AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 1, CHAPTER 4, SUBSECTION 5; TITLE 3, CHAPTER 11; TITLE 10, CHAPTER 3, SUBSECTIONS 4 AND 10; TITLE 10, CHAPTER 15, SUBSECTION 3; TITLE 10, CHAPTER 41; AND TITLE 10, CHAPTER 51 OF THE HURRICANE CITY CODE STANDARDS REGARDING TRANSIENT LODGING FACILITIES, SHORT-TERM RENTALS, AND ACCESSORY DWELLING UNITS.

WHEREAS the City Council of Hurricane, Utah has authority to adopt and regulate zoning and land use within its boundaries; and

WHEREAS, Hurricane City's General Plan and Moderate Income Housing Plan recommends that the City adopt policies that will govern and limit the use of short term rentals within single family zones; and

WHEREAS, Hurricane City has seen a large demand for short term rentals within the City; and

WHEREAS, short term rentals can have a negative impact on the surrounding neighbors and property; and

WHEREAS, Hurricane City is facing a high demand for long-term housing and has a lack of affordable options; and

WHEREAS, the City Council deems it necessary to make these changes to further govern and define short term rentals within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE HURRICANE CITY COUNCIL OF HURRICANE CITY, UTAH THAT Title 1, Chapter 4, Subsection 5; Title 3, Chapter 11; Title 10, Chapter 3, Subsections 4 and 10; Title 10, Chapter 15, Subsection 3; Title 10, Chapter 41; and Title 10, Chapter 51 of the Hurricane City Code shall be, and is hereby, amended with the additional text as follows:

Sec. 1-4-5. Civil enforcement.

The City may impose civil penalties for the violation of any requirement, regulation, ordinance, or other provision of this Code. When imposing a civil penalty for violation of any requirement, regulation, ordinance, or other provision of this Code, the City shall follow the procedure of this section. Civil enforcement of any violation is only one option for enforcement. Nothing in this section limits the City's ability to use criminal proceedings or other enforcement strategies authorized by state law and this Code in the resolution of code violations.

A. *Notice of violation.* Upon inspection and discovery that any provision of this Code is being violated, the Planning Director, Chief of Police, Code Enforcement Officer, City Recorder, or other person designated by the City Manager shall provide written notice of the violation to the property owner as identified by the Washington County

Recorder's Office. Written notice of the violation may also be provided to any other responsible party, if different from the property owner of record.

1. The notice of violation shall:
    a. Indicate the nature of the violation;
    b. Order the necessary action to correct the violation;
    c. Establish a reasonable time period for the necessary corrective actions to be completed (the "warning period"); and
    d. State that the property owner and other responsible party (if any) will be subject to civil penalties if the violation is not corrected within the warning period.
2. The warning period shall be the minimum time period reasonably necessary to correct the violation, given the nature of the violation and the amount of effort needed to correct the violation. The warning period could be as short as several hours or as long as several weeks.
3. The notice of violation shall be delivered personally or mailed to the owner of record at the address shown on the records of the county recorder, or to a person designated, in writing, by the owner of record as the owner's agent for the specific purpose of receiving notice of an ordinance violation. The notice of violation may also be delivered personally or mailed to any other responsible party. Personal delivery or mailing of the written notice shall serve to start the warning period.

B. *Civil citation.* If the violation remains uncorrected at the end of the warning period, the Planning Director, Chief of Police, City Recorder, or Code Enforcement Officer may issue a civil citation to the property owner and/or other responsible party.

1. The civil citation shall be personally delivered or mailed to the property owner and/or other responsible party, as shown on the records of the county recorder.
2. The delivery or mailing of the civil citation shall start the imposition and accrual of civil penalties. The civil citation shall state that civil penalties are being assessed to the property owner and/or other responsible party for each day the violation persists, beginning on the date the civil citation is personally delivered or mailed.

C. *Referral to police department.* The Planning Director or Code Enforcement Officer may refer any violation to the Chief of Police for an immediate criminal enforcement action, as allowed by state law.

D. *Daily violations.* If provided in the citation, each day a violation is continued or maintained after the date the civil citation is personally delivered or mailed is considered a separate violation and shall give rise to a separate civil penalty for each day of violation. The filing of an appeal does not stop the daily accrual of any penalty unless the civil hearing officer ultimately dismisses the citation.

