

CHAPTER 4 SHORT-TERM RENTAL PROPERTIES

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3-4-1: PURPOSE:

The purpose of this chapter shall be to define and to provide for the regulation of and licensing of short-term rentals within the Town of Torrey, Utah. Such regulation and licensing shall provide Torrey Town with necessary information related to the operation of short-term rentals in order to protect the health, safety, and wellbeing of the residents and visitors of Torrey Town. (Ord. 2018-08, 8-9-2018)

3-4-2: DEFINITIONS:

ADJACENT PROPERTY: Means all property abutting a short-term rental property and all nearby but not necessarily touching property, such as properties separated by a natural barrier such as a street or a waterway but not separated by another property.

ADVISORY FOR RENTERS: Means a digest of Torrey Town rules and regulations that pertains to short-term renters.

BEDROOM: Means a room that has the characteristics described in the current International Building Code or the International Residential Code.

CHANGE OF OWNERSHIP: Means the transfer of title from one person or entity to another.

CODE: Encompasses current Torrey Town Code, current State of Utah Fire Code, and current International Building Code or the International Residential Code.

LICENSING OFFICIAL: Means the Town Clerk or such other officer(s) as designated by the Town Council.

NON-OWNER OCCUPIED SHORT TERM RENTAL: Means the rental or lease of a property for fewer than thirty (30) consecutive days where the owner or agent does not reside in the building during the rental period.

OWNER OCCUPIED SHORT TERM RENTAL: Means the rental or lease of no more than one unit within a primary residence property for fewer than thirty (30) consecutive days where the owner or agent resides in the building during the rental period.

PRIMARY RESIDENCE: Means the dwelling unit where domicile has been established (R884-24P-52). This is the usual place of return for housing as documented by the vested title property owner of record signing an affidavit to that effect and providing proof of voter registration in Wayne County, Utah and at least one of the following: Utah motor vehicle registration, Utah driver's license, Utah State identification card, or tax documents. A person can have only one primary residence.

UNIT: Means a self-contained section of accommodations in a larger building. (Ord. 2018-08, 8-9-2018)

3-4-3: LIMITATION ON SHORT-TERM RENTALS:

A. Limitations: There shall be limitations imposed on short-term rentals as follows:

1. Short-term rentals are not allowed in any property that is subject to a deed restriction, covenant or other Town restriction or requirement regarding occupancy where the use as a short-term rental is inconsistent with the intent of such deed, restriction, covenant or other Town restriction or requirement.

2. The total number of licensed non-owner occupied short-term rentals shall at all times be limited to the number of short-term rentals with business licenses at the time this chapter is enacted including the (XX) number of non-owner occupied licenses that are available at the time this ordinance is accepted There shall be no limit on the total number of licensed owner-occupied short-term rentals.

3. Licensed short-term rentals shall have no limit on nights of use per year. Each short-rental term shall be for less (<30) days.

4. There may be no more than one short-term rental on any one lot. In instances where there are multiple short-term rentals on any one lot on the effective date of this chapter, and there is a current short-term rental business license, those properties shall be licensed until there is a lapse of licensure of said property as a short-term rental for a period of one year or more.

5. 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 short-term rental for a wedding, banquet, reception, bachelor or bachelorette

party, concert, fundraiser, sponsored event, or any similar group activity. (Ord. 2018-08, 8-9-2018)

3-4-4: LICENSING:

A. License Required; Compliance:

1. It shall be unlawful and a violation of this chapter for any person to use any property as a short-term rental without first having obtained a short-term rental business license from the Torrey Town licensing official. All short-term rentals shall strictly comply with the requirements of this chapter. A short-term rental business license may be suspended or revoked by the licensing official for failure to comply with this chapter

2. The owner of any property found to be operating a short-term rental without a Torrey Town short-term rental business license after the effective date of this chapter, shall be ordered to cease such activity on the property. Any property that is being operated 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 as well as the penalties shown in section 3-4-8 of this chapter.

B. Application:

1. Application, whether initial or for any renewal, for a short-term rental business license, shall be made on a form provided by the Town. The application shall include the property owner's name, address, email and telephone; proof of ownership; address of the short-term rental; maximum occupancy of the short-term rental; owner representative and on-site emergency contact information; parking plan for guests; fire/disaster escape plan for guests; acknowledgement of payment of all taxes and the non-refundable required license fee; and applicable local, State and Federal tax ID numbers

2. The property owner shall be the licensee for the short-term rental.

3. The non-owner occupied short-term rental business license may be issued to property owners. This is a one-year license. This license carries an annual fee of two hundred twenty-five dollars (\$225.00).

4. The owner-occupied short-term rental business license may be issued to the property owners who reside in their primary residence property. The property owner is required to submit a primary resident affidavit. This is a one-year license and carries an annual fee of two hundred twenty-five dollars (\$225.00).

5. If a short-term rental business license is granted during the license year, the license fee is fully due and payable.

6. All short-term rental business licenses shall have a term of one year. Subject to the requirements of this chapter, a license may be renewed annually, extending the term for one additional year from the expiration of the current license.

7. The short-term rental fee may be changed by resolution of the Town Council.

C. Issuance; Renewal:

1. 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 this chapter. The licensing official may also deny any application that contains false, misleading or incomplete information, or for good cause shown.

