

Resolution No. 2019-08

**A RESOLUTION CREATING A TOWN OF LEEDS PUBLIC PROPERTY
ACCEPTABLE USE POLICY BY PUBLIC SERVANTS AFFILIATED WITH THE
TOWN OF LEEDS AND AS NEEDED BY HOUSE BILL 163 PASSED DURING THE
2019 GENERAL SESSION OF THE UTAH LEGISLATURE
("Acceptable Use Policy")**

WHEREAS, House Bill 163 entitled "Offenses Against the Administration of Government Amendments" passed during the 2019 General Session of the Utah Legislature ("HB 163"); and

WHEREAS, HB 163 has a special effective date of July 1, 2019; and

WHEREAS, pursuant to HB 163, a "public officer" means (a) an elected official of a public entity; (b) an individual appointed to, or serving an unexpired term of, an elected official of a public entity; (c) a judge of a court of record or not of record, including justice court judges; or (d) a member of the Board of Pardons and Parole¹; and

WHEREAS, pursuant to HB 163, a "public servant" means (i) a public officer; (ii) an appointed official, employee, consultant, or independent contractor of a public entity; or (iii) a person hired or paid by a public entity to perform a government function. Public servant includes a person described herein upon the person's election, appointment, contracting, or other selection, regardless of whether the person has begun to officially occupy the position of a public servant²; and

WHEREAS, pursuant to HB 163, "public property" means real or personal property that is owned, held, or managed by a public entity. "Public property" includes real or personal property that is owned, held, or managed by a public entity after the real or personal property is transferred by the public entity to an independent contractor of the public entity. "Public property" remains public property while in the possession of an independent contractor of a public entity for the purpose of providing a program or service for, or on behalf of, the public entity³; and

WHEREAS, pursuant to HB 163, "authorized personal use" means the use of public property, for a personal matter, by a public servant if: (i) the public servant is authorized to use or possess the public property to fulfill the public servant's duties as a public servant; (ii) the primary purpose of the public servant using or possessing the public property is to fulfill the public servant's duties as a public servant; (iii) at the time the public servant uses the public property for a personal matter, a written policy of the public servant's public entity is in effect that authorizes the public servant to use or possess the public property for personal use in addition to the primary purpose of

¹ Utah Code Ann. § 76-1-601(13) (effective July 1, 2019).

² Utah Code Ann. § 76-1-601(14) (effective July 1, 2019).

³ Utah Code Ann. § 76-8-101(5) (effective July 1, 2019).

fulfilling the public servant's duties as a public servant; and (iv) the public servant uses and possesses the public property in a lawful manner and in accordance with the policy⁴; and

WHEREAS, pursuant to HB 163, "authorized personal use" also means the incidental use of public property for a personal matter by a public servant, if: (i) the value provided to the public servant's public entity by the public servant's use or possession of the public property for a public purpose substantially outweighs the personal benefit received by the employee from the incidental use of the public property for a personal matter; and (ii) the incidental use of the public property for a personal matter is not prohibited by law or by the public servant's public entity⁵; and

WHEREAS, pursuant to Utah Code Ann. § 11-57-102, "personal use expenditure" means an expenditure made without the authority of law that: (i) is not directly related to the performance of an activity as an officer or employee of a political subdivision; (ii) primarily furthers a personal interest of an officer or employee of a political subdivision or the family, a friend, or an associate of an officer or employee of a political subdivision; and (iii) would constitute taxable income under federal law. "Personal use expenditure" does not include: (i) a de minimis or incidental expenditure; (ii) a monthly vehicle allowance; or (iii) a government vehicle that an officer or employee uses to travel to and from the officer or employee's official duties, including an allowance for personal use as provided by a written policy of the political subdivision.

WHEREAS, the Town Council desires to establish a written policy which authorizes public servants to use or possess public property for personal use as delineated in this written policy; and

WHEREAS, HB 163, as drafted, has the potential for public servants who are performing their duties in good faith to unknowingly or unintentionally violate the provisions of HB 163, thereby potentially committing a felony; and

WHEREAS, the Town Council desires to create a Town of Leeds Public Property Acceptable Use Policy by Public Servants Affiliated with the Town of Leeds ("Acceptable Use Policy") that will ensure public servants are not at risk of unknowingly or unintentionally violating the provisions of HB 163 by their personal use of public property, while ensuring public servants are using public property in an authorized and appropriate manner; and

WHEREAS, the Town Council does hereby find that it is in the best interest of the Town of Leeds to adopt this Acceptable Use Policy; and

NOW, THEREFORE, be it resolved by the Town Council, Town of Leeds, Utah, as follows:

1. There is hereby created this Town of Leeds Public Property Acceptable Use Policy by Public Servants Affiliated with the Town of Leeds, which will also be known as the

⁴ Utah Code Ann. § 76-8-402(1)(a) (effective July 1, 2019).

⁵ Utah Code Ann. § 76-8-402(1)(b) (effective July 1, 2019).

