**TOQUERVILLE CITY**

**ORDINANCE 2019.XX**

**NIGHTLY RENTAL**

An ordinance amending Title 10, Chapter 17-3 - Nightly Rentals: to clarify primary residence ownership.

RECITALS

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized under the laws of the State of Utah; and

WHEREAS, the current General Plan identifies the community vision for Toquerville and the expectation for the city to responsibly plan for increased tourism; and

WHEREAS, Toquerville wanted to preserve the original spirit of the law regarding a nightly rental and clarify residing owner requirements of a nightly rental.

ORDINANCE

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of Toquerville City, State of Utah, as follows:

**10-17-3: NIGHTLY RENTAL:**

F. Owner Living Within City Requirement: A nightly rental of a dwelling may occur only during a time when the owner of the dwelling is residing within the Municipal boundaries of the City. For purposes of this chapter, the term "owner" shall mean:

1. A natural person who owns the controlling interest of the dwelling wherein the nightly rental occurs, or

2. A business entity of which a natural person principal holding a controlling interest of at least fifty one percent (51%) of the entity shall have a primary residence within the City.

REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the City Council.

PASSED AND APPROVED THIS 8TH DAY OF AUGUST, 2019.

Justin Sip Aye \_\_\_ Nay \_\_\_\_ Abstain/Absent\_\_\_\_

Ty Bringhurst Aye \_\_\_ Nay \_\_\_\_ Abstain/Absent\_\_\_\_

Keen Ellsworth Aye \_\_\_ Nay \_\_\_\_ Abstain/Absent\_\_\_\_

Alex Chamberlain Aye \_\_\_ Nay \_\_\_\_ Abstain/Absent\_\_\_\_

Paul Heideman Aye \_\_\_ Nay \_\_\_\_ Abstain/Absent\_\_\_\_

CITY OF TOQUERVILLE

a Utah Municipal Corporation

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Lynn Chamberlain, Mayor

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Attest: Dana McKim, City Recorder