E. *Civil penalties.* A violation of any provision of this Code shall result in a civil penalty pursuant to the following schedule:

Violation	Penalty
Unlicensed short-term rental (see section 3-10)	$750.00 per day
Violation of short-term rental licensing standards (see section 3-10)	$750.00 per day
Violation of zoning and licensing standards for Transient Lodging Facilities (see section 10-51)	$750.00 per day

F. *Correction of violation required.* The payment of a civil penalty does not relieve the obligation to correct the violation. The property owner or other responsible party is required to correct the violation regardless of whether or not the civil penalty has been paid.

G. *Citation appeal.* Any person who has received a civil citation and who wishes to dispute the violation may appeal the citation in writing to the civil hearing officer within 15 calendar days after the citation has been delivered or mailed. If a person who has received a citation does not appeal within 15 days, the right to an appeal is lost. In such case, the person shall be responsible for both correcting the violation and paying all applicable civil penalties.

H. *Appeal procedures.*

1. The City Manager shall appoint the Civil Hearing Officer.
2. The Hearing Officer shall adopt rules of procedure that govern the review and adjudication of civil citation appeals. Such rules shall provide a meaningful opportunity for the appellant to present evidence documenting one of the following defenses:
    a. At the time of the citation and at all times ensuing, the alleged violation did not and does not exist.
    b. At the time of citation, compliance with the subject ordinance(s) would have violated the criminal laws of the state.
    c. Compliance with the subject ordinance(s) would have presented an imminent and irreparable physical injury to persons or property.
    d. The violation and failure to correct the violation were both caused by a force majeure event such as war, act of nature, or civil disturbance.
3. After reviewing the appeal, the Civil Hearing Officer may dismiss the citation only on a finding that one of the four defenses in paragraph 2 above applies to the appeal. If the hearing officer finds none of the defenses apply, the Hearing Officer shall uphold the citation and associated civil penalties. If the hearing officer upholds the citation, daily civil penalties shall continue to accrue after the hearing until the violation is corrected.
4. If the Hearing Officer upholds the citation, the Hearing Officer may, in the interest of justice and on behalf of the City, enter into an agreement for the delayed or periodic payment of the civil penalty by the violator.

5. If the Civil Hearing Officer upholds the citation, the hearing officer may partially or wholly abate the civil penalties for one of the following reasons only:
    a. The violation was corrected promptly after the issuance of the civil citation and at the time of the appeal hearing the violation does not exist.
    b. There has been a change in the actual ownership of the property where the violation exists since the time the citation was written, and the new owner is not related by blood, marriage, adoption, or common ownership to the prior owner.

I. *Late fees.* A late fee will be assessed for any unpaid civil penalty in instances where daily penalties are not accruing (such as when a violation has been corrected on the property but the civil penalty imposed by a citation for the earlier violation has not been paid, or when the violation was transitory and the unpaid civil penalty was only imposed for the period of time the violation existed). In such cases, a late fee equivalent to 25 percent of the civil penalty will be assessed 30 days after the date the civil citation is issued, or 15 days after the date of the appeal hearing, whichever is later. The property owner shall pay any late fee that is assessed in accordance with this section.

J. *Collection of civil penalties.* The City may file a civil action to collect any unpaid amount under this section. The violator and any responsible person shall pay for all costs of collection, including but not limited to attorney's fees and costs.

Sec. 3-10-1. - Business License Required

A. *Business license required.* No Transient Lodging Facility shall be occupied or used as a Short-Term Vacation Rental until such time that the owner has obtained a business license issued in accordance with the provisions of this section. A current, valid business license shall be posted in a conspicuous place in each Transient Lodging Facility.

B. Business conditions shall be subject to the terms within this Title and Title 10, Chapter 51 of the Hurricane City Code.

ALL DEFINITIONS BELOW REPLACE EXISTING DEFINITIONS; ALL PRIOR DEFINITIONS WITHIN SECTION 10-3-4 NOT INCLUDED BELOW SHALL REMAIN IN THE UPDATED CODE.

Sec. 10-3-4. - Definitions of words and phrases.

Accessory building means a detached subordinate building located on the same lot with a main building, the use of which is customarily incidental to that permitted in the main building, or to the land upon which the main building is located.

