

ORDINANCE 24-09

AN ORDINANCE ENACTING TITLE 3, CHAPTER 3.08 – TRANSIENT LODGING FACILITIES OF THE MORGAN CITY CODE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City recognizes the growing popularity of transient lodging facilities, also known as short-term rentals, within its jurisdiction; and

WHEREAS, transient lodging facilities have become a significant aspect of the local economy, providing alternative lodging options and contributing to tourism; and

WHEREAS, the increase in these properties has raised concerns regarding neighborhood character, housing affordability, and the availability of rental units for long-term residents; and

WHEREAS, it is necessary to establish regulations to ensure that the transient lodging facilities within the City operate in a manner that is consistent with the community's goals for quality of life and neighborhood integrity; and

WHEREAS, the City aims to balance the economic benefits of transient lodging facilities with the need to protect residential neighborhoods and ensure the safety and well-being of all residents; and

WHEREAS, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to enact Title 3, Chapter 3.08 – Transient Lodging Facilities, to address these concerns and provide a framework for the regulation and oversight of transient lodging facilities within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MORGAN, UTAH:

SECTION 1 **Repealer.** If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION 2. **Enactment.** Title 3, Chapter 3.08 – Transient Lodging Facilities of the Morgan City Code is hereby enacted/amended to read as follows:

Chapter 3.08 TRANSIENT LODGING FACILITIES

3.08.010. Purpose.

The purpose of this chapter is to establish use and development regulations for transient lodging facilities to ensure their compatibility with surrounding uses, particularly when located in a residential zone.

3.08.020. Definitions.

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 this title.

Bed and breakfast, home means a limited commercial activity within an owner-occupied residential structure where not more than four sleeping rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of this title.

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.

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.

Residential hosting means a limited commercial activity within an owner-occupied single family residential structure or 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.

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.

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. If there are separate code sections dealing with short-term rentals and whole home vacation rentals, the more restrictive provisions shall apply.

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 for one to 30 days, and is not owner-occupied. If there are separate code sections dealing with short-term rentals and whole home vacation rentals, the more restrictive provisions shall apply.

3.08.030. 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 or a transient lodging facility must have management, or a management representative located within 30 minutes of Morgan 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 this Code.

3.08.040. Disclosure of available rooms.

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:

- A. At the time of initial licensure or license renewal; and
- B. Within 72 hours of any change in the number of such available rooms or accommodation of guests.

3.08.050. Display of license.

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.

3.08.060. 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 safely accommodate, but in no event shall occupancy exceed the number of occupants allowed under the City's building code.

3.08.070. 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.

3.08.080. 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.

3.08.090. 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.

3.08.100. Inspections.

Each transient lodging facility shall comply and cooperate with any fire, 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.

3.08.110. 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.

3.08.120. 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 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 10:00 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. 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 penalty, suspension, or revocation per section 3.08.160.
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.
8. Transient lodging facilities will not qualify for a primary residence exemption and be required to pay 100% of the taxable value in property tax.

3.08.130. Whole home vacation rentals and other short-term rentals standards.

- A. Regulations and restrictions imposed by this section are in recognition of the premise that 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 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 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.
- D. **Parking regulations.** The following parking regulations apply to property licensed as a whole home vacation rentals and short-term rentals:
1. No tenant, guest, or other person visiting whole home vacation rentals and short-term rentals 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 rentals and short-term rentals.
 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, or on an unimproved area of the dwelling unless there is a circular driveway.
 5. The number of vehicles permitted for the occupants of whole home vacation rentals and short-term rentals shall be restricted to the number of off-street parking spaces provided by the owner.
 6. No tenant, guest, or other person visiting whole home vacation rentals and short-term rentals 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.

3.08.140. 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 of this Code;
 3. Operation of a residential hosting facility without a current City business license is considered a violation per section 3.02.020 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.
 3. **Accessory dwelling units.** The use of an ADU for a residential hosting facility shall be governed by this chapter, 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.
- 10. **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.
 - 11. **Street standards.** A residential hosting facility shall be located on a street that meets fire code requirements.
 - 12. **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 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 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.
 - 13. **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.

3.08.150. 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.

3.08.160. 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 up to \$750.00 per day. 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. (Also, see section 3.02.020 – License Required of the Morgan City Code.)

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 chapter shall be subject to a civil citation with a penalty of up to \$750.00 per day. 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 subject to a civil penalty of up to \$750 for each day of violation. A violator of this paragraph shall also be guilty of an infraction and shall be punished by a fine up to \$750.00 for each offense.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 4. **Effective Date.** This ordinance shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 9th day of July, 2024.



STEVE GALE, Mayor

ATTEST:


DENISE WOODS, City Recorder



CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	___	___	<u>X</u>
Councilmember Wardell	<u>X</u>	___	___
Councilmember Turner	<u>X</u>	___	___
Councilmember Richins	<u>X</u>	___	___
Councilmember Alexander	<u>X</u>	___	___

(In the event of a tie vote of the Council):

Mayor Gale ___ ___