2. Short-term rental business license issuance and renewal date is February 1.

3. Final approval of license issuance for a new short-term rental is the responsibility of the Torrey Town Council.

D. Appeal Process:

1. The applicant or owner of a short-term rental business license may appeal the licensing official's decision to suspend or revoke or deny the short-term rental business license. An appeal must be submitted in writing within thirty (30) days of the action. Torrey Town Council will designate an appeals authority, and will review and make a determination.

E. License Non-Transferability and New Ownership Application Requirement

Short-Term Rental (STR) licenses issued by the Town of Torrey are non-transferable and shall automatically terminate upon any change in property ownership. The new property owner must submit a complete STR license application within ninety (90) calendar days of the date of conveyance. The application shall be subject to all current requirements of this chapter, including zoning compliance, inspection standards, and fee payment. Failure to apply within the specified timeframe shall result in forfeiture of eligibility to operate the property as a Short-Term Rental until a new license is approved.

F. A non-owner occupied license shall be granted to an applicant that intends to build a short-term rental with the following conditions:

1. A non-owner occupied short-term rental license must be available

2. A building permit must be obtained within ninety (90) days of the granting of the non-owner occupied short-term rental license. Failure to obtain the building permit within ninety (90) days shall result in the revocation of the short-term rental license.

3. The applicant must comply with all applicable building ordinances

4. The applicant must comply with all short-term rental requirements as specified in this chapter within ninety (90) days of obtaining an occupancy permit for the short-term rental property.

3-4-5: LODGING AND SALES TAX:

The owner of a short-term rental property shall cause Lodging Tax, Sales Tax, and all other applicable taxes to be collected and remitted to all appropriate and designated agencies. It shall be incumbent upon the short-term rental property owner to ensure that all taxes are paid. (Ord. 2018-08, 8-9-2018)

3-4-6: REQUIREMENTS:

A. Short-term Rental Business License: The owner of a short-term rental property must possess a current Torrey Town short-term rental business license. The license must be renewed annually if the owner intends to use the property as a short-term rental.

B. New Use Of Existing Building: All buildings that have not previously been used as short-term rentals must be in compliance with all current Torrey ordinances and all applicable codes prior to application for a short-term rental business license.

C. Application Review All short-term rental application are subject to review prior to licensing. Short-term rental business licenses may be limited, suspended, revoked or not renewed by the licensing official if all conditions and requirements of the short-term rental business and the code are not satisfied.

D. Fire Marshal or Building Inspector Inspection: All short-term rental properties are subject to annual inspection by the Wayne County Fire Marshal or the local building inspector. . A grace period of ninety (90) days will be allowed for property owners to remediate any shortcomings from inspection. A property owner may request from the Town Council one (1) 1-month extension if said owner is able to demonstrate a good faith effort has been made to remediate E. Water: All short-term rental properties must have water supply, a water meter and shall comply with current Torrey Town water regulations. F. License Number: Every short-term rental business license shall be issued a unique number.

G. Signage: One sign is permitted, not to exceed two square feet in size, showing the name of the or address of the short-term rental property.

H. A Parking Plan shall be submitted with application for a short-term rental business license. There shall be parking sufficient to accommodate at least one vehicle per bedroom. Parking is not allowed on Torrey Town street right-of-ways.

I. Fire/Disaster Escape Plan Required: A Fire/Disaster Escape Plan shall be submitted with application for a short-term rental business license.

J. Maximum Occupancy:

1. The maximum occupancy shall be clearly specified at the time of rental of the short-term rental property. The basis for occupancy determination shall be an allowance of two (2) occupants per legitimate bedroom plus two (2) additional occupants.

2. No tent or RV camping rental is allowed on a short-term rental property during rental periods.

K. Life Safety Systems; Smoke, CO Detectors, Fire Extinguisher:

1. An emergency contact must be provided in the unit for emergency notifications. The phone number must be a number specifically and independently associated with the short-term rental owner. The phone number must be registered with the Wayne County Code Red alert system.

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

3. Fire extinguishers must be in easily accessible and identifiable locations.

L. Renter Requirements: Each short-term rental property shall prominently display on site and make available to all renters the “Rules for Use of the Property” provided by the Licensing Officer. (Ord. 2018-08, 8-9-2018)

3-4-7: ADMINISTRATION; PERMITTEE; LOCAL CONTACT:

A. Administration:

1. The licensing official shall provide forms and facilitate the application of this ordinance.

2. Applicants must pay their license fee at the time of application, whether for initial or for any renewal. This fee is non-refundable.

B. Owners Duties: It shall be the duty of the owner of the short-term rental to ensure the following:

1. Obtain a renewal of the short-term rental business license annually.

2. Promptly notify the licensing official upon any change of local contact.

C. Local Contact:

1. All short-term rental business licenses shall include a local responsible contact person capable of physically responding to issues that may arise at the short-term rental. The local contact must have physical access to the short-term rental property and shall be authorized to make decisions regarding the short-term rental property in the absence of the owner.

2. The local contact information shall be provided to the owners of all adjacent properties and the licensing official. Notification of any change must be provided within five (5) business days of the change. (Ord. 2018-08, 8-9-2018)

3-4-8: VIOLATION:

A. Violators of this chapter shall be denied a license for a short-term rental for the property in question for a period of two (2) years from the Town's discovery of the violation.

B. Violations not corrected within 30 days will result in denial of a short-term rental license for a period of 2 years from date of notification.