

TOWN OF BLUFF ORDINANCE NO. 2021- 20a- 7
AN ORDINANCE ADOPTING SHORT-TERM RENTAL REGULATIONS

Chapter 6.70 Short Term Rentals

6.70.10 PURPOSE.

The following describes the intent and purpose of this Chapter:

- a. The Town of Bluff possesses the authority to regulate business activities and land use by virtue of Utah Code Annotated § 10-1-203(2), 10-9A-102, and other applicable laws.
- b. The Town recognizes the benefits of short-term rentals for the local economy and supports permitted short-term rentals within the Town.
- c. The Town finds that short-term rentals can have a negative impact on the availability of housing for residents of the community.
- d. The Town finds that short-term rentals, if not properly regulated, can have a negative impact on neighborhoods in the form of excessive noise, parking impacts, solid waste issues, and safety concerns.
- e. Short-term rentals must be developed in a manner that is code compliant and which provides for public and visitor safety.
- f. It is the intent of the Town that short-term rentals operate like other lodging businesses and that they remit all applicable sales taxes to the Town and other government agencies, as otherwise provided by law.

6.70.20 DEFINITIONS.

A. The following definitions apply to this Chapter.

1. Accessory Dwelling Unit. The term Accessory Dwelling Unit (or ADU) means a dwelling for human habitation that is smaller than, and located adjacent to, another dwelling unit or building. An accessory dwelling unit shall not exceed eight hundred (800) square feet of finished interior floor area. An accessory dwelling unit shall have an entrance which is separate from the primary dwelling unit (or other building) on the lot and have parking sufficient for the occupants. Accessory dwelling units shall not be subdivided or legally split from the subject lot.
2. Adjacent Property. The term Adjacent Property means a parcel of land that shares a boundary with a parcel that includes a short-term rental that is the subject of an application under this Chapter. For purposes of this Chapter, a parcel is adjacent to another if it is separated only by public street, alley, or easement.
3. Bed and Breakfast. The term Bed and Breakfast means a type of short-term

rental in which a guest room in a dwelling is provided to paying guests together with a morning meal. A Bed and Breakfast shall have no more than five (5) guest rooms offered as short-term rentals and must always have a resident owner or operator on the premises when in operation.

4. Code of Conduct. The term Code of Conduct means a set of rules provided to short-term rental guests outlining the norms, rules, and responsibilities of guests, as established by the Owner or Operator. A code of conduct shall be prominently posted for guests to see and shall apply at all times when a short-term rental is in operation.

5. Dwelling. The term Dwelling (or Dwelling Unit) means a building used for human habitation including, at minimum, a kitchen (including a permanently installed stove, sink, cabinets, counters, and refrigerator); a living area; a sleeping area (or one or more bedrooms); and at least one bathroom (including toilet, sink, shower [or bathtub]).

6. Licensing Official. The term Licensing Official means the person within the Town authorized to administer this Chapter.

7. Exit. The term Exit means a door or window providing egress for persons from a building.

8. Operator. The term Operator means a natural person or entity responsible for management of a short-term rental on behalf of the Owner.

9. Owner. The term Owner means the natural person or legal entity, such as a corporation, limited liability company, partnership, or the like, that owns and holds legal title to real property.

10. Short-term rental. The term short-term rental means the use, occupancy, leasing, or renting of a dwelling, or part thereof, to persons for short term occupancy for a period of thirty (30) consecutive days or less. Types of short-term rentals include but are not limited to: rental of an entire home for short-term stays; rental of an accessory dwelling unit (ADU) for short-term stays; rental of individual rooms within a dwelling for short-term stays; or bed and breakfast lodging. Short-term rentals for a period of thirty (30) days or less shall not be considered a valid home occupation.

6.70.30 PERMIT REQUIREMENT.

A. It shall be unlawful and a violation of this Chapter for any person to lease, rent, or offer for lease or rent any property within the Town of Bluff as a short-term rental without first obtaining a short-term rental permit from the Town. All short-term rentals shall strictly comply with the requirements of this Chapter.

