

## ORDINANCE No. 11-8-2018

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

WHEREAS, Bicknell Town wants to preserve its peaceful residential community and is concerned that the short-term rental of single family homes or detached residential dwellings or any portion of those units, directly impacts the health, safety, and welfare of residents of the town;

WHEREAS, On May 30, 2018, Bicknell Town Planning and Zoning Commission caused to be mailed a questionnaire to all property owners in the Bicknell Water District, the purpose of which was to gather public opinion regarding short-term rentals;

WHEREAS, the results of the questionnaire show the majority of the people responding want to limit the number of short-term rentals in the interest of protecting the quality of life of the residents and the value of property in the town;

WHEREAS, Bicknell Town Council finds it in the best interests of the health, safety, and welfare of Bicknell 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 Bicknell Town Council that:

### Section 1. Purpose

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

### Section 2. Definitions

*Short term rental:* a residential unit or any portion of a residential unit, that is rented for less than 30 days.

*Licensing Official:* the town clerk or such other officer(s) as designated by the Town Council.

*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.

*Zone:* Specific delineated area or district within the Town in which uniform development standards govern the use, placement, spacing, and size of land and buildings.

*Code* means Bicknell Town Code, State of Utah Fire Code and Current International Building Code.

*Change of ownership* means the transfer of title from one person or entity to another.

### Section 3. Short-Term Rental Zoning

- (1) Short-term rental of any residential unit shall be authorized only when the residential unit is located in the Commercial Residential Zone of Bicknell Town.
- (2) It is unlawful to maintain a short-term rental property in the Agricultural Residential Zone. In the instances where a short-term rental residence already has a license in this zone on the effective date of this ordinance, those properties shall be licensed until ownership changes hands or there is a lapse of licensure of said property as a short-term rental for a period of 60 days.

### 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 15.
- (2) There may be no more than one short-term rental on any one lot. In the instances where there are multiple short-term rentals on any one lot on the effective date of this ordinance, and there is a current short-term rental business license, those properties shall be licensed until ownership changes hands or there is a lapse of licensure of said property as a short-term rental for a period of 60 days. In the interim, each unit will be treated as an individual short-term rental and must have separate short-term rental business licenses with accompanying fees.
- (3) 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.
- (4) No tent, trailer or RV may be used as a short-term rental and no tent, trailer or RV camping is allowed on a short-term rental property.

### Section 5. License Requirements and Compliance

It is unlawful for any person to keep, conduct, operate or maintain a short-term rental property without first having obtained approval from the Bicknell Town Council and a short-term rental business license from the Bicknell Town licensing official.

- (a) The owner of any property found to be operating a short-term rental without a Bicknell 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 that is being operated in violation of these regulations shall be ineligible for a short-term rental business license for a period of 2 years from the discovery of the violation.

- (1) The vested title property owner shall be the licensee for the short-term rental.
- (2) Short-Term Rental Business License is a one-year license that is required to be paid at the rate of \$15.00 each year at the time of license application. 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.
- (3) If a short-term rental business license is granted during the license year, the license fee is fully due and payable.
- (4) Short-term rental business license issuance and renewal date is July 1.
- (5) The short-term rental fee may be changed by resolution of the Town Council.
- (6) 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 may apply for a short-term rental business license if they wish to continue the use of the property as a short-term rental. Such application is no guarantee a license will be granted.

#### Section 6. Application, Issuance, Renewal

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 and contact information; 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; acknowledgement of separate independent water meter and independent septic system and the non-refundable required license fee.

- (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 the ordinance. The licensing official may also deny any application that contains false, misleading or incomplete information, or for good cause shown.
- (2) Final approval of license issuance is the responsibility of the Bicknell Town Council.
- (3) 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) A short-term rental must be connected to an independent Bicknell Water Meter. Upon the effective date of this Ordinance any currently licensed short-term rental units without such water meter will be licensed. This will end upon the transfer of ownership of said property or lapse of short-term rental licensure.
- (2) A short-term rental must have its own independent septic system. Upon the effective date of this Ordinance any currently licensed short-term rental units without such septic will be licensed. This will end upon the transfer of ownership of said property or lapse of short-term rental licensure.
- (3) 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.
- (4) The Maximum occupancy of any short-term rental property is ten (10) people.
- (5) 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.
- (6) 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.
- (7) All parking of short-term rentals must be off the streets and not blocking any rights-of-way or line of sight of drivers near intersections. The parking plan submitted with the application for a short-term rental business license shall include a suggested maximum number of vehicles.
- (8) 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.

## Section 8. 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 Bicknell's discovery of the unlawful lease or rental.
- (2) The owner of any property found to be operating a short-term rental without a Bicknell 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 with be assessed.

- (3) All amounts due and owing Bicknell 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 9. Severability

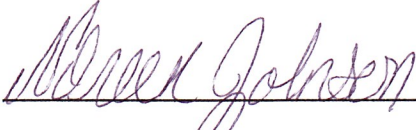
If any section, sentence, clause, phrase, word or other provision of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or 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.

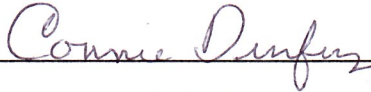
#### Section 10. Saving Clause

- (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 11. Effective date.

This Ordinance was approved and adopted by the Bicknell Town Council on this 8<sup>th</sup> day of November 2018.

  
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Mayor, Noreen Johnson

  
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Attest: Town Clerk, Connie Durfey