Accessory Dwelling Unit ("ADU") means a subordinate residential dwelling unit that is being used to provide long-term or short-term housing of any person not qualifying as the property owner's Family, as that term is defined in this section. Each subordinate residential dwelling unit meeting this definition shall constitute a separate ADU regardless of how the units are configured or accessed. Guesthouses and casitas shall be considered an ADU when used for long-term or short-term housing of any person not qualifying as the property owner's Family. An ADU may be internal, attached, or detached from the primary dwelling. All ADUs must meet the requirements of chapter 41 of this title.

Accessory use. See definition of use, accessory.

Apartment house. See definition of dwelling, multiple-family.

Bed and Breakfast Inn means a commercial activity within a residential structure in a residential or a commercial zone in which rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided as part of the accommodation pursuant to the requirements of this chapter.

Boarding House means a building where not more than five guestrooms may be rented to no more than 15 guests on a nightly basis for compensation and meals are provided as part of the accommodation.

Building means a permanently located structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, article, or chattel.

Duplex. See definition of dwelling, two-family.

Dwelling means any building, or portion thereof, having one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families as permitted by this title, but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

Dwelling unit means one or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which includes kitchen facilities, all for exclusive use by a single family maintaining a household or a single person or group utilizing the unit for a short-term stay.

Family means any one of the following who occupies a dwelling unit:

A. One person living alone.
B. Two or more persons related by blood, marriage, adoption, or other legal relationship living together as a single housekeeping unit; and up to two other unrelated persons residing on the same premises where the housekeeping unit is located.
C. Two unrelated persons and the children of either of them.
D. Five unrelated individuals living together as a single housekeeping unit.

Hostel means an establishment in which people are lodged for less than a week at a time, excluding Short-Term Rental Complexes, Bed and Breakfast Inns; Hotels; and Motels.

Hotel means an establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms. Hotels shall contain four or more sleeping rooms.

Household means a family living together in a one-dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.

Kitchen means an area within a dwelling unit which contains a sink, fixed cooking appliances, and refrigeration facilities.

Motel means any building or group of buildings containing four or more sleeping rooms, with or without fixed cooking facilities, designed for temporary occupancy by tourists or transients, with a garage attached or parking space conveniently located to each unit.

Residential Hosting means a limited commercial activity within an owner-occupied single family residential structure where an ADU not occupied by the full-time residents is used to house persons not qualifying as the property owner's Family on a short-term basis.

Residential Hosting Facility means a structure or any portion thereof being used for Residential Hosting.

Recreation Resort Short-Term Rentals means any dwelling unit used as a Transient Lodging Facility within the Recreation Resort Zone as governed by Hurricane City Code 10-26.

Short-Term Rental means a structure, room, or space that qualifies as a Transient Lodging Facility, but excluding Hotels and Motels.

Short-Term Rental Complex means any group of two to three Short-Term Rental units within commercial zones.

Time Period Unit (timeshare) means a multi-unit project in which an annually recurring part or parts of a calendar year specified in the condominium declaration or other document as a period for which a physical unit is separately owned. Separate ownership is represented by shares in a corporation, a partnership interest, or any other individually owned transferable property right or interest.

Transient Lodging Facility means any establishment that receives payment, compensation, value, trade, or consideration in any form in exchange for the use of any unit for one to 30 days, including any Hotel, Motel, Time Period Unit, Hostel, Boarding House, Vacation Rental Property, Short-Term Rental, Whole Home Vacation Rental, or Bed and Breakfast Inn.

Whole Home Vacation Rental means a form of a Transient Lodging Facility specifically classified as an entire single family residential structure that is located in a single family zone, is rented out on a short-term basis, and is not owner-occupied. Whole Home Vacation Rentals are located in a single family zone as identified in Hurricane City Code chapters 10-13 and 10-14, are regulated on a per capita and unit separation basis by the Hurricane City Code, and are managed locally.

CHAPTER 41. - ACCESSORY DWELLING UNITS

Sec. 10-41-1. - Purpose.

The purpose of this chapter is to establish use and development regulations for Accessory Dwelling Units ("ADU"). These regulations are intended to ensure that limited use of ADUs allowed in a residential zone do not disturb the single-family residential character of a neighborhood.

Sec. 10-41-2. - Scope.

