

Short Term Rental Ordinance.

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

WHEREAS, Fayette 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 health, safety, and welfare of residents of the town.

WHEREAS, Fayette town council finds it is in the best interest of the health, safety, and welfare of Fayette 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.

WHEREAS on _____, The Fayette city Council held a public hearing to discuss the below Ordinance and invited public comment; and

WHEREAS The Fayette City Council finds good cause for adopting the provisions set forth herein;

NOW THEREFORE be it ordained by the city council of Fayette, Utah as Follows:

Section 1. Purpose

The Fayette Town Council Finds it in the publics interest to regulate the rental of properties in Fayette for periods less than 30 days.

Section 2 Definitions

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

Licensing Official: The town Clerk or others designated by the town council

Adjacent Properties: Nearby but not necessarily touching.

Code: Fayette town Code and Ordinances, State Fire Code, and Current Internal Building Code

Chang of Ownership: To transfer title from one person or entity to another.

Resident: Owning a residential unit with water and power hook up, and is occupied by said resident for 51% or more of the year

Section 3 Limitation on short term rental

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

- 1) There shall be no more than one short-term rental on any one lot.
- 2) A short-term renter may not use a short-term rental for a purpose not intended for its use. This includes but is not limited to using the property for loud and overwhelming parties, fundraisers, sponsored events, or similar activities that may be perceived by adjoining and adjacent properties as being intrusive.
4. No tent, trailer or RV may be used as a short-term rental. No tent trailer, or RV may be used on a short-term rental property.
- 5 Dwellings shall be insured as short-term rental

Section 4 License Requirements and Compliance

It is unlawful for a person to keep, conduct, operate, or maintain a short-term rental property without first obtaining a business license from the Fayette Town Licensing Official.

- A) The owner of any property found to be operating a short-term rental without a business license, after the effective date of this ordinance. Shall be ordered to cease such activities on that property and may be found ineligible for short term rental business license for a period of 2 years.

- 1) The vested 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 \$25 residential, \$150 nonresidential. Licenses shall be renewed annually, extending the term for one additional year.
- 3) Short-term rental fees may be changed by resolution of the Town Council.
- 4) Short-term rental business license issuance and renewal date is January 1
- 5) If a business license is issued during the license year the license fee is fully due and payable
- 6) A short-term business license is not transferable between entities, persons, or dwellings. A business license attaches on to the property for which it is issued.

Section 5 Application, Issuance, Renewal

- 1) An application for business license for the Town of Fayette shall be submitted to the Licensing Official. Licensing Official may deny any application whether initial or renewal, where the applicant does not meet the requirements laid forth in this ordinance.

Application may also be denied that contains false, misleading, or incomplete information, or for compelling cause shown.

- 2) Final approval of license issuance is the responsibility of the Fayette Town Council
- 3) It shall be the duty of the fee title owner of the short-term rental to:
 - a. Obtain and renew rental business license annually if the property remains 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 6 Operational Requirements

- 1) The owner of a short-term rental shall cause lodging tax, sales tax, and all other applicable taxes to be remitted to all appropriate agencies.
- 2) The maximum occupancy shall not exceed limits set forth by Fayette town Code and Ordinances, State Fire Code, Current Internal Building Code, and controlling organizations of the short-term rental.
- 3) All short-term rental properties shall provide contact information to the Licensing Official, where they can be reached 24 hours a day to respond to questions and concerns. The contact person shall be capable of responding to issues that may arise at the short-term rental property within one hour of the initial attempt to contact them.
- 4) All parking of short-term rentals must be off the streets and not blocking and right of way or line of sight of drivers near intersections.
- 5) Carbon monoxide detectors, smoke detectors, fire extinguishers, and all other Life and safety systems, shall comply with Fayette town Code and Ordinances, State Fire Code, Current Internal Building Code, and controlling organizations of the short-term rental

Section 7 Violation

- 1) Violations of this ordinance shall be punishable by denial of a license for short term rental for the property that offended for a period of two years from discovery of the unlawful lease or rental.
- 2) The owner of any property found to be operating a short-term rental without a Fayette short-term rental business license, violating provisions, or failing to comply with any of the requirements of this ordinance, will have 5 days to address the violation. A penalty of \$250 per day or portion of a day for each violation beginning on the 6th day after the citation plus payment of the town's reasonable attorneys' fees, witness fees, staff time, and other incurred cost in enforcing said penalty will be assessed
- 3) All amounts due and owing Fayette Town in conjunction with any violations of this ordinance may result in the creation of a lien as allowed by Utah Code 11-60-101

Section 8 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 holdings 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.

Voting:

Yea_____ Nay_____ Abstain_____ Bryan Lyman

Yea_____ Nay_____ Abstain_____ John Bown

Yea_____ Nay_____ Abstain_____ Kelly Sue Mellor

Yea_____ Nay_____ Abstain_____ Melissa Mellor

Fayette Town

-

Jed Bartholomew, Mayor

ATTEST:

Kathi Williams

Fayette Town Recorder

Certification

The above resolution was adopted by the Town Council of Fayette on the ____ day of _____ 2022.

Kathi Williams

Town Recorder

Any Provision of Fayette Town code which predates or conflicts with this Ordinance is here by repealed