B. It shall be unlawful and a violation of this Chapter for any owner of a short-term rental to conduct business in violation of the terms of the permit issued under this

Chapter.

6.70.40 APPLICATION AND REVIEW PROCEDURE.

- A. An application for a short-term rental permit shall include the following:
1. The name, trade name, address, telephone contact, and email contact for the owner of the property;
 2. The address of the short-term rental property;
 3. The name, trade name (if applicable), address, telephone contact, and email contact for the operator, if other than the owner;
 4. The Utah State Tax Commission sales tax license application and sales tax number for the owner or operator, as applicable.
 5. A description of the number of guest rooms and a not to exceed guest occupancy number per day based on the number of beds;
 6. A description of the number of parking spaces;
 7. Proof of culinary water service and an approved septic permit for the premises subject to the application.
 8. The required application fee, which is non-refundable;
 9. A signature line signed and dated by the owner certifying that the information provided is true and correct to the best of the knowledge and belief of the signatory; and
 10. Such other information as may be reasonably required by the licensing official to properly review and process the application. This may include information reasonably necessary to verify that the business premises comply with applicable local, state, or federal laws (e.g. health codes, fire codes, construction codes, access laws, zoning requirements, or the like).
- B. Applications for short-term rental permits may be submitted to the Town at any time. Once issued, a short-term rental permit shall continue indefinitely, provided that the owner complies with all permit terms and pays applicable fees when due. Permits shall be issued in the name of the owner and are non-transferable.
- C. An application is complete when the required fees, the completed and signed application, and all required supplemental materials are submitted to the Town. If an application is deemed incomplete the licensing official will promptly notify the applicant of the material(s) that must be submitted. An application will be reviewed and approved or denied by the licensing official no later than fifteen (15) days from the date it is determined to be complete.

D. If the licensing official determines that a requirement for permit issuance has not been met, but that it can be met within a reasonable time, the licensing official may conditionally approve the permit in writing, subject to the applicant correcting or satisfying the condition and providing written proof of same. If the applicant fails to satisfy the conditional approval within sixty (60) days of the date of written notice from the licensing official the permit is deemed denied.

E. The licensing official may approve a permit containing site specific conditions as may be necessary to mitigate off-site impacts of a particular application. Those conditions shall be specified in the written permit.

F. If an application is denied the applicant will be notified in writing. An application may be denied for any of the following reasons:

1. False, misleading, or inaccurate statements contained in the application or submittal documents provided with the application;

2. Legal violations, including violations of construction codes (building, electrical, plumbing, or the like), or violations of zoning requirements, signage, lighting, or similar land use laws or Town ordinances at the real property that is the subject to the application or other property within the Town that is owned by the applicant.

3. The expiration, revocation, or denial of other governmental permits or licenses necessary for operation of the business (e.g. state highway access permit, or the like);

4. Failure of the applicant to pay applicable Town fees, assessments, or charges that may be applicable to the subject property; or

5. Failure of the applicant to procure state sales tax licenses as needed for lawful operation.

6.70.50 PERMIT CONDITIONS AND PERFORMANCE STANDARDS.

A. The following standards apply to all short-term rentals:

1. The owner shall at all times maintain a valid short-term rental permit.

2. The owner shall pay when due an annual permit fee, as established by the Town from time to time.

3. The owner shall pay when due all applicable sales taxes, including state/county sales tax, transient room tax, and resort communities tax.

4. A property manager shall be available within the Town at all times when the property is occupied as a short-term rental.

5. A Code of Conduct shall be adopted by the owner and posted prominently within all short-term rental units. At minimum, the Code of Conduct shall include:

- a. Quiet hours;
- b. Designated parking areas;
- c. Guest limit/maximum occupancy of the short-term rental;
- d. Instructions for proper removal of trash;
- e. Instructions as to best practices for water conservation;
- f. Emergency phone numbers including the property manager, and numbers for emergency medical services, fire, and law enforcement;
- g. Location of fire extinguisher(s);
- h. An evacuation plan and designated exits from the building; and
- i. Applicable fire restrictions.