The requirements of this chapter shall apply to all ADUs in single-family zones. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws.

Sec. 10-41-3. - Permitted use.

Only one ADU is allowed as a permitted use as listed in sections 10-13-3 and 10-14-3, except where a second ADU is allowed as a conditional use pursuant to Chapter 7 of this Title. ADUs shall be subject to the development standards of this chapter. Relevant definitions may be found in Chapter 3 of this Title.

Sec. 10-41-4. - Development standards; permitted use.

The development standards set forth in this section shall apply to any ADU allowed as a permitted use.

A. *Definition; setbacks and size.* An ADU is an accessory use to the main residential dwelling unit. Setbacks and size and lot coverage limitations established for accessory buildings in each zone shall apply, except that an ADU shall meet the same setbacks for primary units on the street side yard.

B. *Egress and life safety requirements.* The dwelling unit must meet egress and life safety requirements of the International Residential Building Code.

C. *Ownership.* The owner or a member of the Family of the property owner shall reside on the property as their primary residence as a condition for an ADU to be rented. For long-term occupancy, the property owner may live in the ADU or the primary building. Only the ADU may be used as a Short-Term Rental pursuant to chapter 51 of this Title.

D. *Limit.* Generally, only one ADU may be established on one residential property. However, two accessory dwelling units may be allowed by a conditional use permit pursuant to Chapter 7 of this Title.

E. *Entrance.* An ADU may have its own outside entrance.

F. *Landscaping.* Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for onsite parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

G. *Secondary use.* An ADU shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes.

H. *Maximum size.* An ADU, if it is detached, must meet the size limitations for the zone or have been granted a conditional use permit.

I. *Residential Hosting.* One ADU may be used per residential lot for Residential Hosting pursuant to Chapter 51 of this Title.

Sec. 10-41-5. - Compliance with development standards.

A. Residential properties with ADUs found to be in violation of the development standards set forth in section 10-42-4 of this title shall be subject to all applicable remedies set forth in Chapter 9 of this title to ensure compliance.

B. In order to ensure ADUs meet the development standards, a permit must be issued by the City for any use of the unit described in Section 3-9-2 or Chapter 51 of this Title.

CHAPTER 51. -Transient Lodging Facilities

Sec. 10-51-1. - Purpose.

The purpose of this chapter is to establish use and development regulations for Transient Lodging Facilities to ensure their compatibility with adjoining uses, particularly when located in a residential zone.

Sec 10-51-2 Definitions

Terms and phrases used in this chapter are found in Chapter 3 of this Title.

Sec. 10-51-3. Management

A. Each Bed and Breakfast Inn, Boarding House, Hostel, Hotel, or Motel must maintain a management office on the premises at all times that is under the immediate supervision of a manager or attendant. The management office shall remain continuously open and staffed whenever guests are registered or present or when the facility is open to receive guests.
B. Short-term Rental Complexes must have management located within Hurricane City boundaries and be available at all times to respond to complaints or issues related to the complex. A phone number for management must be posted within each unit and be given to the City with the business license application. Management shall inform the City if the contact phone number is updated.
C. Residential Hosting Facilities shall be managed by the resident owner and meet accessory dwelling unit standards in Title 10, Chapter 41 of the Hurricane City Code.

Sec. 10-51-4. - Disclosure of available rooms.

A. Each Transient Lodging Facility shall disclose to the Business License Officer the current number of rooms available and/or held out for public accommodation, or, in the case of Short-Term Rentals, the total number of people the dwelling can safely accommodate:
    1. At the time of initial licensure or license renewal; and
    2. Within 72 hours of any change in the number of such available rooms or accommodation of guests.

Sec. 10-51-5. - Display of license; guest register.

A. Business license required. No Transient Lodging Facility shall be occupied or used until such time that the owner has obtained a business license in accordance with this section's provisions. A current, valid business license shall be posted in a conspicuous place in each Transient Lodging Facility.

B. A register of all guests shall be kept at all times on the Transient Lodging Facility premises, except for Short-Term Rentals or Short-Term Rental Complexes. The guest register shall contain in ink the following information about each guest for which the transient lodging facility affords accommodations:

1. Name and permanent address.

2. Dates of arrival at the transient lodging facility and departure from the transient lodging facility.

3. License plate number, state of licensure, make, type, and color of all motor vehicles.

4. Verification of a form of picture identification, including, but not limited to, driver's license, passport, or state issued identification card showing current name, address, and age of person registering and indicating which type of identification was verified and the identification number shown on said identification.

