

Wallsburg Town

Short Term Rental (STR) Ordinance

Purpose.

This ordinance is established to provide regulations for Short-Term Rentals (STRs) related to residential neighborhoods. These regulations seek to allow STRs in approved lodging facilities while also protecting the safety and general welfare of Wallsburg residents and preserving the residential character of neighborhoods. This ordinance also intends to stabilize neighborhoods by promoting home ownership and preserving long-term rental housing in the market.

Short-Term Rental (STR) Definition.

A Short-Term Rental (STR) is a residential unit or portion thereof rented for less than 30 consecutive days (per Utah Code §10-8-85.4). STRs are currently prohibited in Wallsburg in all residential dwellings and residential districts. The following are exempt and shall not be subject to the provisions of this ordinance:

1. A residential lease of 30 or more consecutive days.
2. Hotels, motels, RV parks, campgrounds, and bed-and-breakfast establishments licensed and zoned for transient occupancy.

General Standards and Requirements.

1. Permitted STR Locations:
 - a. As previously referenced, STR operations are allowed only in licensed hotels, motels, RV parks, campgrounds, and bed-and-breakfast establishments within commercial or designated lodging zones.
 - b. Any of the exempted STR operations above requesting approval for operation in zones not considered commercial or designated lodging must go through the Conditional Use process.
2. Zoning Enforcement:
 - a. Residential zones are strictly reserved for long-term occupancy. No business licenses for STRs will be issued in these areas unless a Conditional Use Permit is approved.
3. Transient Room Tax:
 - a. All STR operations are subject to any Transient Room Tax adopted by the Town and must pay these taxes according to Utah law.

Advertising.

This ordinance does not restrict or prevent individuals from advertising STR properties. Furthermore, advertising alone cannot be used as evidence of an STR violation. As provided later in this ordinance, additional data collection, public complaint mechanisms, and investigation processes shall determine non-compliance.

Enforcement Tools.

Wallsburg may use various methods to verify compliance with this ordinance. Upon a determination that a violation exists, the Code Enforcement Officer, Police Officer, or other qualified designee, will contact the owner of the property requiring said owner to halt, eradicate, remove, or otherwise cure the violation within 48 hours, or such later time the Officer, or qualified designee, may determine.

1. Data Collection:

- a. The Town may scrape public data from STR platforms to identify local properties being advertised for short-term stays.
- b. While Utah law prohibits using advertising alone as evidence of a violation, this data can serve as a starting point for further investigations.
- c. Staff may track booking trends, including occupancy rates and durations, to detect properties that may be operating as unauthorized STRs.
- d. Staff may compare advertised amenities, locations, and images with known residential properties to flag potential matches.
- e. The Town may cross-reference flagged properties with business license records, county tax records, and zoning approvals to confirm compliance or identify violations.
- f. Staff may generate reports to help enforcement officers prioritize investigations and allocate resources efficiently.

2. Public Complaint Mechanisms:

- a. User-friendly public reporting methods will empower residents to participate in ordinance enforcement.
- b. The Town may maintain an accessible link on its website where residents can submit complaints about suspected illegal STR operations.
- c. A dedicated phone number shall be made available for urgent complaints, ensuring rapid response when necessary.
- d. Optional anonymity will be allowed for complainants to encourage reporting without fear of retaliation.

3. Investigation Process:

- a. Data collection and complaints will trigger initial reviews by the Code Enforcement Officer, Police Officer, or qualified designee.
- b. Data collection and complaints may lead to property inspections, interviews with neighbors, and further data gathering.

Penalties for Non-Compliance

- 1. First Violation:
 - a. A written warning shall be given to the property owner accompanied by education on STR ordinance requirements.
- 2. Second Violation:
 - a. A \$500 fine will be issued on the property owner along with a requirement for immediate cessation of illegal STR activity; and
 - b. A pre-lien will be placed on the property.
- 3. Third and Subsequent Violations:
 - a. \$1,000 fine per day of continued violation.
 - b. Potential legal action, including court-ordered injunctions.
 - c. Attorney fees for any legal action shall be paid by violators of this ordinance.

Community Involvement

The Town may choose to conduct periodic workshops or public meetings to educate residents on how to recognize and report illegal STRs. Updates on enforcement may also be shared with the community at times to maintain transparency and build trust.