“Acceptable Use Policy.” This Acceptable Use Policy constitutes the written policy referenced in HB 163 and more particularly Utah Code Ann. 76-8-402(1)(a)(iii).

2. The recitals above are hereby incorporated into this Acceptable Use Policy. The definitions found in HB 163 are hereby incorporated into this Acceptable Use Policy.
3. For the purposes of this Acceptable Use Policy, it is hereby an authorized personal use of public property, for a personal matter, by a public servant if: (i) the public servant is authorized to use or possess the public property to fulfill the public servant’s duties as a public servant; (ii) the primary purpose of the public servant using or possessing the public property is to fulfill the public servant’s duties as a public servant; and (iii) the public servant uses and possesses the public property in a lawful manner and in accordance with this Acceptable Use Policy.
4. For the purposes of this Acceptable Use Policy, it is hereby an incidental authorized personal use of public property, for a personal matter, by a public servant if: (i) the value of the use or possession of the public property for personal use is less than \$100.00 per instance of use or possession; and (ii) the incidental use of the public property for a personal matter is not prohibited by law or by this Acceptable Use Policy. Town Council hereby finds that the value of less than \$100.00 per instance of use or possession of public property for personal use is incidental and is substantially outweighed by the value provided to the Town of Leeds by the public servant’s use or possession of the public property for a public purpose.
5. Public servants are encouraged to use or possess public property for personal use in a manner that:
 - a. does not damage the public property;
 - b. does not violate any written policy of the Town of Leeds
 - c. does not disrupt or impede the use of the public property by the Town of Leeds;
 - d. does not create a security risk to the Town of Leeds;
 - e. does not result in significant and additional costs charged to or financial obligations by the Town of Leeds;
 - f. is not prohibited by law; and
 - g. allows public servants who have been authorized to use or possess public property for personal use to do so without fear of being prosecuted.
6. The Town Council has authorized and hereby retains the ability to authorize the personal use or possession of public property as part of the compensation package and benefits of public servants, including but not limited to vehicles, bonuses, awards, electronics (PC’s, laptops, tablets, iPads, telephones), electrical power, and other related uses and/or possession of public property, including use of public property for exclusively personal use.
7. The Town Council hereby retains the ability to withdraw authorization for the public servant’s personal use or possession of public property and may do so as follows:

- a. Provide the public servant with a written statement that the authorization for the personal use or possession of the public property is withdrawn. The written statement shall identify with specificity the public property and may include reason(s) for the withdrawal.
 - b. If the personal use or possession of the public property continues after the written statement is provided, then the public servant may be subject to discipline, up to and including termination from employment with the Town of Leeds. If the public servant is a public officer, then the public officer may receive a public censure by the Town Council.
8. If a public servant violates the provisions of HB 163 or this Acceptable Use Policy, the Town Council hereby authorizes the personal use or possession of public property if the public servant, within 30 days or such longer payment schedule as determined by the Town Council in its reasonable discretion, reimburses the Town of Leeds for the value of the public servant's personal use or possession of public property.
9. If a public servant violates the provisions of HB 163 or this Acceptable Use Policy, the Town Council hereby authorizes the personal use or possession of public property if the public servant, within 30 days or such longer payment schedule as determined by the Town Council in its reasonable discretion, reimburses the Town of Leeds for the entire cost charged to or financial obligation incurred by the Town of Leeds as a result of the public servant's personal use of public property.
10. Pursuant to Utah Code Ann. § 11-57-103, if a public servant intentionally uses public funds for a personal use expenditure; or incurs indebtedness or liability on behalf of, or payable by the Town of Leeds for a personal use expenditure, then the public servant shall deposit the amount of the personal use expenditure into the fund or account from which the personal use expenditure was disbursed or payment for the indebtedness or liability for a personal use expenditure was disbursed, plus require the public servant to remit an administrative penalty in an amount equal to 50% of the personal use expenditure to the Town of Leeds.
 - a. Any public servant of the Town of Leeds who has been found to have made a personal use expenditure in violation of Utah Code Ann. § 11-57-103 may appeal the finding to the Town Council of the Town of Leeds, Utah.
 - i. The public servant or the Town of Leeds, may appeal the decision of the Town Council by filing a petition with the 4th District Court for the Town of Leeds. Any such appeal shall be barred unless it is filed within twenty (20) calendar days of the date when the decision was recorded in the official minutes. The decision of the Town Council shall not be set aside unless the decision of the Town Council is found to be arbitrary, capricious, or illegal.
 - ii. The Town Council shall transmit to the reviewing court the complete record of its proceedings, including the written notice, exhibits, minutes, findings, and any transcripts. The person filing the petition for review shall request from the Town of Leeds a verbatim transcript of the record and such person shall pay the reasonable transcription

- fees.
- iii. The review by the District Court is limited to the record and the Court may not accept or consider evidence outside of the record unless it determines that such evidence was offered to the Town of Leeds and was improperly excluded. If there is no record, the Court may call witnesses and take evidence.
- iv. The Court shall affirm the decision of the Town Council if the decision is supported by substantial evidence in the record.
- v. No decision of the Town Council shall be subject to rehearing by the Town Council, except when remanded from a court of competent jurisdiction.
- b. The Town of Leeds may withhold all or a portion of the wages of the public servant of the Town of Leeds who has violated Utah Code Ann. § 11-57-103 until the public servant has deposited the amount of the prohibited personal use expenditure plus remitted the administrative penalty.
- c. If the public servant has requested an appeal, then the Town of Leeds may only withhold the wages of the public servant after the appeal process has confirmed that the public servant has violated Utah Code Ann. § 11-57-103.