C. The guest register required by this section shall be kept current and shall be immediately available at all times for inspection upon the demand of police officers or City officials.

Sec. 10-51-6. - Occupancy.

It shall be unlawful for any Transient Lodging Facility unit to be occupied by a greater number of persons than that which it is designed or furnished to accommodate.

Sec. 10-51-7. - Responsibility for minors.

No Transient Lodging Facilities unit shall be rented, leased, or registered to any person under the age of 18 years. Each person to whom a lodging unit is rented, leased, or registered shall be responsible for any minors occupying such unit and shall remain on the Transient Lodging Facility premises at all times while there are minors occupying such unit.

Sec. 10-51-8. - Length of stay.

No person shall occupy any unit or combination of units at any one Transient Lodging Facility for longer than 30 consecutive days, and no Transient Lodging Facility shall permit any person to occupy any unit or combination of units on the facility premises for longer than 30 consecutive days. This section shall not apply to federal, state, or municipal law enforcement or emergency personnel, or to Transient Lodging Facilities renting, leasing, or registering units to such personnel. Short-Term Rental properties within residential and Recreation Resort zones may be occupied for longer than 30 days but must still comply with all Short-Term Rental regulations.

Sec. 10-51-9. - Sanitary facilities.

A. Each unit within a Transient Lodging Facility held out for public accommodation must comply with the minimum rules established by the state department of health.

B. It shall be unlawful to rent, lease, or otherwise hold out for public accommodation any Transient Lodging Facility unit that does not have:

1. A complete operable bathroom, including flush toilet, sink, and bath or shower in working order; and

2. For each guest, an adequate daily supply of at least the following sanitary supplies:

   a. Hot and cold running water;

   b. Soap;

   c. Towels;

   d. Toilet paper; and

   e. Clean linen.

C. Each Transient Lodging Facility shall be cleaned after the departure of each guest and before the arrival of any subsequent guest.

Sec. 10-51-10. - Inspections.

Each Transient Lodging Facility shall comply and cooperate with any fire, land use, code enforcement, building, health, or other inspection conducted by municipal officials, with or without notice. Each Short-Term Rental unit shall be inspected by the Fire Marshal or their representative each year prior to the renewal of the business license for the Short-Term Rental.

Sec. 10-51-11. - Duty to report.

Any owner, manager, or attendant of any facility covered by this section shall report promptly to the proper authorities any violations of a municipal ordinance or any violation of law which he or she has reason to believe was or is being committed on the premises.

10-51-12 General Development and Maintenance Standards

A. *Maintenance standards.* Any property that contains a dwelling which is licensed as Transient Lodging Facilities shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the area;

2. For Short-Term Rentals, the use of a dwelling as a Short-Term Rental shall not in any way change the appearance of the dwelling or property for residential purposes; and

3. Each sleeping room must meet current international residential code codes for egress and be equipped with smoke and CO2 detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.

B. *Prevention of noise, nuisance, or trespass at Short-Term Rentals.* The owner of any Short-Term Rental shall be responsible to ensure that guests or occupants do not:

1. Create noises that by reason of time, nature, intensity, or duration are out of character with noises customarily heard in the surrounding residential neighborhood.

2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10:00 p.m., or other similar activities.

3. Interfere with the privacy of surrounding residents or trespass onto surrounding properties.

4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.

5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

C. *Required posting.* The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a Short-Term Rental:

1. A copy of the Short-Term Rental business license.

2. The name, address, and phone number of the owner or property manager.

3. The location of all fire extinguishers.

4. A list of all rules applicable for Short-Term Rentals.

5. The maximum occupancy of the Short-Term Rental and the maximum number of vehicles allowed.

D. *Miscellaneous rules and regulations.* The following rules and regulations shall apply to any property for which a Transient Lodging Facilities license has been issued:

1. Outdoor pools, hot tubs, or spas shall not be used between the hours of 11:00 p.m. and 6:00 a.m.

2. Maximum occupancy in any dwelling licensed as a Short-Term Rental shall be ten persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Hurricane Valley Fire District, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign.

