

## ORDINANCE 18-23

AN ORDINANCE AMENDING TITLE 5, "BUSINESS LICENSE" OF THE REVISED ORDINANCES OF SANDY CITY BY ADDING A NEW CHAPTER 5-19, "SHORT-TERM RENTALS"; ALSO PROVIDING A SAVING CLAUSE FOR THE ORDINANCE AND AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend Title 5, "Business License" of the Revised Ordinances of Sandy City by adding a new Chapter 5-19, "Short-Term Rentals"; and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City as follows:

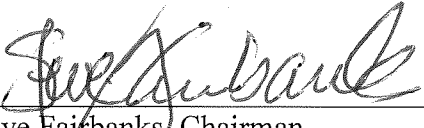
Section 1. Title 5 of the Revised Ordinances of Sandy City is hereby amended as set forth in **Exhibit A** which is attached to and incorporated in this ordinance.

Section 2. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

Section 3. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

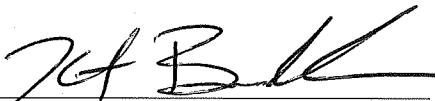
Section 4. This ordinance shall become effective upon the later of publication of a summary thereof or sixty days.

PASSED AND APPROVED by the Sandy City Council this 21<sup>st</sup> day of August, 2018.


  
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Steve Fairbanks, Chairman  
Sandy City Council

PRESENTED to the Mayor this 28<sup>TH</sup> day of AUGUST, 2018.

APPROVED by the Mayor this 28<sup>TH</sup> day of AUGUST, 2018.

  
Kurt Bradburn, Mayor

ATTEST:

  
City Recorder

RECORDED this 28<sup>TH</sup> day of August, 2018

SUMMARY PUBLISHED this 30<sup>TH</sup> day of August, 2018.



## **Chapter 5-19 Short Term Rentals**

### **5-19-1 Definitions**

For purposes of this section, the following terms shall be defined as follows:

1. Owner: An individual who is:
  - a. A fee title owner who possesses fifty (50) percent or more ownership in a Short-term rental (STR) unit; or
  - b. A trustor of a family trust which possesses fifty (50) percent or more ownership of a STR unit.
  - c. An owner of a STR may not be a corporation, partnership, limited liability company, or similar corporate entity.

Person: An individual, firm, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as the singular
3. Renter: A single person or single group of people whose primary residence is at another location and who provide compensation, in any form, in exchange for occupancy in a short-term rental unit
4. Short-term rental: Use of a dwelling for temporary sojourn or transient visit for a period of less than 30 consecutive days by a renter.
5. Short-term rental unit: The individual house, apartment, condominium, townhome, other dwelling, or portion thereof being used for short-term rental as it has been shown in the special use permit approval required in the Sandy City Land Development Code; and shall include the front, back, and side yards and any additional structures found therein
6. STR: Short-term rental
7. STRL: Short-term rental business license

### **5-19-2 Short-term Rental Prohibited**

No person shall lease, or allow to be leased, any dwelling for a lease term less than 30 days without first obtaining a STR special use permit and an STRL.

### **5-19-3 Exceptions**

1. Rentals of 30 or more consecutive days in duration in any of the City's residential zoning districts shall not be subject to the provisions of this section.
2. Bed and Breakfasts, hotels, and motels, as described and regulated in the Sandy City Land Development Code and the Revised Ordinances of Sandy City, shall not be subject to the provisions of this section.

### **5-19-4 Short Term Rental Business License Application and Renewal**

A STRL is valid for only one STR unit. No more than one (1) STRL may be granted to any person. An owner may be granted a STRL through the following process:

1. Prior to applying for a STRL, applicant must first have been granted a STR special use permit approval pursuant to the Sandy City Land Development Code.  
Complete the appropriate application form as provided by Sandy City.

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3. A STRL will expire July 1<sup>st</sup> of each year. A STR owner must renew the license in accordance with the renewal process, prior to the expiration of an active STRL, in order to continue operation. Failure to renew prior to expiration will result in the Business License account being closed.
4. The Business License Official shall not renew a STRL if it has incurred more than the maximum number of allowed violations over the 12-month period immediately preceding the STRL renewal deadline.
5. Completion of all required inspections.
6. Proof of payment of all required taxes and fees shall be submitted by the applicant and verified by the Business License Official upon request.
7. Copy of the appropriate sales tax license issued by the State of Utah shall be submitted and verified with the initial application for a STRL.
8. For any renewal, the City may require verification that the rental nights per year, maximum consecutive rental nights, and rental vacancy period did not exceed the limits described in the Sandy City Land Development Code and Revised Ordinances of Sandy City for the year immediately preceding the application for renewal.
9. Provide any other documents as required by the Business License Official.

