

Ordinance No. DRAFT

AN ORDINANCE OF THE BOARD OF SAN JUAN COUNTY COMMISSIONERS
REGULATING THE LICENSING AND USE OF DWELLINGS FOR SHORT TERM
RENTALS.

WHEREAS, said Board of Commissioners deems it necessary to pass said ordinance in order to balance the right of property owners to use their property in all lawful ways against the right of property owners to the quiet use and enjoyment of their property; and

WHEREAS, said Board of Commissioners finds it necessary for the protection and preservation of the public health, safety and welfare;

BE IT HEREBY ORDAINED that _____ (citation) of the San Juan County Code in its entirety reads as follows:

_____ (citation) SHORT TERM RENTAL RULES AND REGULATIONS:

Regulations and restrictions imposed by this section are in recognition of the premise that a short term rental (occupancy of less than thirty (30) days) provides 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 B. below and total license limits listed in C. 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.

Except for the need to obtain a business license and meet health, safety, and maintenance requirements under this section, existing short term rental units presently in existence will be grandfathered in and exempt from some sections of this ordinance. However, upon the sale, transfer, or discontinued use of any grandfathered short term rental property, that property's grandfathered status will be terminated and the property will be treated as would any new property seeking to obtain approval to operate a short term nightly rental within the county.

A. Business License Required:

No dwelling in any zone shall be occupied or used as a short term rental, or advertised for use as a short term rental, until such time that the owner has obtained a short term rental business license issued in accordance with the provisions of this section.

B. Conditions for Issuance of a Business License for a Short Term Nightly Rental:

In addition to any other requirement in this section, a short term rental business license shall be approved by the county if:

1. The dwelling unit is located in a single family dwelling that has been issued a certificate of occupancy by the date of the adoption of this

ordinance, or has been in use as a residential dwelling for at least six (6) months from issuance of a certificate of occupancy before application is made for a short term rental business license. Portions of a single family dwelling may not be used as a short term rental.

2. The property line of dwellings licensed as short term rentals is within three hundred feet (300'), as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term rental license being sought.
3. The application lists 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.
4. The application includes a valid Utah State Tax number for remittance of all applicable taxes.

C. Limit on Total Number of Short Term Nightly Rental Licenses:

The total of short term rental business licenses issued within San Juan County shall be limited in accordance with the following:

1. The maximum number of short term rental business licenses for property's not in commercial zones shall be based upon the number of short term rentals that does not exceed or conflict with Section B.2. above.

D. Parking Regulations:

The owner of any property licensed as a short term rental shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term rental.
2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. All guests parking shall be contained on the site.
4. The number of vehicles allowed by the occupants of the short term rental shall be restricted to the number of off street parking spaces provided by the owner.

E. Maintenance Standards:

Any property that contains a dwelling which is licensed as a short term rental 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 neighborhood.
2. 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 Code codes for egress and be equipped with smoke detectors in each bedroom and CO2 detectors and on each floor of a dwelling. A fire exiting plan and maximum occupancy number must be posted in each sleeping room of a dwelling. ADA???

F. Prevention of Noise, Nuisance or Trespass:

The owner of any dwelling licensed as a short term rental shall be responsible to ensure that guests or occupants of the short term nightly rental 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 neighborhood.
2. Disturb the peace of surrounding residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after ten o'clock (10) p.m., or similar activities.
3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential 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.

G. Required Posting:

The following information must be posted in a clear, concise, and unambiguous manner in a conspicuous location inside any dwelling licensed as a short term nightly rental:

1. A copy of the short term rental license.
2. The name, address, and phone number of the owner or property manager.
3. If required by the Fire Marshal, 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.

H. Miscellaneous Rule and Regulations:

The following rules and regulations shall apply to any dwelling for which short term business license has been issued.

1. Outdoor pools, hot tubs, or spas, shall not be used between the hours of eleven o'clock (11:00) p.m. and six o'clock (6) a.m.
2. **Maximum occupancy in any dwelling licensed as a short term rental shall be one (1) person for every 200 square feet of living space. If, however, the property has a sprinkler system or other fire suppression system acceptable to the San Juan County as proved by the owner and supported by the fire marshal, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulation sign.**
3. The owner or property manager shall provide information on current occupants to police or emergency personnel. The owner or other person designated as the property manager shall respond to complaints and concerns within (1) hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
4. 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, non-paying guests of the owner, or paying guests of the owner. The county 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.
5. **At the short term rental owner's expense, an inspection of a short term rental property for compliance with these regulations will be performed at a time of business license review. Additional inspections may be**

performed with 24 hour notice to the license holder/property manager if deemed necessary by the county.

6. The owner of any dwelling licensed as a short term rental shall be required to collect and remit on timely basis all applicable taxes.

I. Enforcement Provisions:

1. Any owner of any dwelling , in any zone within San Juan County who allows or permits occupation of said dwelling as a short term rental, as defined herein, without first having first obtained a business license in accordance with the provisions of this section shall be guilty of a Class B misdemeanor, which shall be punishable by a fine of up to \$1,000.00 and imprisonment for up to 6 months, or any combination thereof for each violation.
2. Any owner of any dwelling, who, having first obtained a business license for use or occupation of said dwelling as a short term rental, thereafter, operates or permits operation of said short term rental in violation of the terms and provisions of this section shall be guilty of an Infraction, and shall be punished by a fine of not less than 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 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 (3) or more violations of this section committed by an owner or guest, or any combination of the two, within any 12 month period, the county commission may, depending on the nature or extent of the violations, proceed with revocation of the business license for any short term rental property in accordance with the provisions of the general business license ordinance.

BE IT FURTHER ORDAINED that the subject matter of this ordinance shall be deemed to be of an urgent nature or in the nature of an emergency, and that this ordinance, upon passage and approval, shall take effect at the earliest possible time permitted by law after publication or posting.

PASSED AND APPROVED on this ____ day of _____, 2017.

Bruce Adams, Chair
San Juan County Board of Commissioners

Attest:

John David Nielsen, County Clerk