3. The owner of any property containing a dwelling licensed as a Short-Term Rental shall cause to be displayed in a City approved location on the exterior of the property an approved sign containing the name and 24-hour per day, 365-day per year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The sign shall not exceed 12 inches by 18 inches and shall be the only sign other than an address permitted on a Short-Term Rental property.

4. The owner or property manager shall provide information on current occupants to police, emergency, or City personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.

5. The requirements of this section shall be in effect throughout the time a Short-Term Rental license is in effect on the property, regardless of whether the property is occupied by the owner, nonpaying guests of the owner, or paying guests of the owner. The City finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a Short-Term Rental.

6. An inspection of a Short-Term Rental property for compliance with these regulations shall be performed prior to the issuance of a business license and shall be required each year before renewal of the business license. Additional inspections

may be performed with 24-hour notice to the license holder/property manager if deemed necessary by the City.

7. The owner of any dwelling licensed as a Short-Term Rental shall be required to collect and remit on a timely basis transient lodging taxes pursuant to Utah law.

Sec. 10-51-13. - Whole Home Vacation Rentals and other Short-Term Rental Standards.

A. Regulations and restrictions imposed by this section are in recognition of the premise that a Short-Term Rentals provide lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. Separation requirements listed in subsection C of this section and total license limits listed in subsection D of this section are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single-family residential zones to promote safe locations for residential uses.

B. *Business license required.* No dwelling in any permitted zone shall be occupied or used as Short-term Rental until such time that the owner has obtained a business license issued in accordance with the provisions of this section.

C. *Conditions for issuance of a business license for a Short-Term Rental.* Issuance of a Short-Term Rental business license by the Business License Officer shall be subject to the following:

1. A complete application for a Short-Term Rental business license shall have been submitted in accordance with section 3-1-5, and which shall also include:

a. The name, address, and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section, and

b. A valid state tax number for remittance of transient lodging taxes.

2. The dwelling unit for which the business license is sought shall be located in a permitted zone according to this title, have been built to meet building and fire codes for transient occupancy, and have been issued a certificate of occupancy.

3. Portions of a single-family dwelling may not be used as a Short-Term Rental unless located within a Recreation Resort Zone or appropriately licensed as a Residential Hosting Facility in accordance with the regulations for that use. A Whole Home Vacation Rental and a Residential Hosting facility located in a residential zone may not be located in the same single-family dwelling.

4. In permitted single-family zones, the owner of a single-family dwelling for which a Short-Term Rental business license is sought shall not hold a business license to operate another Short-Term Rental within the City limits. For purposes of this subsection, "owner" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling, or any individual who has an ownership or beneficial interest in any corporation, partnership, limited liability company, trust, or other entity which has a legal or equitable ownership interest in the single-family dwelling.

5. In permitted single-family zones, a Whole Home Vacation Rental license shall not be issued if there is another licensed Whole Home Vacation Rental property located within 300 feet, as measured along the same street or around the corner, of the front property line corners of the property where the proposed Whole Home Vacation Rental license is being sought.

D. *Limit on the total number of Whole Home Vacation Rental licenses within single-family zones as contained in Title 10, Chapters 13 and 14 of this Code.* The total number of Whole Home Vacation Rental business licenses issued within single-family zones shall be limited in accordance with the following:

1. The maximum number of Whole Home Vacation Rental business licenses for properties in single-family zones to be issued shall be based on the City's total population, allowing three licenses for every 1,000 people of the total population.

2. The total number of licenses available each year shall be recalculated based on an estimated population derived by adding the total number of new dwelling units times 2.779 residents per unit to the prior year's base population. The City shall readjust the population numbers every ten years after the release of the census numbers. If the census numbers are lower than the City's projection, the City shall not revoke any issued license but shall not issue any additional licenses until the City population justifies additional license availability.

3. If, after the maximum number of licenses has been issued, an application meeting all other requirements for issuance of a license is received, the application shall be placed on a waiting list in order of the date of receipt. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability, and the applicant shall have 45 days from the date of such notice to file a complete application and pay the filing fee, and six months thereafter to complete the licensing process. In the event that the applicant fails to file a complete application and filing fee within said 45 days, or fails to complete the licensing process within said six months, the application shall be deemed to have expired, and the next applicant will be notified of the license availability, and the same procedure shall apply.

