

**MILLCREEK, UTAH**  
**ORDINANCE NO. 24-10**

**AN ORDINANCE OF MILLCREEK AMENDING CHAPTER 5.19 OF THE  
MILLCREEK CODE OF ORDINANCES WITH RESPECT TO SHORT-TERM  
RENTALS**

**WHEREAS**, the Millcreek Council (“*Council*”) met in a regular session on March 25, 2024, to consider, among other things, an ordinance amending Chapter 5.19 of the Millcreek Code of Ordinances with respect to Short-Term Rentals; and

**WHEREAS**, City staff and other interested persons have recommended revisions to the Business License regulations establishing general standards and requirements for residential short-term rentals to include but not be limited to requiring that an owner of a short-term rental reside on the premises as their permanent residence, limiting the maximum renter occupancy during rental periods, limiting the number of days in a year a short-term rental may be rented, limiting the number of residential short-term rentals for each council district, and imposing a minimum separation between short-term rentals; and

**WHEREAS**, based on resident concern expressed to staff, and after careful consideration the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of the city to amend Title 5 Chapter 19 of the Millcreek Code of Ordinances entitled Short-Term Rentals; and

**WHEREAS**, these requested amendments will help to minimize the burden borne by residents who reside adjacent to short-term rental properties which include excessive on-street parking and unwarranted noise; and

**WHEREAS**, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such amendment, the Council shall consider such amendment during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

**WHEREAS**, on March 20, 2024 the Council caused the required notice to be given; and

**WHEREAS**, on March 25, 2024, the Council considered amending Title 5 of the Millcreek Code of Ordinances by amending Chapter 5.19 of the Millcreek Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that Chapter 5.19 of the Millcreek Code of Ordinances be amended to read as follows (designated by interlineating the words to be deleted and underlining the words to be added):

## Chapter 5.19 SHORT-TERM RENTALS

5.19.010 Purpose

5.19.020 Definitions

5.19.030 License; Required

5.19.040 License; Application; Contents

5.19.050 License; Application; Investigation

5.19.060 License; Fee

5.19.070 Inspections For Compliance and Business License Renewals

5.19.080 Maintenance; Structures And Grounds; Other Requirements And Limitations

5.19.090 Limited Number Of STRs and Minimum Separation Requirements

5.19.100 Noticing And Posting Requirements

5.19.110 Separate Violations

### 5.19.010 Purpose

The purpose of this chapter is to establish regulations and design standards for residential short-term rentals (STRs) located in single family and multi-family neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of Millcreek residents and preserving the residential character of Millcreek single family and multi-family neighborhoods. In allowing STRs, it provides existing property homeowners economic relief who might otherwise be forced to leave a neighborhood, thus promoting, and preserving affordable housing in Millcreek. This chapter also intends to stabilize neighborhoods by promoting home ownership and preserving long term rental housing in the market.

### 5.19.020 Definitions

- A. "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record of the residential unit offers for occupancy for fewer than 30 consecutive days or a residential unit or any portion of a residential unit or that is actually used for accommodations or lodging of guests for a period of less than thirty consecutive days.
- B. "Primary residence" means the single ~~property location~~ where ~~a person's~~ the owner of record's habitation is fixed, and for which the owner of record resides at the property for a minimum of one hundred eighty-three (183) consecutive calendar days during the calendar year, and to which, whenever the person is absent, the person has the intention of returning.
- C. "Related" means an individual's spouse, grandparent, sibling, child, adopted child, aunt, uncle, niece, or nephew.

### 5.19.030 License; Required

~~The City will not issue any new business licenses for short-term rental in the city, until the earlier of April 1, 2024, or an amendment to this section of this Code.~~

It is unlawful for any person to engage in or operate a short-term rental in the city, or to use any property for such business without first obtaining the required STR license from the city.