B. The owner or operator of a short-term rental shall provide property manager contact information to the owners of all adjacent properties and the licensing official.

C. The physical address of the short-term rental shall be prominently displayed on the property. All signage shall comply with Town ordinances.

D. Each short-term rental dwelling unit shall be constructed and maintained in conformity with applicable construction codes and have a valid certificate of occupancy from the San Juan County building official.

E. Each bedroom in a dwelling unit shall have an exit complying with applicable building codes for use in a fire or emergency.

F. Each short-term rental unit shall have smoke detector(s) as required by building codes. Short-term rental units with either a propane appliance or a wood stove shall be equipped with a carbon monoxide detector.

G. Off street parking for short term rentals shall be provided, with at least one (1) parking space per guest bedroom.

H. Allowable density and occupancy limits for short-term rentals shall be limited to not more than five (5) guest bedrooms per property and not more than ten (10) guests per property.

- I. All permits issued under this Chapter are non-transferable.
- J. Failure of a permit holder to pay applicable permit fees within ninety (90) days of the due date shall result in the expiration of the permit.

6.70.60 PERMIT FEES.

- A. Permit fees are due and payable by the property owner at the time of application and thereafter no later than March 1 of each calendar year, or the next business day thereafter. Annual permit fees are calculated at the rate of twenty-five dollars (\$25.00) multiplied by the total number of dwelling units (e.g. three units x \$25.00= \$75.00 per year). For purposes of this fee calculation, a bed and breakfast confined to a single building shall be counted as a single dwelling unit.
- B. Permit fees not paid within thirty (30) days of the due date are subject to a late fee ten percent (10%) of the amount due.

6.70.70 AUTHORIZED ZONING DISTRICTS.

Short term rentals approved pursuant to this Chapter are an allowed use in all non-residential zoning districts in which a dwelling is an allowed use.

- A. Short-term rental permits for properties located in residential zoning districts may be issued on a first come, first served basis, until December 31, 2021. Commencing on January 1, 2022 no new short-term rental permits are authorized or will be issued in residential zoning districts, except as otherwise provided in subsection A(2), below.
 - 1. If a short-term rental permit for a property in a residential zoning district is revoked or expires no new permits will be issued for that same land parcel.
- B. The total number of short-term dwelling units to be held by any one owner shall not exceed six (6) dwelling units.

6.70.80 EXEMPTION.

- A. Home-owners who rent all or a portion of their residence as a short-term rental for thirty (30) or fewer days (either consecutive or non-consecutive) in a calendar year are exempt from this Chapter.

6.70.90 VIOLATIONS AND REVOCATION PROCEDURE.

- A. If the Town becomes aware of any violation of the terms or conditions of a short-term rental permit or any provisions of this Chapter, it shall first issue a written notice of violation to the owner of the property identifying the act or omission constituting a violation in reasonable detail and allowing a period of not more than thirty (30) days in which to cure or abate the

violation. The notice shall be sent by regular first-class United States mail or by certified mail, return receipt requested, to the address of the owner on file with the Town.

B. Cure of all of the conditions identified in the notice of violation within the time specified in the notice shall result in the continuation of the permit.

C. In the event the owner fails or refuses to cure a violation, the Town may undertake those remedies and revocation procedures as otherwise provided for the revocation of a business license in Sections 6.65.70 through 6.65.100, those sections being incorporated and applicable to this Chapter 6.70.

Approved by a majority of the Bluff Town Council. This Chapter shall take effect immediately upon passage.



Mayor, Ann Leppanen

July 21, 2021

Date

Attest:



Linda Sosa, Recorder

7-21-2021

Date

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