4. In the event of a sale or other transfer of any property containing a dwelling licensed as a Whole Home Vacation Rental, the purchaser or transferee of the property is permitted to continue to use the property as a Whole Home Vacation Rental, but the purchaser or transferee shall be required to apply for a new license within 45 days of the date of purchase or transfer. In the event that the purchaser or transferee fails to apply for a new license within said 45 days, the license and ability to use the property as a Whole Home Vacation Rental will be forfeited, and the owner must reapply for any available license or be placed on the waiting list.

E. *Parking regulations.* The following parking regulations apply to property licensed as a Whole Home Vacation Rental:

1. No tenant, guest, or other person visiting a Whole Home Vacation Rental shall park on a public street.

2. Off-street parking shall be provided on the same lot as the dwelling that is licensed as a Whole Home Vacation Rental.

3. Off-street parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.

4. No off-street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.

5. The number of vehicles permitted for the occupants of a Whole Home Vacation Rental shall be restricted to the number of off-street parking spaces provided by the owner.

6. No tenant, guest, or other person visiting a Whole Home Vacation Rental shall park or allow to be parked recreational vehicles or trailers of any kind on the public street.

7. Owner shall supply a parking plan that complies with this section with the business license application.

10-51-14 Residential Hosting Facilities

A. *Conformity with standards and business license required.* No Residential Hosting Facility shall be established unless:

1. The facility can meet the development standards of this chapter;
2. A business license has been issued in accordance with the regulations in title 3 of this Code;
3. Operation of a Residential Hosting Facility without a current City business license is considered a violation and each day of operation shall be considered a separate offense.

B. *Development standards; Residential Hosting Facilities.* The development standards set forth in this section shall apply to all Residential Hosting Facilities.

1. *Location.* A Residential Hosting Facility shall be located in a single-family residential structure deemed suitable for habitation.
2. *Number of Accessory Dwelling Units ("ADU").* Only one ADU may be used as a Residential Hosting Facility on any one lot, as those terms are defined in Title 10, Chapter 3 and Chapter 41 of the Hurricane City Code.
3. *Accessory Dwelling Units.* The use of an ADU for a Residential Hosting Facility shall be governed by this chapter, Hurricane City Code 10-41, and other applicable chapters.
4. *Guestrooms.* Rentable guestrooms shall be limited to not more than four bedrooms in the entirety of one ADU. The total number of occupants, including an owner, owner's family, and guests occupying the home at one time shall be no more than ten. Maximum occupancy must be posted in each rentable guestroom.
5. *Number of Bookings.* No more than one booking is allowed and no more than one party may occupy any Residential Hosting Facility at any one time.
6. *Current codes.* Guestrooms must meet current international residential codes for egress and be provided with smoke and CO2 detectors. A fire exiting route plan must be posted in each sleeping guestroom.
7. *Meals.* If meals are offered, meals shall be served only to overnight guests.

8. *Landscaping.* Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain the residential character, and to provide a visual buffer for on-site parking in relation to adjacent properties and the street.
9. *Parking.* The following parking regulations apply to Residential Hosting Facilities:
    a. Two off-street parking spaces shall be provided for the owner.
    b. One space shall be provided per guestroom.
    c. Off-street parking shall be provided on the same lot as the Residential Hosting Facility.
    d. Tandem parking is permitted for one space only. Spaces that are located directly in front of the garage doors may not be counted as off-street parking.
    e. Off street parking may not be provided within the front yard setback other than the existing driveway.
    f. No tenant, guest, or other person visiting a Residential Hosting Facility shall park on a public street.
    g. The number of vehicles permitted for the occupants of a Residential Hosting Facility shall be restricted to the number of off-street parking spaces provided by the owner.
    h. No tenant, guest, or other person visiting a Residential Hosting Facility shall park or allow to be parked recreational vehicles or trailers of any kind on the public street.
    i. Owner shall supply a parking plan that complies with this section with the business license application.
9. *Signs.* Only one sign not larger than one foot by two foot in size may be used to advertise a Residential Hosting Facility. The sign may not be illuminated unless by a single down facing low wattage fixture.
10. *Street standards.* A Residential Hosting Facility shall be located on a street that meets fire code requirements.
11. *Structural modifications.* A valid building permit is required before any structural modifications or additions may be made to a building to be used pursuant to this chapter. A business license to operate a Residential Hosting Facility shall not be issued for a property that was modified or added to without a valid building permit. A previously-issued business license shall be subject to revocation pursuant to Title 3 of the City Code upon evidence that the structure was modified or added to without a valid building permit. Provided, however, that a business license may be issued or maintained for a structure that was modified or constructed without a building permit if all applicable fines are paid and the Hurricane City Building Official is provided with adequate evidence to the satisfaction of the Official that the modification or construction was done in compliance with the building code and fire code.
12. *Other regulations.* A Residential Hosting Facility is subject to all other applicable sections of this Code, including, but not limited to, building and fire codes, Transient Lodging Facility regulations, and transient room tax requirements.