### 5.19.040 License; Application; Contents

A. Applications shall contain the following information:

1. The location of the short-term rental,
2. The name of property owner who uses this dwelling unit as their primary residence,
3. A signed affidavit on a form to be provided by the City and sworn before a notary public stating that the proposed property is the primary residence of the owner,
4. Proof of primary residency in the form of a document from at least two of the following categories that show the applicant's name and the address of the property for which a STR license is being applied for:
  - a. Utility bill, dated within the last sixty (60) days;
  - b. Correspondence from any government agency that shows the home address, dated within the last sixty (60) days;
  - c. A voter registration card dated within the last calendar year;
  - d. A social security statement, dated within the last sixty (60) days;
  - e. A bank statement dated within the last sixty (60) days;
  - f. Automobile registration documentation dated within the last calendar year;
  - g. Income tax forms dated from the most recent tax filing period;
  - h. Insurance documentation or insurance bill dated within the last calendar year that shows home address;
  - i. Current active business license or permit issued by Millcreek or a state or federal agency that shows home address;

- j. College or school correspondence that shows home address, dated within the last sixty (60) days;
  - k. A W-2 from the most recent tax filing period;
  - l. Official payroll documentation that includes home address issued by an employer within the last sixty (60) days, such as a pay stub with home address, a form submitted for tax withholding purposes, or a payroll receipt;
- 4. 5. A site plan/drawing of the proposed short-term rental showing the location of required off-street parking spaces,
  - 5. 6. The number of rooms available for rent,
  - 6. 7. The number of persons the short-term rental will accommodate,
  - 7. 8. A sales tax collection and accounting number,
  - 8. 9. The name and telephone number of the property owner or owner's agent who is available by telephone twenty-four hours per day, and
  - 9. 10. Such other information as the license official as may be needed to assist the license official in issuing the permit or license.
- B. The application shall include a statement on a form to be provided by the city and signed by the applicant affirming that the applicant: ~~is currently in compliance with all legal requirements and has paid all applicable taxes, fees and other charges.~~
- 1. Is currently in compliance with all legal requirements and has paid all applicable taxes, fees and other charges; and
  - 2. Agrees to continually comply with all requirements regarding short-term rentals.

#### **5.19.050 License; Application; Investigation**

- A. Applications shall be referred by the license official to the local fire agency and Salt Lake County Health Department or such other agency as the license official may deem appropriate to make or cause to be made an investigation of the short-term rental premises, the applicant and other relevant matters. Agency recommendation as to the issuance or denial of the STR license, based on the above inspections, shall then be referred to the Director for approval or to recommend denial in accordance with the provisions of MKC 5.02.010 through MKC 5.02.140.

- B. A STR license that has been granted may be suspended or revoked for any violation of the provisions of this chapter, or for any of the reasons as contained in MKC 5.07.020.
- C. Any appeal of a decision to deny, suspend or revoke a STR license shall be heard in accordance with those procedures established by MKC 5.02.140 through MKC 5.02.180.

#### **5.19.060 License; Fee**

The aggregate license fee for a STR license under this chapter shall be the annual license fee as set forth in the consolidated fee schedule plus the disproportionate cost fee as set forth in the consolidated fee schedule, as defined in MKC 5.08.040. A license with applicable fee is required for each separate short-term rental property.

#### **5.19.070 Inspections For Compliance and Business License Renewals**

- A. After a STR license has been granted, the license official may make periodic inspections of a short-term rental to ensure compliance with this chapter and all other applicable law.
- B. As part of an annual renewal of a business license for a short term rental, the applicant shall resubmit the required proof of primary residency as set forth in MKC 5.19.040 (4).

#### **5.19.080 Maintenance; Structures And Grounds; Other Requirements And Limitations**

- A. The owner of the STR property must live in the primary dwelling in which the STR is located and must reside therein as their primary residence.
- B. Beginning with all new STR licenses and all STR license ~~renewal~~ renewals due after ~~January 1, 2022~~ January 1, 2025, the maximum renter occupancy of an STR shall be no more than two adults per bedroom, ~~ten (10)~~ eight (8) related adults, or four (4) unrelated adults in the area to be used for a STR provided, however this maximum occupancy shall not include the owner or persons related to the owner.
- C. The property shall not be rented to more than one renter at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple renters at the same time.
- D. A short-term rental shall be maintained to the following minimum standards:
  - 1. Periodic housekeeping service shall be provided by the owner, including removal of trash to the nearest collection point, on at least a weekly basis.
  - 2. Owner shall ensure that snow is removed from the sidewalks of the property as provided in MKC 14.32.100.
  - 3. Owner shall ensure that renters adhere to county noise regulations enforced by local law enforcement agencies.

