

WAYNE COUNTY ORDINANCE

ORDINANCE NUMBER 11/30/15/2c
DATE November 30, 2015

SHORT-TERM RENTALS

AN ORDINANCE FOR THE PURPOSE OF REGULATING SHORT-TERM RENTAL PROPERTY AND THE USE OF REAL PROPERTY FOR SHORT-TERM RENTALS

WHEREAS, the Wayne County Commission is concerned with insuring the growth of short-term rentals of single-family detached residential dwelling units, or any portion of those units, does not have an adverse impact on the health, safety, and general welfare of the residents of Wayne County; and

WHEREAS, there is an interest in protecting the quality of life of the residents and value of property in Wayne County; and

WHEREAS, the Wayne County Commission finds it is in the best interests of the health, safety, and welfare of the people of Wayne County to establish reasonable regulations and permitting requirements for short-term rentals of single-family detached residential dwelling units, or any portion of those units.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Wayne County, Utah that:

Section I. Purpose: The Wayne County Commission recognizes that the unregulated short-term rental of single-family detached residential dwelling units, or any portion of a singly-family detached residential dwelling unit, uniquely impacts certain neighborhoods within Wayne County. Therefore, it is necessary to provide reasonable means for citizens of Wayne County to mitigate impacts created by such rentals as set forth in this ordinance.

Section II. Definitions: For the purpose of this Ordinance, certain words and phrases used herein are defined as follows:

1. **Owner** shall mean the person in whom is vested the ownership, dominion, or title of property.
2. **Responsible party** shall mean the property owner or his/her designee to be called upon to answer for the maintenance of the property and the conduct and acts of temporary residents of the subject property.

3. **Temporary resident** shall mean guests, tourists, lessees, vacationers, or others who lease or rent a residential property for valuable consideration for a period of time between one (1) day to no more than thirty (30) days.

4. **Short-term rental** shall mean any occupancy of single-family detached residential dwelling unit, or any portion of a single-family residential dwelling unit, when the rental period is between one (1) day to no more than thirty (30) days.

Section III. License required. It shall be unlawful for any person to allow another to occupy any single-family detached residential dwelling unit, or a portion of any single-family detached residential dwelling unit, as a temporary resident within the County, or offer such rental services within the County, unless the person has been licensed with the County in accordance with the provisions of this ordinance.

Section IV. Application required. Every person required to procure a license under the provisions of this ordinance shall submit a license application to the County Clerk/Auditor. Applications for the license shall set forth and/or include at a minimum:

1. Physical address of the short-term rental.
2. Name, address, and phone number of owner of the short-term rental.
3. Proof of owner's current ownership of the short-term rental.
4. A sales tax collection and accounting number.
5. Name, address, and 24-hour emergency contact phone number of a responsible party for the short-term rental.
6. Acknowledgements by owner of the following:
 - a. That all parking of vehicles, including off-road vehicles, will not block traffic on any roads, nor will block sightlines at intersections.
 - b. That the owner is currently in compliance with all legal requirements and has paid all applicable taxes, fees, and other charges; including, but not limited to the transient room tax.
 - c. That other properties (not owned by the owner) are not jointly shared commodities and should not be considered available for public use.

Section V. Licenses are non-transferable. No license issued under this ordinance shall be transferred, assigned, or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

Section VI. Expiration of License. All licenses issued under this ordinance shall be valid for no more than one (1) year, and all registrations shall expire on January 1st of each year.

Section VII. Responsible party required. The owner shall appoint a person to serve as the local responsible party for service of notices as are specified in this Ordinance, and notices given to the responsible party shall be sufficient to satisfy any requirement of

notice to the owner. The owner shall notify the County Commission or their designee in writing of the appointment within five (5) days of being required to make such appointment, and shall thereafter notify the County Commission or their designee of any change of responsible party within fifteen (15) days of such change. Further, it is hereby made the affirmative duty of the responsible party to:

1. Inform all temporary residents prior to occupancy of applicable Wayne County codes and ordinances concerning noise, parking, garbage,
2. If applicable, inform all temporary residents of rules regarding common area usage;
3. See that the provisions of this ordinance are complied with and promptly address any violations of this ordinance or any violations of law, which may come to the attention of the responsible party;
4. Be available to respond by telephone to calls from guests within one hour;
5. Be situated close enough to the single-family dwelling unit as to be able to service emergency calls within three hours of notification, and
6. Keep available a record of all guests, which will be available for audit, if necessary.

Section VIII. Fire Protection. All short-term rental property (including short-term rentals that consist of a portion of a single-family residence) must have the following:

- a. Smoke detectors
- b. Two exits, and
- c. Readily available fire extinguishers.

Section IX. False information. It shall be a violation of this ordinance for any person to give any false or misleading information in connection with the application for license required under this ordinance. Providing false information may be punished as a Class C Misdemeanor.

Section X. Revocation. Any license issued pursuant to this ordinance may be denied, revoked, or suspended by the County for any violation of this ordinance, or for violation of any other County ordinance, regulation, code, or state law. Such denial, revocation, or suspension is in addition to any penalty provided by this Ordinance.

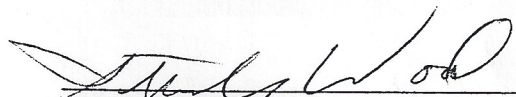
Section XI. Penalty for Violation. In addition to any and all additional remedies available at law, any owner violating this Ordinance may:

1. Receive a Cease and Desist Order. Once the owner or responsible party receives a Cease and Desist Order, the owner or responsible party has 30 days to comply with the violated portions of the Ordinance; or
2. Be assessed a civil penalty not less than \$250.00 and not more than \$500.00 for repeat violations; or
3. Have their Short-Term Rental Permit and/or Business License revoked.

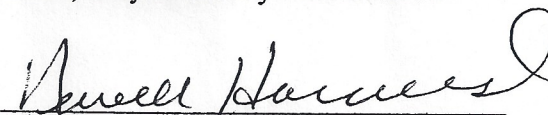
Section XIII. Judicial Construction. No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from.

Section XIV. Severability. Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance and the remainder of the ordinance shall remain in full force and effect.


DATED the 30th day of November 2015.



STANLEY WOOD
Chair, Wayne County Commission



NEWELL HARWARD
Commissioner



DENNIS BLACKBURN
Commissioner

ATTEST:



RYAN TORGERSON, Clerk/Auditor