11. All Town of Leeds policies are hereby repealed and replaced to the limited extent that they contradict or interfere with this Acceptable Use Policy and/or federal or state law.

12. If any provision of this Acceptable Use Policy is held to be invalid or void by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Acceptable Use Policy and shall in no way affect any other provision contained herein. If such provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope and breadth permitted by law.

APPROVED, RESOLVED, AND ADOPTED this 14th day of August 2019.

TOWN OF LEEDS COUNCIL

By: _____
Wayne Peterson, Mayor

[SEAL]

VOTING:

Mayor: Wayne Peterson	Yea ___ Nay ___
Councilman: Alan Roberts	Yea ___ Nay ___
Councilman: Danielle Stirling	Yea ___ Nay ___
Councilman: Elliott Sheltman	Yea ___ Nay ___
Councilman: Nate Blake	Yea ___ Nay ___

ATTEST:

Peggy Rosebush, Town Clerk

DEPOSITED in the office of Leeds Recorder this ____ day of August, 2019.

RECORDED this ____ day of August, 2019.

**CHAPTER 30:
SHORT TERM RENTALS (STR) AND PRIMARY RESIDENCE,
OWNER-OCCUPIED RESIDENTIAL HOSTING FACILITIES
(RHF)**

30.1 SHORT TERM RENTAL (STR) PURPOSE PROHIBITION:

The purpose of Section 30.1 of this Chapter is to ~~describe the process and set forth standards~~state the prohibition for the leasing of entire residential dwelling units for periods of less than thirty (30) consecutive days - also known as "short-term rentals."

30.1.1 — DEFINITIONS:

For the purposes of this Chapter all of the definitions contained in V.L.U. Chapter 1 (including the definitions of Short Term Rentals (STR)) and throughout the various chapters of V.L.U. are incorporated herein. Commonly words or terms that are capitalized are defined in V.L.U. Chapter 1, but they can also be embedded into the body of various V.L.U. chapters.

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— 30.1.2 NATURE OF USE — SHORT TERM RENTAL OR STR

The Short Term Rental of all of a residential Dwelling Unit is a Commercial Use in all STR Development Overlay Zones of the Town, subject to the Owner obtaining and maintaining a STR Permit.

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— 30.1.3 STR DEVELOPMENT OVERLAY ZONE

The purpose and intent of this Subsection is to establish procedure for designating an entire subdivision or a phase of a master planned development within the Town where all of the Dwelling Units within the subdivision or phase are capable of being used as a Short Term Rental.

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30.1.3.A Subject to the conditions set forth in this subsection, an Owner of real property may apply for and obtain simultaneously with the Final Plat approval for a Subdivision or Subdivision phase an overlay zoning designation which, in addition to the permitted and conditional uses allowed in the underlying zoning district that the property belongs to, the Development (whether it be an entire Subdivision or a phase of a Subdivision) may be developed, constructed, marketed and sold as a Development where Short Term Rentals are allowed. Such approval shall be referred to as a "STR Development Overlay Zone" designation.

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30.1.3.B The right to seek an STR Development Overlay Zone designation ONLY applies to NEW Developments for which a Final Plat is recorded, after the effective date of this Section, that contains more than 5 lots upon which residential Dwelling Units can be constructed and which comprises at least five (5) acres (including dedicated streets, trails and public rights of way).

30.1.3.C Application Approval Process:

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30.1.3.C.i At the Subdivision Concept Plan review stage of the approval process

described in V.L.U. Chapter 9 (Division of Land), an applicant shall submit with their Concept Plan a narrative indicating that a STR Development Overlay Zone designation is being requested and the Concept Plan shall include (in addition to any other requirements of V.L.U. Chapter 9) the following information:

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30.1.3.C.ii Name and address of applicant and property owner;

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30.1.3.C.iii The locations, dimensions and setbacks of all existing and proposed uses, activities, buildings, fences and/or walls, and other structures to be included in the proposed development;

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30.1.3.C.iv The proposed signage and lighting plan (where applicable);

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30.1.3.C.v The locations and dimensions of existing and proposed roads, parking areas and traffic circulation patterns, and roads and driveways adjoining and access from the development;

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30.1.3.C.vi The locations and dimensions of existing and proposed drainage facilities, utilities, easements and fire hydrants;

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30.1.3.C.vii The proposed area dimensions, existing and proposed elevation contours, and north arrow; and

30.1.3.C.viii Necessary explanatory notes where applicable.