**Commented [JG1]:** This is in the Land Use Code and should be enforced via the Special Use Permit

### 5-19-5 Inspections

Prior to being granted a STRL, the owner shall schedule all inspections requested by the City. An inspection shall be required by the building and/or fire and/or code enforcement officials at the time of STRL application and intermittently as deemed necessary by the Business License Official. Officials will:

1. Ensure that the STR unit complies with the information contained in the application and with the requirements of this section, including the approval of a current special use permit. Ensure that the STR unit has a working carbon monoxide detector on each floor.
3. Ensure that the STR unit has a working smoke alarm in each sleeping area with a minimum of one smoke alarm on each floor.

### 5-19-6 Grounds for Denial, Suspension or Revocation of a STRL

1. Granting of a license under the provisions of this ordinance shall not be considered or deemed a right and, if granted, inures to the benefit of the applicant only as a privilege temporarily granted. The City reserves the right to deny any application for a STRL. If the Business License Official finds that any applicant does not meet the requirements of or is disqualified under any section of this chapter, or if it is found that the application is deficient in any way, or any of the facts provided thereon are false or in question, the application shall be denied or the STRL revoked.

Any STRL requested or granted pursuant to this section may be denied, suspended, or revoked by the Business License Official pursuant to procedures established in this Title of the Revised Ordinances of Sandy City, for the following:

- a. Violation by the applicant, occupants, or employees representing the STR unit owner, of any other Sandy City, Salt Lake County, State or Federal laws governing the operation of STR's.

**Commented [JG2]:** This and c seem to contradict or at least cause some confusion. Is it one or three violations? Can we revoke just for one, or must there be three?

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- b. Applicant supplied false or misleading information when applying for a STRL or STR special use permit; or the applicant withheld relevant information on any application for any use, suffered, or caused another to furnish or withhold such information on his or her behalf.
  - c. The STR unit no longer complies with the standards, qualifications or conditions necessary to obtain or maintain a STR special use permit.
  - d. The applicant has failed to pay applicable taxes, fees and fines described herein.
  - e. The applicant has refused to allow authorized representatives of the City to make an inspection or has interfered with such representatives while in the performance of their duty in making such inspection.
  - f. Upon good cause, as indicated and requested by any of the Sandy City, Salt Lake County, Utah State, or Federal agencies that govern STRs.
3. The City shall give at least ten (10) working days written notice, mailed or otherwise delivered to the mailing address listed on the STRL application, of the alleged violation or the manner in which the STR unit and/or operator no longer complies with the requirements for the STRL with the opportunity to correct the problem during said time. The ten (10) day notice period may be waived or reduced if there is a risk to public health, safety or welfare. Any substantiated, unresolved complaint, regarding the violation of standards, qualifications or application requirements or any of the above violations, which is received and verified by the City, against any STRL, will require that any approvals, permits, and licenses be revoked and the STR cease to operate.
4. Any three violations by the STR unit owner or any renter(s), as described in the Sandy City Land Development Code and the Revised Ordinances of Sandy City in any 12-month period shall result in a STRL being denied, suspended, or revoked by the Business License Official pursuant to procedures established in this chapter and Title 5 of the Revised Ordinances of Sandy City.

### 5-19-7 Process for Appeal of Denied, Suspended, or Revoked STRL

Any appeal of a denied, suspended, or revoked STRL shall follow the process outlined within this Title of the Revised Ordinances of Sandy City.

### 5-19-8 Advertising, Taxes and Fees.

1. Any STRL in Sandy City shall include the following statement in any online advertisement for the STR unit: "This short-term rental is legally permitted by Sandy City short-term Rental permit #[*special use permit number*] and short term rental business license #[*Sandy City Business License number*]. Any short-term rental in Sandy City operating without a permit and business license number included within its online advertisement is operating illegally. Renters beware."

STR owners shall pay all taxes and fees relating to the STR, including without limitation the special use permit application fee(s), the business license fee(s), Property tax, sales tax, and the Utah transient room tax. The amount of the fees required to obtain the licenses and permits described herein shall be established by resolution of the City Council.

**Commented [JG3]:** Should we make it an automatic revocation if a Special Use Permit is revoked via the Land Use Code?

**Commented [JG4]:** Moved from the Land Use Ordinance proposal since this is a licensing regulation, not land use.