This Ordinance # 2018-11-15 was passed on 15th day of November 2018



Mayor Michael Johnson



Jan Palmer - Recorder

Vote went as follows: Yes No Abstained

Mayor Michael Johnson	X	—	—
Brett Kearn	X	—	—
Nathan Blaine	X	—	—
Paul Nye	X	—	—
George Wouden	—	X	—

