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Chapter 34 Residential Short Term Rental (STR)

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34.01 Purpose

This section provides regulations and design standards for residential short-term rentals (STRs) for single family and multi-family neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of West Haven residents and preserving the residential character of city neighborhoods. In allowing STRs, this section provides existing property homeowners economic relief who might otherwise be forced to leave a neighborhood, thus promoting and preserving affordable housing in the City of West Haven. This section is designed, and its purpose is, to stabilize neighborhoods by promoting home ownership.

HISTORY

Adopted by Ord. [12-2020](#) on 5/6/2020

34.02 Residential Short Term Rental (STR)

An STR is prohibited in all residential dwellings and residential districts without first obtaining ~~an~~ a **STR land-use permit Short Term Rental Business License** as provided in this section and being issued a valid business license. The following are exempt and shall not be subject to this section:

1. A residential lease of 30 or more consecutive days
2. RV parks, campgrounds, hotel, and motels, as described and regulated in the West Haven Code.

HISTORY

Adopted by Ord. [12-2020](#) on 5/6/2020

34.03 BUSINESS LICENSE; ROOM TAX

1. The Owner must continuously maintain in force and effect a West Haven City business license for each short-term rental property and timely pay all taxes and fees relating to such business, including, without limitation, the transient room tax of 1% as provided in Utah Code §59-12-352 et. seq., as amended.
2. An Owner may designate a separate agent to act as Operator of the Owner's short term rental property and may authorize that Operator to apply for, obtain, and maintain the business license and to prepare, submit, and remit associated taxes, reports, and fees; however, the business license shall be in the Owner's name.
3. License applications shall contain such information as the License Official shall from time to time require, including the location of the short-term rental property, the number of bedrooms contained in such property, the number and availability of appropriate parking spaces, the name, address, and telephone number of the Owner, the name, address, and telephone number of any non-owner Operator, and a telephone number for which a responsible party may be reached 24 hours a day, 7 days a week.
4. For the purpose of regulation and to defray the cost of municipal regulation and administration, an annual Short Term Rental Business License Fee as set forth in the City Fee schedule shall be

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levied and assessed for each Short Term Rental. Failure to pay the annual fee shall result in the revocation of the license.

5. Before a license is granted hereunder; the short-term rental property must pass a fire code inspection.
6. The requirements for short-term rentals are intended to preserve the neighborhood feel of residential communities.

34.03 04 General Standards And Requirements

An STR use may be allowed within any existing legal residential dwelling by an ~~administrative land use permit~~ **Short Term Rental Business License** from West Haven City, if the application demonstrates compliance with requirements of the West Haven Land Development Code and the following standards and requirements:

1. Application. A completed application form provided by the City.
2. Property Description. A detailed written description and drawing of the property that identifies the use of each room of the dwelling and fully describes the portions of the dwelling to be used for an STR shall be provided. Only one (1) designated STR area is allowed for a property.
3. Owner Occupancy. The owner of the subject property shall live in the primary dwelling in which an STR is desired, and must reside there as their primary residence.
 1. An individual shall prove ownership of the property by way of a copy of a transfer deed listing the applicant as the fee title owner. Fee title owner may be an individual or trustor of a family trust that possesses 50% or more ownership of the proposed STR. Fee title owner may not be a corporation, partnership, limited liability company, or similar entity.
 2. To establish that the property is the owner's primary residence, the owner shall:
 1. Present a government issued identification document listing the address of the property as the address of the owner; together with
 2. Provide a signed affidavit sworn before a notary public stating that the proposed property is the primary residence of the owner, where they reside at least ~~275 (two hundred seventy five)~~ **183 (one hundred eighty three)** days per calendar year.
4. Occupancy During Rental Period. The subject property shall comply with the following occupancy restrictions:
 1. The applicant shall provide the maximum renter occupancy proposed and demonstrate that sufficient parking has been provided off street at a rate of one-half (1/2) space per bedroom or sleeping area with at least 1 (one) space.
 2. The property shall not be rented to more than one renter at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple renters simultaneously.
 3. A property shall not be exclusively rented as an STR for more than 182 nights per year.
 1. ~~The owner must reside on the property while it is occupied by a renter.~~
 2. The property shall only be rented for a minimum duration of one (1) night and a maximum of twenty (20) consecutive nights for each renter.
5. Parking Plan. A detailed written description and a drawing of an off-street parking plan must be provided to ensure that all occupants of the home and STR can be accommodated on-site. Parking shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit and may not include any on-street parking. Shared guest parking as part of a multi-family dwelling shall only be permitted upon express written approval of the HOA or property management, as applicable. Any proposed parking improvements shall also be included in the off-street parking plan, and must be completed prior to issuance of an STR business license. All elements of the parking plan must comply with all other requirements of this title.
6. Conflict of Private Restrictions. The City has no obligation or responsibility to research and enforce an applicant's property's existing private covenants, conditions, or restrictions prohibiting