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30.1.3.D The Town shall comply with all provisions of V.L.P.S. and Zoning Code Ann. Title 14, Chapter 9a, Part 5, in noticing and reviewing an application for an STR Development Overlay Zone, just as it would under any other zoning change or land use ordinance amendment.

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30.1.3.E The Town Council may (after receiving a recommendation from the Planning and Zoning Commission) approve, modify and approve or deny any application for a STR Development Overlay Zone designation.

30.1.3.F In approving any application for STR Development Overlay Zone designation, the Town shall impose such requirements and conditions as required by law and any additional conditions as may be necessary for the protection of adjacent properties and the public health, safety and general welfare and aesthetics of the Town.

30.1.3.G Such conditions of approval may include, but shall not be limited to, specifications concerning structures (existing and proposed); landscaping; density; ingress; egress; fencing; parking; lighting; or other possible nuisances.

30.1.3.H The Town shall not approve a STR Development Overlay Zone designation for a Development unless it finds the following:

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30.1.3.H.i That the proposed zoning designation and development of Dwelling Units

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as STR Units on a Development wide basis, at this particular location, is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and community; and

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30.1.3.H.ii That a Development wide Short Term Rental use of Dwelling Units will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvement in the vicinity; and

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30.1.3.H.iii That the proposed zoning designation and development of Dwelling Units as STR Units on a Development wide basis will comply with all other

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regulations and conditions specified in this Chapter including individual Owners of STR Units obtaining and renewing a STR Permit; and

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30.1.3.H.iv That the proposed zoning designation and the development of Dwelling Units as STR Units on a Development wide basis is expressly authorized by the governing documents of the Development (i.e. CC&Rs and By-Laws of a Homeowners Association); and

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30.1.3.H.v That the governing documents of the Development require Owners of an STR Unit to utilize one singular property management company (determined by the Homeowners Association) to handle all STR renting of the STR Units within the Development. The designated property management company must be licensed and bonded in the State of Utah and need not have it its principal place of business within the Town, but shall have a physical office and employees located within Washington County. The designated property management company shall maintain current contact information for persons within the company who are capable of being contacted 24 hours a day, 7 days a week, in the event the Town or local law enforcement are notified of an issue or a complaint that needs resolution; and

30.1.3.H.vi That the proposed zoning designation and development of Dwelling Units as STR Units on a Development wide basis conforms to, and does not contradict with, the intent of the General Plan.

30.1.1 STR PERMIT APPLICATION AND FEES

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In order to obtain and maintain an STR Permit an owner of a proposed STR Unit must do the following:

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30.1.4.A Obtain, complete and provide a STR Permit application and any other required documents to the Town.

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30.1.4.B The owner must submit the following information on a Town approved STR Permit application form:

30.1.4.B.i All applicable and current contact information of the Owner of the proposed STR Unit.

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30.1.4.B.ii The name and current contact information for the management company

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designated to handle STR renting within the Development where the applicable STR Unit is located. The management company must be given unqualified written authority by the Owner to address and correct all maintenance, day to day operations and nuisance concerns relating to the proposed STR Unit.

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30.1.4.B.iii The street address of the proposed STR Unit.

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30.1.4.B.iv The number of bedrooms and the applicable occupancy limits of the proposed STR Unit as established by local health and fire safety codes and verified by the Washington County Health Department and the local fire authority (Maximum occupancy is commonly determined by square footage and bedrooms of a Dwelling Unit).

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30.1.4.B.v The Owner's Social Security Number (if an individual sole proprietorship)

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or Federal Employer Identification Number (EIN) (if a business entity)

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30.1.4.B.vi The Transient Room Tax and Sales Tax Account Number obtained from the Utah State Tax Commission.

30.1.4.B.vii Any other information deemed necessary to inform the Town and the public about the intended use of the property as a Short-Term Rental.

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30.1.4.C All applications for STR Permits must include a set of self-addressed, postage-paid envelopes correctly addressed to all property owners within 300 feet from the exterior boundaries of the parcel upon which STR Unit is proposed. Said envelopes will be used by Town Staff to send written notice to neighbors of the proposed STR Unit and to provide them with contact information for the Owner or the management company for the STR Unit in the event of a problem. The mailing will also include a list of standards and requirements contained in this Section that all STR Units must comply with and information about how problems should first be addressed with the Owner or applicable management company and, if not resolved, then reported to the Town.

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30.1.4.D STR Permit Applications are reviewed and approved by the Town Staff. In the event the Town Staff determines that an application does not comply with the requirements and standards set forth in this Section, it shall deny the same.

30.1.4.E A person applying for or holding an STR Permit who receives notice from the Town of denial of their STR Permit application or the non-renewal of their existing STR Permit may appeal said decision to the Town's Appeal Authority in compliance with A.M.U. Chapter 3 and Utah Code Ann. § 10-9A-701 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.