Sec. 10-51-15 Recreation Resort Units

Recreation Resort Short-Term Rental units shall be subject to the provision of this chapter.

Sec. 10-51-16. - Development standards; Bed and Breakfast Inn.

A Bed and Breakfast Inn may be established in any zone where allowed as a permitted or conditional use, and shall conform to applicable commercial construction codes, zoning requirements, state health department requirements, and the requirements of any other applicable codes and/or ordinances adopted by the City.

Sec. 10-51-17. - Penalty; suspension or revocation of license.

A. Enforcement provisions.

1. Any owner of any dwelling within the City who allows or permits occupation of said dwelling as a Short-Term Rental without having first obtained a business license in accordance with the provisions of this section shall be in violation of this section and shall be subject to a civil citation with a penalty of $750 per day as set forth in section 1-4-5 of this Code. A violator of this paragraph shall also be guilty of an infraction, which shall be punishable by a fine of up to $750.00 for each such violation. In addition, in the event that such dwelling is on the waiting list for a Whole Home Vacation Rental as described in this chapter at the time of such violation, the business license application for said dwelling shall be removed from the waiting list and the dwelling shall not be considered for a Short-Term Rental business license unless a new application is submitted.

2. Any owner of any dwelling within the City, who, having first obtained a business license for use or occupation of said dwelling as a Short-Term Rental, thereafter operates or permits the operation of said Short-term Rental in violation of the terms and provisions of this section shall be subject to a civil citation with a penalty of $750 per day as set forth in section 1-4-5 of this Code. A violator of this paragraph shall also be guilty of an infraction, and shall be punished by a fine of up to $750.00 for each such violation.

3. Any person who occupies a Short-Term Rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other civil or criminal process in accordance with all state, federal or local statutes, rules, or ordinances.

4. Violation of any provision of this section regulating Short-Term Rentals shall constitute a separate offense for each day said violation occurs or continues.

5. In the event of three or more violations of this section committed by an owner or guest, or any combination of the two, within any 12-month period, the City Council may, depending on the nature or extent of the violations, proceed with the revocation of the business license for any Short-Term Rental property in accordance with the provisions of the general business license ordinance.

6. In the event of a license being revoked by the City Council for violations of this chapter, the owner of the property in question shall not be issued a new Short-Term Rental business license for a period of one year.

B. In addition to the denial, suspension, revocation, or refusal to renew a license as outlined in this chapter, any licensee who shall operate a Transient Lodging Facility in violation of this chapter, and/or any person designated by the licensee as the manager or person in charge of daily operation of said facility who shall permit or allow said facility to operate in violation of this chapter, shall be guilty of an infraction and shall be punished for each offense by a fine as provided in section 1-4-1 of this Code.

BE IT FURTHER ORDAINED that this Ordinance shall, after adoption and approval, take effect immediately upon publication or posting as required by law.

BE IT FURTHER ORDAINED THAT:

1. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.

2. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

PASSED AND APPROVED this 16 day of February, 2023.

Nanette Billings

Nanette Billings, Mayor

HURRICANE CITY CORPORATE SEAL WASHINGTON COUNTY UTAH

[Seal]

Attest:

Cindy Beteag

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 16th day of February 2023. Whereupon a motion to adopt and approve said Ordinance was made by Kevin Thomas and seconded by David Sanders. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	X	___	___	___
David Sanders	X	___	___	___
David Hirschi	X	___	___	___
Kevin Thomas	X	___	___	___
Doug Heideman	X	___	___	___

Cindy Beteag

Cindy Beteag, Recorder