4. Short-term rentals may not be used for any of the following:
    - a. Commercial purposes not otherwise permitted in the zone;
    - b. Distribution of retail products or personal services to invitees for marketing or similar purposes; or
    - c. The outdoor display of goods and merchandise for sale.
  5. Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall include a minimum of two off street parking spaces for the resident of each dwelling unit and one additional off street parking space per available rented bedroom, shall be contained on the site. The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.
- E. The access to the short-term rental unit and the layout of the short-term rental shall be designed so that noise, light, and occupants from the short-term rental unit are not likely to be a substantial intrusion on adjoining properties. If the short-term rental unit is a single family home, duplex, condominium or other dwelling unit and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the contiguous dwelling unit(s) is required.
- F. Responsible Party.
1. The resident owner is personally liable for failure to properly manage the short-term rental.
  2. The resident owner or owner's agent must be available by telephone, or otherwise, twenty-four hours per day and must be able to respond to inquiries within twenty minutes of receipt of an inquiry.
- G. The licensee must have a sales tax collection and sales tax accounting number for the rental operation and the sales tax number must be included on the short-term rental application. All applicable taxes, charges and fees, including the transient room tax, must be paid in full during the period of licensure.

#### **5.19.090 Limited Number Of STRs and Minimum Separation Requirements**

~~The total number of STR licenses issued within Millcreek shall be limited as follows:~~

- ~~A. The maximum number of STR licenses shall be limited for each Council District within Millcreek. Each Council District shall have a maximum of thirty (30) short term rentals within the district boundary.~~
- ~~B. If a complete application meeting all other requirements for approval is received after the maximum number of approvals has been issued for the Council District the proposed~~

~~STR unit is located within, the application shall be placed on a waiting list in order of the date of receipt of a completed application. This list shall be reviewed on an annual basis. No fees will be due until a STR license is issued.~~

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1. The maximum number of STR licenses shall be limited for each Council District within Millcreek. Each Council District shall have a maximum of thirty (30) short term rentals within the district boundary.
2. If a complete application meeting all other requirements for approval is received after the maximum number of approvals has been issued for the Council District the proposed STR unit is located within, the application shall be placed on a waiting list in order of the date of receipt of a completed application. This list shall be reviewed on an annual basis. No fees will be due until a STR license is issued.

B. For all new STR licenses issued after the effective date of this ordinance, the STR must not be located closer than four hundred feet (400') of another STR, as measured from the nearest property lines. Active licenses for STRs that are in good standing as of the effective date of this ordinance and are within four hundred feet (400') of another STR may be renewed, notwithstanding the separation requirement. A license that is revoked or is not renewed in a timely manner may not be reissued if the STR does not comply with the separation requirement.

#### **5.19.100 Noticing And Posting Requirements**

- A. One nameplate sign shall be permanently attached on the exterior of the building in a conspicuous location near the main entrance of the short-term rental. The nameplate sign shall:
  1. Provide the name and telephone number of the resident owner or owner's agent who can be contacted twenty-four hours a day,
  2. Contain the occupant load of the building as allowed by Millcreek,
  3. Be made of durable, weather resistant material,
  4. Not exceed three inches by five inches in dimension, and
  5. Contain no advertising.
- B. Post the city issued STR license on the interior of the building in a conspicuous location near the main entrance of the short-term rental along with the following information:

1. Parking requirements
2. County noise regulations
3. Garbage pick-up dates

**5.19.110 Separate Violations**

For purposes of prosecution of violations of this chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation.

This Ordinance, assigned Ordinance No. 24-10, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this 25<sup>th</sup> day of March, 2024.



**MILLCREEK**

By: Jeff Silvestrini  
 Jeff Silvestrini, Mayor

**ATTEST:**

Elyse Sullivan  
 Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Catten	<input checked="" type="radio"/> Yes	<input type="radio"/> No
DeSirant <i>excused</i>	<input type="radio"/> Yes	<input type="radio"/> No
Jackson	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Uipi	<input checked="" type="radio"/> Yes	<input type="radio"/> No

**CERTIFICATE OF POSTING**

I, the duly appointed recorder for Millcreek, hereby certify that:

**ORDINANCE 24-10: AN ORDINANCE OF MILLCREEK AMENDING CHAPTER 5.19 OF THE MILLCREEK CODE OF ORDINANCES WITH RESPECT TO SHORT-TERM RENTALS**

was adopted the 25<sup>th</sup> day of March, 2024 and that a copy of the foregoing Ordinance 24-10 was posted in accordance with Utah Code 10-3-711 this 27 day of March, 2024.

Elyse Sullivan  
 Elyse Sullivan, City Recorder