30.1.4.F An applicant must pay a STR Permit fee at time of application submittal. The STR Permit fee shall be designated in the Town's Uniform Fee Schedule and established and modified from time to time by resolution. All STR Permit applications will be deemed automatically incomplete until the STR Permit Fee has been paid.

30.1.4.G An updated application is required to be provided to the Town if any of the contact information of the Owner or management company handling STR renting for the Development is changed throughout the permit year.

30.1.5 STR PERMIT RENEWAL AND TRANSFER.

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STR Permits are good for 365 days after the date of issuance. A STR Permit may be renewed upon the occurrence of the following:

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30.1.5.A Payment to the Town of the annual STR Permit fee. 30.1.5.B Submittal to the Town of an updated application if:

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30.1.5.B.i The Owner or management company handling STR renting for the applicable Development (or their contact information) has changed.

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30.1.5.B.ii The Owner has made modifications to the STR Unit such that a higher

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number of maximum occupants is requested. In this instance, the Owner shall provide the Town with written current certification from the local health department and the local fire authority indicating the increased

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maximum number of occupants desired in the STR Unit complies with local health and fire safety codes. or

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30.1.5.B.iii The Owner has changed its Transient Room Tax and Sales Tax Account Number with the Utah State Tax Commission.

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30.1.5.C The Town confirms with the Utah State Tax Commission that the Owner or the management company handling STR rental of the applicable STR Unit is current on the Owner's remittance of transient room tax and sales tax.

30.1.5.D The Town has not received more than two unresolved complaints stemming directly from the Owner's Short Term Rental during the previous STR Permit period. If more than 2 unresolved complaints stemming from an STR Unit exists the Town Staff may deny the renewal request or may place additional requirements upon the issuance of a renewed STR Permit that are reasonably calculated to resolve the existing issues and prevent future problems and that are roughly proportional to the magnitude of the problem(s).

30.1.5.E If an Owner has had their STR Permit renewed with additional conditions and/or requirements pursuant to the preceding section, they may appeal the Town Staff's decision to the Town's Appeal Authority in compliance with Chapter 3 of VULL and Utah Code Ann § 10-9A-701 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.

30.1.5.F In the event of a sale or other transfer (except involuntary transfers such as foreclosure or sheriff's sale) of any property containing a Dwelling Unit with a STR Permit, the purchaser or transferee of the property shall be required to apply for a new STR Permit within forty five (45) days of the date of purchase or transfer. In the event the purchaser or transferee fails to apply for a new STR Permit within said forty five (45) days, the STR Permit will be forfeited and the Owner must re-apply.

30.1.6 STANDARDS AND REQUIREMENTS FOR SHORT TERM RENTALS:

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In addition to any other requirement of this Section, a Short Term Rental and a STR Permit may be approved by Town Staff only if:

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30.1.6.A The proposed STR Unit is located in a STR Development Overlay Zone.

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30.1.6.B The proposed STR Unit is an entire Dwelling Unit that has been issued a certificate of occupancy by the Town. Portions of a Dwelling Unit may not be used as a Short Term Rental with the remainder being occupied by the Owner or a tenant under a long term lease of more than thirty (30) days—this type of use is considered Residential Hosting and the Owner must obtain an RHF Permit pursuant to Section 2 of this Chapter.

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30.1.6.C Standards for number of guests, number of vehicles, parking, noise restrictions, and all other applicable standards already set by the Town, the State of Utah, the local health department and the local fire authority must be complied with by the Owner and/or their management company.

30.1.6.D There are no "on premise" or "off premises" exterior signage or display advertising the proposed STR Unit or its use as a Short Term Rental regardless of the Town's regulations found in Chapter 26 of VULL (Sign Regulations).

30.1.6.E The proposed STR Unit has fully functioning smoke alarms and carbon monoxide detectors which meet the Underwriters Laboratory (UL) 217 standards, installed in the number and location required by the current uniform building, safety and fire codes adopted by the Town.

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30.1.6.F The proposed STR Unit has sufficient Off-Street Parking in compliance with Chapter 7 of V.C.L.C. (Off-Street Parking Requirements). Off-Street Parking may not be provided within the front yard setback other than the existing driveway.

30.1.6.G The principal renter of a STR Unit shall be of legal adult age (18 Years Old).

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30.1.6.H The maximum number of paying adult and children guests permitted in a STR Unit shall not exceed local health department and fire authority regulations.

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30.1.6.I The Owner or its management company handling STR renting shall have set up a Transient Room Tax and Sales Tax Account with the Utah State Tax Commission and agree to be fully responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by Utah law, V.C.L.C. or other Town Ordinances.

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30.1.6.J The Owner and or its management company handling STR renting shall agree to provide guests with a summary of all laws and regulations of the Town that is applicable to Short Term Rental uses.

30.1.6.K The Owner and or its management company handling STR renting shall provide a brochure or other alternative publication to guests of the STR Unit containing their minimum standards of personal conduct during their visit to the Town.

