

ORDINANCE NO. 2022-24

AN ORDINANCE AMENDING SECTION 1707 BED AND BREAKFAST INN AND SHORT-TERM RENTALS, A LAND-USE ORDINANCE OF RICHFIELD CITY, AND ESTABLISHING SUBPOENA AND INSPECTION REQUIREMENTS

PREAMBLE

WHEREAS, the City of Richfield (“City”) has adopted the Zoning Ordinance, a Land Use Ordinance of Richfield, 2007 Edition, hereinafter the “Zoning Ordinance”; and

WHEREAS, the City adopted Ordinance No. 2021-17, amending the Zoning Ordinance to provide for definitions, requirements, and enforcement regulations related to hotels, motels, extended-stay rooms, and related matters, hereinafter the “Hotel Ordinance”; and

WHEREAS, state law and state construction and building codes recognize important differences between transient and non-transient use of hotel and other similar rooms for rent; and

WHEREAS, state law defines transient rentals or short-term rentals as rooms rented for 30 or fewer days, including in sections 10-8-85.4 and 59-12-103(1)(i) of the Utah Code; and

WHEREAS, state law defines non-transient rentals as rooms or dwellings rented for more than 30 days, including in sections 10-8-85.5 and 57-22-2(5) of the Utah Code; and

WHEREAS, the City has followed the state classification of rentals in the Hotel Ordinance by designating non-transient rentals as “Extended Stay” rooms; and

WHEREAS, the City reaffirms that there is a need to provide for transient rentals within the City, which at times have been in short supply; and

WHEREAS, the City reaffirms that proliferation of Extended Stay rooms within an area results in additional police calls, criminal activity, and disturbances in that area; and

WHEREAS, the City desires to encourage the provision of transient rentals in an appropriate balance with Extended Stay rooms through the City’s land use and zoning regulations as authorized by state law, including section 10-9a-102 of the Utah Code; and

WHEREAS, section 10-8-85.5 of the Utah Code allows the City to require that the owner of an Extended Stay room obtain a business license, comply with state construction and building codes, comply with the Utah Fit Premises Act, Title 57, Chapter 22 of the Utah Code, and comply with all other generally applicable health and building codes; and

WHEREAS, owners of hotels, motels, and other properties that provide Extended Stay rooms are required by the Utah Fit Premises Act, Title 57, Chapter 22 of the Utah Code, to maintain rental units in conditions fit for human habitation and in accordance with local ordinances and rules, and such owners are authorized to enter rental units upon proper notice to make repairs, correct dangerous conditions, and all standards of habitability are met; and

WHEREAS, owners of all places providing temporary sleeping accommodations are authorized by the Utah Innkeeper's Rights Act, Title 29, Chapter 2 of the Utah Code, to refuse or deny accommodations to or to eject a person due to disorderly conduct resulting in a public nuisance or in violations of federal, state, or local laws; and

WHEREAS, the City finds that the Hotel Ordinance conforms to and will help meet the goals, policies, and state law regulations described above; and

WHEREAS, the City desires to clarify the process by which the City may inspect records and property of owners of places providing transient and Extended Stay rooms.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF RICHFIELD, SEVIER COUNTY, STATE OF UTAH, AS FOLLOWS:

SECTION 1. Preamble. The recitals in the Preamble are enacted to be deemed a part of this Ordinance and are hereby declared to express the intent hereof.

SECTION 2. **Section 17.1707** shall be amended as follows:

17.1707 Bed and Breakfast, Short-Term Rentals, Hotel/Motel Including Extended Stay Rooms

A Bed and Breakfast Inn, Short Term Rental, Hotel/Motel, and Extended Stay shall be conducted traditionally to promote accommodations for travelers, which are in short supply at times, and shall comply with the following:

1. A Bed and Breakfast or Short-term rental shall be conducted only in a single-family dwelling and only by the owner of the dwelling and shall meet all applicable requirements of this Ordinance, and all other Land Use Ordinances, Building Codes, and Health Codes, as applicable.
2. The maximum number of guest rooms provided in a Bed and Breakfast or Short-term rental shall not exceed three (3).
3. The City Fire Chief shall inspect the premises of a Bed and Breakfast, Short-term rental, Hotel/Motel, or Extended Stay and provide a Fire Clearance that the dwelling and premises comply with all applicable Fire Codes, as adopted.
4. One (1) off-street parking area for each guest room, in addition to any parking requirements for the single-family dwelling, shall be provided. Parking of recreation vehicles, during the rental period, shall be allowed in the frontage of the short-term rental unit so long as it does

not block driveways, sidewalks, or the clear view area of a street or drive-way of an adjoining property or impede traffic on the street.

5. The address of any dwelling unit used for a Bed and Breakfast or Short-term Rental shall be clearly visible.
6. No accessory structure, motor home, travel trailer, boat, or similar vehicle or facility shall be used as guest rooms.
7. A Hotel/Motel shall provide transient rooms regularly rented for less than 30 days for a fee as herein defined and shall meet all applicable requirements of this Ordinance, and all other Land Use Ordinances, Building Codes, and Health Codes, as applicable.
8. A Hotel/Motel room regularly rented on a weekly or monthly basis exceeding a transient term of less than 30 days shall be considered extended stay rooms. Rooms used for Extended Stay shall provide a working kitchen, including a sink, a cooktop or range, and a bathroom; assigned and rented for more than one week, but not to exceed 90 days within a 180-day period. All rooms used for Extended Stay shall be cleaned regularly to comply with public health codes, the Utah Fit Premises Act, and prevent sanitation problems. The number of Extended Stay rooms shall not exceed 25% of the number of hotel/motel rooms available at the business location and shall meet all applicable requirements of this Ordinance, and all other Land Use Ordinances, Building Codes, and Health Codes, as applicable.
9. The Chief of Police may require, as set forth herein, that the manager or person in charge of any motel or hotel shall furnish a list of the persons who have registered at such motel or hotel including all guests in an Extended Stay room. The date and time of arrival of an occupant of each unit shall be noted upon the record to be kept pursuant thereto. In no event shall there be a letting to, or occupancy by, any other person of such unit within the day noted. No person residing within the municipality for a period of 60 days, or over, in any 180-day period, is to be deemed a transient under the provisions of the City Code, nor is such person to be permitted to occupy any unit licensed hereunder unless such unit is so constructed to be in full compliance with the Building Code.
10. The Chief of Police shall notify the manager or person in charge at least 24 hours in advance of the request to inspect. If the manager or person in charge does not grant the request to inspect or otherwise objects to the request, the Chief of Police may issue an administrative subpoena requiring the manager or person to make the records available for inspection within 24 hours of issuance, or the Chief of Police may obtain a warrant. Prior to issuance, administrative subpoenas shall be reviewed and approved by the city attorney.
11. No person shall register for accommodations at any hotel or motel under a false, fictitious, or assumed name, without first making his or her true name known to the person in charge thereof.
12. Whoever violates or fails to comply with any of the provisions of this section is guilty of a class B misdemeanor for each such offense. A separate offense shall be deemed committed for each unit and for each day during or on which a violation or noncompliance occurs or continues.
13. A business license, sales tax number, and collection of transient room tax shall be required for a Bed and Breakfast, Short-term Rental, Hotel/Motel, and Extended Stay.

SECTION 3. No other sections or provisions of the Zoning Ordinance shall be affected.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon adoption and publication, as provided by law.

PASSED and APPROVED BY THE RICHFIELD CITY COUNCIL THIS 26th DAY OF JULY 2022.

Mayor

ATTEST:

City Recorder

(SEAL)

	<u>AYE:</u>	<u>NAY:</u>
Councilmember Brayden Gardner	_____	_____
Councilmember Todd Gleave	_____	_____
Councilmember Kip Hansen	_____	_____
Councilmember Elaine Street	_____	_____
Councilmember Tanner Thompson	_____	_____