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STRs. It is the exclusive responsibility of a property owner to research and have full knowledge and understanding of those private covenants, conditions or restrictions that run with and are attached to their property. By submitting an application to the City for an STR, the applicant is certifying that they have full knowledge and understanding of those private covenants, conditions or restrictions that run with their property and have a full understanding of whether those items prohibit an STR.

7. Urgent Response. The owner, or a designated representative, shall be available to immediately respond 24 hours/day, 365 days/year by telephone, and when necessary, be able to physically respond within one hour of any legitimate complaint. If the owner is unreachable after three (3) attempted contacts by the City of West Haven, a notice of violation will be issued.
8. Property Maintenance Requirements. All short-term rentals shall adhere to all City ordinances, including, but not limited to:
 1. Maintenance . Owners must adhere to the property maintenance regulations in the West Haven City Code, including, but not limited to, requirements for weed abatement, landscaping, garbage removal, structure maintenance, and fence/wall maintenance.
 2. Snow Removal. Owners shall remove all snow from the sidewalks of the property within 24 hours after snowfall in accordance with the West Haven City Code.
9. Noise and Nuisance Control. Owners shall ensure that renters adhere to the Noise Ordinance of the West Haven City Code. Should a renter violate the Noise Ordinance more than once in any given 72-hour period, they shall be immediately evicted from the property by the owner.
10. Noticing and Posting Requirements. A renter informational packet must be maintained in a highly visible place within the dwelling or STR area, and must include the following:
 1. City issued STR business license.
 2. 24/7 owner, or a designated representative, contact information.
 3. Parking requirements, including site map of approved designated parking areas.
 4. Approved maximum occupancy.
 5. The Noise Ordinance of the City of West Haven.
 6. Garbage pick-up dates, and a written description of where garbage receptacles must be placed for pick-up.
 7. Contact information for the West Haven City Police and Weber Fire District.
 8. Other contact information or information related to other regulations or conditions of an approval through the land use permit process, as required by the West Haven City.

HISTORY

Adopted by Ord. [12-2020](#) on 5/6/2020

34.04 05 Violations

It shall be a violation for any person to operate an STR:

1. Without first obtaining an STR land use permit, as regulated in this section, and before having been issued a valid STR business license; or
2. That does not comply with the requirements of this chapter, the Revised Ordinances of West Haven, or the West Haven City Land Development Code.

HISTORY

Adopted by Ord. [12-2020](#) on 5/6/2020

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34.05 06 Enforcement And Fines

Upon a determination that a violation exists, the Code Enforcement Officer, or designee, will contact the owner, shall require such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Code Enforcement Officer, or designee, may determine.

1. Each day that a violation occurs or continues is a separate violation.
2. For any violation of this section, the Code Enforcement Officer, or designee, may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.
 1. For the first violation within any 12-month period, the penalty shall be \$500.
 2. For a second violation within any 12-month period, the penalty shall be \$750.
 3. For a third violation within any 12-month period the penalty shall be \$1,000 plus revocation of the STR business license and land use permit. The owner shall then be ineligible for an STR land use permit and an STR business license for two years from the date of the third notice of violation.
 4. For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the STR owner shall be permanently ineligible to receive an STR land use permit and an STR business license.

HISTORY

Adopted by Ord. [12-2020](#) on 5/6/2020

34.07 Definitions

Renter - A single person or group of people who provide compensation, in any form, in exchange for occupancy of a dwelling unit, or portion thereof, under one lease or rental agreement.

HISTORY

Adopted by Ord. [12-2020](#) on 5/6/2020