30.1.6.L The STR Unit may not be composed of, a part of, or be subordinate of a Boarding House, Lodging House, Hotel, Motel, Tent, Campground Cabin, Travel Trailer, Recreational Vehicle ("RV"), Mobile Home or a non-tourist based Congregate Living Facility.

30.1.6.M The STR Units located on a dedicated street that meets all requirements of the current version of the International Fire Code adopted by the Town.

30.1.6.N The STR Unit possesses landscaping that is maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on-site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

30.1.7 STR COMPLIANCE AND LIABILITIES

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It is recognized that the Owner of an STR Unit shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of their Dwelling Unit as a STR Unit, regardless of whether such noncompliance was committed by the Owner, their management company, or the occupants of the STR Unit or their guests. In furtherance of the above applicants for an STR Permit expressly acknowledge and consent to the following:

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30.1.7.A Owners may be held liable for violation of Town ordinances that happen on their property.

30.1.7.B Complaints from adjacent or nearby property owners about the STR Unit must be in writing to the Town office and will be responded to by the Town within a reasonable time period.

30.1.7.C A complaint received will not be considered a violation or unresolved complaint to be considered grounds for revocation or non-renewal of the STR Permit until proper notification to the Owner and investigation by the Town or law enforcement authorities have been completed.

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30.1.7.D Two or more citations issued in violation of Town ordinance, State, County or Federal laws, if they are not resolved in a timely manner by the Owner or their management company may be cause for revocation or non-renewal of the STR Permit in compliance with Subsections 30.1.3 D & E and 30.1.8.

30.1.7.E Short Term Rental of a Dwelling Unit is subject to Virgin's Transient Room Tax Ordinance, therefore Owners, or their management company must collect said tax and all applicable sales tax and remit the same to the Utah State Tax Commission as required by State Law.

30.1.7.F This Subsection I of Chapter 30 (Special Lodging) of VLLU does not supersede the CC&Rs or any other privately negotiated restrictive covenants established by private subdivisions. The Town does not have authority, and will not enforce CC&Rs or any other privately negotiated restrictive covenant.

30.1.8 STR ENFORCEMENT

A STR Permit may be revoked or not renewed by the Town if:

30.1.8.A The STR Unit that was originally constructed as a Residential Dwelling Unit has been repurposed for a use other than that of a Residential Dwelling Unit.

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30.1.8.B There is a change of ownership of the STR Unit and a purchaser or transferee fails to apply for a new STR Permit within 45 days of the transfer of title as prescribed by Subsection 30.1.3.F.

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30.1.8.C The Owner or his management company fails to pay any renewal STR Permit fee after sufficient notice.

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30.1.8.D The STR Unit and/or secondary structures on the property fails to comply with applicable health, safety, or building codes and the Owner will not comply in a timely manner to bring the property into compliance with said codes.

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30.1.8.E Other illegal activities have occurred at, or related to the STR Unit, which the Town reasonably determines is clearly contrary to the purpose and intent of this Section.

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30.2 RESIDENTIAL HOSTING FACILITY (RHF) PURPOSE.

The purpose of Section 30.2 of this Chapter is to describe the process and set forth standards for the leasing of portions of a residential dwelling for periods of less than thirty (30) consecutive days - also known as "Residential Hosting."

30.2.1 DEFINITIONS.

For the purposes of this Chapter all of the definitions contained in [VLLU Leeds Land Use Ordinance 2008-04, Chapter I \(including the definition Residential Hosting Facilities \("RHF"\) as amended\)](#) and throughout the various chapters of

UUU are incorporated herein. Commonly words or terms that are capitalized are defined in UUU Chapter 1, but they can also be imbedded into the body of various UUU Ordinance 2008-04 chapters.

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30.2.2 NATURE OF USE - RESIDENTIAL HOSTING OR RHF.

The short term renting of portions of a residential Dwelling Unit (aka Residential Hosting) is a Conditional Use in all Residential (R) and Agricultural (A) zones requires an annual Residential Hosting ("RH") permit issued by the Town, subject to the Owner obtaining and maintaining a RHF Permit. The Dwelling Unit must be listed as "Primary Improved" on the property record provided by the Washington County, Utah Assessor's Office.

30.2.3 RHF PERMIT APPLICATION AND FEES.

In order to obtain and maintain an RHF Permit an Owner of a proposed residential Dwelling Unit where Residential Hosting will occur must do the following:

30.2.3.A Obtain, complete and provide an RHF Permit application and any other required documents to the Town.

30.2.3.B The Owner must submit the following information on a Town approved RHF Permit application form:

30.2.3.B.i All applicable and current contact information of the Owner of the proposed RHF residence.

30.2.3.B.ii The street address of the proposed RHF residence.

30.2.3.B.iii The number of bedrooms and the applicable occupancy limits of the proposed RH residence as established by local health and fire safety codes and verified by the Washington County Health Department and the local fire authority (Maximum occupancy is commonly determined by square footage and bedrooms of a Dwelling Unit). Notwithstanding the foregoing, no more than two rooms may be rented to no more than four people at any time.

30.2.3.B.iv A diagram of the proposed RH residence which clearly depict each bedroom or sleeping area and bathroom ("RH residence Guest Quarter(s)") of the Dwelling Unit where guests will privately reside.

30.2.3.B.v The maximum number of guests that can stay in each RH residence Guest Quarter while taking into consideration the overall maximum occupancy of the RH residence (4 Guests and a total of 10 occupants - including the Owner and his/her family unit).

30.2.3.B.vi The Owner's Social Security Number (if an individual/sole proprietorship) or Federal Employer Identification Number (EIN) (if a business entity).

30.2.3.B.vii The Transient Room Tax and Sales Tax Account Number obtained from the Utah State Tax Commission.

30.2.3.B.viii Proof of Homeowner's Insurance with an attestation from the Insurer

that operating an RH facility is covered from a liability standpoint.

30.2.3.B.ix A safety inspection report from the Hurricane Valley Fire Special Service District, free of any deficiencies.

30.2.3.B.xviii Any other information deemed necessary to inform the Town and the public about the intended use of the property as an RH residenceF Unit.

30.2.3.C All applications for RH residenceF Permits must include a set of self-addressed, postage-paid envelopes correctly addressed to all property owners within 300 feet from the exterior boundaries of the parcel upon which the RH residenceF is proposed. Said envelopes will be used by Town Staff to send written notice to neighbors of the proposed RH residenceF

and to provide them with contact information for the Owner in the event of a problem. The mailing will also include a list of standards and requirements contained in this Section that all RH [residenceF](#)s must comply with, ~~how problems should first be addressed with the Owner of said Unit and, if not resolved, then~~ and how violations should be reported to the Town.

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30.2.3.D RH [residenceF](#) Permit Applications are reviewed and approved by the Town Staff. In the event the Town Staff determines that an application does not comply with the requirements and standards set forth in this Section, it shall deny the same.

30.2.3.E An applicant or Owner holding an RH [residenceF](#) Permit who receives notice from the Town of denial of their RH [residenceF](#) Permit application or the non-renewal of their existing RH [residenceF](#) Permit may appeal said decision to the Town's Appeal Authority in compliance with ~~VLLU Land Use Ordinance 2008-04~~ Chapter 3 and Utah Code Ann. § 10-9A-701 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.

30.2.3.F An applicant must pay an RH [residenceF](#) Permit fee at time of application submittal. The RH [residenceF](#) Permit fee shall be designated in the Town's Uniform Fee Schedule and established and modified from time to time by resolution. All RH [residenceF](#) Permit applications will be deemed automatically incomplete until the RH [residenceF](#) Permit Fee has been paid.

30.2.3.G An updated application is required to be provided to the Town if any of the contact information of the Owner is changed throughout the permit year

30.2.4. RHF PERMIT RENEWAL.

RH [residenceF](#) Permits are good for 365 days after ~~being~~ issued. An RH [residenceF](#) Permit may be renewed upon the occurrence of the following:

30.2.4.A Payment to the Town of a new annual RH [residenceF](#)

Permit fee.

30.2.4.B Submittal to the Town of an updated application if:

30.2.4.B.i The Owner (or their contact information) has changed,

30.2.4.B.ii The Owner has made modifications to the RH [residenceF](#) or re-designation of the RH [residenceF](#) Guest Quarters of such that a higher number of maximum occupants is requested. In this instance, the Owner shall provide the Town with written current certification from the local health department and the local fire authority indicating the increased maximum number of occupants desired in the RH [residenceF](#) complies with local health and fire safety codes, or

30.2.4.B.iii The Owner has changed its Transient Room Tax and Sales Tax Account Number with the Utah State Tax Commission

30.2.4.C The Town confirms with the Utah State Tax Commission that the Owner is current on the Owner's remittance of transient room tax and sales tax.

30.2.4.D The Town has not received more than two unresolved complaints stemming directly from the Owner's Residential Hosting during the previous RH residence Permit period. If more than 2 unresolved complaints stemming from an RH residence exists the Town Staff may deny the renewal request or may place additional requirements upon the

issuance of a renewed RH residenceF Permit that reasonably ~~calculated to~~ resolve the existing issues and prevents future problems and that are roughly proportional to the magnitude of the problem.

30.2.4.E If an Owner has had their RH residenceF Permit renewed with additional conditions and/or requirements pursuant to the preceding section, they may appeal the Town Staff's decision to the Town's Appeal Authority in compliance with Chapter 3 of VLLU Ordinance 2008-04 and Utah Code Ann § 10-9A-701 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.

30.2.5 STANDARDS AND REQUIREMENTS FOR RESIDENTIAL HOSTING FACILITIES/RESIDENCES.

In addition to any other requirement of this Section, Residential Hosting and an RH residenceF Permit may be approved by Town Staff only if:

- 30.2.5.A** The proposed RH residenceF is located in a Residential or ~~Agricultural~~ Rural Residential Zone of the Town.
- 30.2.5.B** The proposed RH residenceF is a Dwelling Unit that has been issued a certificate of occupancy by the Town.
- 30.2.5.C** Standards for number of guests, number of vehicles, parking, noise restrictions, and all other applicable standards already set by the Town, the State of Utah, the local health department and the local fire authority are complied with by the Owner.
- 30.2.5.D** The RH residenceF has no more than ~~two~~ two separate RH residenceF Guest Quarters within it and the total number of occupants within the RH residenceF does not exceed ~~four~~ four ~~Guests and~~ 10 persons including the Owner and the Owner's family unit dwelling within and upon the RH residenceF. Maximum occupancy must be posted in each individual RH residenceF Guest Quarter.
- 30.2.5.E** There are no "on premise" or "off premises" exterior signage or display advertising the proposed RH residenceF or its use as Residential Hosting Facility regardless of the Town's regulations found in Chapter 226 of VLLU Ordinance 2008-04 (Sign Regulations).
- 30.2.5.F** The proposed RH residenceF (including all RH residenceF Guest Quarters) has fully functioning smoke alarms and carbon monoxide detectors ~~which~~ meeting the Underwriters Laboratory (UL) 217 standards, installed in the number and location required by the current uniform building, safety and fire codes adopted by the Town.
- 30.2.5.G** The proposed RHF has sufficient Off Street Parking on site in compliance with Chapter 67 of VLLU Ordinance 2008-04 (~~Off Street~~ Parking Requirements). Off Street Parking may not be provided within the front yard setback other than the existing driveway.
- 30.2.5.H** The principal renter of an RH residenceF Guest Quarter shall be of legal adult age (18 Years Old).

30.2.5.1 The Owner shall have set up a Transient Room Tax and Sales Tax Account with the Utah State Tax Commission and agree to be fully responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by Utah law, ~~Ordinance 2008-04~~ or other Town Ordinances.

30.2.5.J The Owner agrees to provide guests with a summary of all laws and regulations of the Town that is applicable to ~~Short-Term Rental and~~ Residential Hosting uses.

30.2.5.K The Owner shall provide a brochure or other alternative publication to guests of their RH ~~residenceF~~ containing basic, minimum, standards of personal conduct during their visit to the Town.

30.2.5.L The RH ~~residenceF~~ or RH ~~residenceF~~ Guest Quarter(s) are not comprised of, a part of, or a conglomerate of a Boarding House, Lodging House, Hotel, Motel, Tent, Campground Cabin, Travel Trailer, Recreational Vehicle ("RV"), Mobile Home or a Congregate Living Facility.

30.2.5.M The RH ~~residenceF~~ is located on a dedicated street that meets all requirements of the current version of the International Fire Code adopted by the Town.

30.2.5.N The RH ~~residenceF~~ possesses landscaping that is maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on-site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip, if available.

30.2.5.O If animals are allowed by the owner, pets must be boarded inside the residence and may not be allowed outside unless accompanied by an adult,

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30.2.6 RH ~~RESIDENCEF~~ COMPLIANCE AND LIABILITIES.

30.2.6.A Owners may be held liable for violation of Town ordinances that happen on their property.

30.2.6.B Complaints from an adjacent or nearby property owners about an RH ~~residenceF~~ must be in writing to the Town office and will be responded to by the Town within a reasonable time period.

30.2.6.C A complaint received will not be considered a violation or unresolved complaint to be considered grounds for revocation or non-renewal of the RHF Permit until proper notification to the Owner and investigation by the Town or law enforcement authorities have been completed.

30.2.6.D Two or more citations issued in violation of Town ordinance, State, County or Federal laws, if they are not resolved in a timely manner by the Owner may be cause for revocation or non-renewal of the RH ~~residenceF~~ Permit in compliance with Subsections 30.2.2.D & E and 30.2.5.

30.2.6.E Residential Hosting and RH ~~residenceFs~~ are subject to ~~Leeds-Virgin's~~ Transient Room Tax Ordinance, therefore Owners must collect said tax and all applicable sales tax and remit the same to the Utah State Tax Commission as required by State Law.

30.2.6.F This Section 2 of ~~Chapter 30 (Special Lodging) of VULU this Ordinance~~ does not supersede the CC&Rs or any other privately negotiated restrictive covenants established by private subdivisions. The Town does not have authority, and will not enforce CC&Rs or any other privately negotiated restrictive covenant.

30.2.7 ENFORCEMENT.

An RH residence Permit may be revoked or not-renewed by the Town if:

30.2.7.A The RH [residence](#) that was originally constructed as residential Dwelling Unit has been repurposed for a use other than that of a residential Dwelling Unit,

30.2.7.B The Owner fails to pay any annual RH [residence](#) Permit fee after sufficient notice,

30.2.7.C The RH [residence](#) and/or ancillary structures on the property fails to comply with applicable health, safety, or building codes and the Owner will not comply in a timely manner to bring the property into compliance with said code; or

30.2.7.D Other illegal activities have occurred at, or related to the RH [residence](#), which the Town reasonably determines is clearly contrary to the purpose and intent of this Ordinance.

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