

BRIGHTON, UTAH

ORDINANCE NO. 2023-O- 4 - 1

AN ORDINANCE AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS
CHAPTER 5.19 SHORT TERM RENTAL SECTIONS 15, 16 AND 17 TO CLARIFY THE
MAPS SHOWING THE LOCATION OF WHERE SHORT TERM RENTAL LICENSES ARE
LIMITED AND CLARIFY WHEN AN APPLICATION IS COMPLETE FOR A SHORT
TERM RENTAL BUSINESS LICENSE

WHEREAS, certain areas of the Town are less compatible for short-term rental uses and the Town wishes to designate only specific areas where the uses should be limited; and

WHEREAS, where short-term rentals are allowed, they should be subject to reasonable regulations to address health and safety needs of guests and to prevent and abate nuisance conditions; and

WHEREAS, on February 14, 2023, the County adopted Ordinance 2023-O-2-1 which places limits on the number of short term rentals in different communities within the Town, implemented a waitlist when those caps are met, listed exceptions to when Short Term Rental Licenses could be transferred; and

WHEREAS, the Council wishes to clarify the boundaries of the Silverfork and Pinetree communities and exclude Beartrap from both of those areas;

WHEREAS, the Council wishes to clarify that an application cannot be complete for a short term rental license until a certificate of occupancy has been issued;

NOW, THEREFORE, BE IT ORDAINED by the Brighton Town Council that:

Section 1. Amended. Title 5, Chapter 19, Sections 015, 016, 017 of the Brighton Town Code are amended as follows:

5.19.015 Short Term Rental Limits

Short term rental properties are limited in the following areas of the Town:

A. Silver Fork Community—[See Map [in Town General Plan](#) attached as Exhibit 1]

No more than 15% of residential properties within this area as of January 1, 2023, may be used as short term rentals, rounded up to the nearest natural number.

B. Pine Tree Community—[See Map [in Town General Plan](#) attached as Exhibit 2]

No more than 15% of residential properties within this area as of January 1, 2023, may be used as short term rentals, rounded up to the nearest natural number.

5.19.016 Wait List for New License Applications

When issued and pending applications for short term rental license numbers reach the caps described in 5.19.015, the Town Clerk or designee shall create a waitlist of property owners applying to receive a short term rental license. The procedure for creating and maintaining the waitlist is as follows:

- A. Property owners with complete applications applying for a short term rental license will be placed on the waitlist if the number of all issued and pending applications equal the maximum allowable for that community.
- B. A property owner's position on the waitlist will be based on the date the Town receives a completed short term rental application. Incomplete applications will not be placed on the waitlist until completed.
- C. Only the current owners of a property can apply to be placed on the waitlist. A property owner's position on the waitlist is not transferrable except under conditions described in 5.19.017(B).
- D. The Town Clerk or designee will notify property owners of their position on the waitlist and will provide a copy of the waitlist upon request.
- E. As new licenses become available in a community, the owner at the top of the waitlist in that community will be contacted by the Town Clerk or designee and will have fourteen (14) business days to proceed with their application. submit a completed application to the Town.
- F. If, after receiving notice, a property owner on the waitlist fails to proceed with their application submit a completed license application to the Town within the fourteen (14) business day period, or if such owner notifies the Town that it declines to proceed with an application, the Town shall promptly notify the next property owner on the wait list and shall continue on the list until the available license is issued.

5.19.017 Licenses Nontransferable

- A. Except as otherwise provided in this section, a license granted pursuant to this chapter is subject to the transfer limitations in 5.05.060.
- B. Exceptions to Nontransferable License: If the real property for which a valid short term rental license has been issued is transferred pursuant to a deed meeting any of the following conditions, the Town may issue a new short term rental license to the grantee named in such deed:
 - 1. The transfer of title to real property when there is no consideration if the grantee is a member of the grantor's family.
 - 2. The transfer of title to real property from a grantor to a trust established by the grantor.
 - 3. The transfer of title to real property from a grantor to a limited liability company or another form of business entity recognized by Utah law so long as the grantor has a controlling interest in such limited liability company or other business entity.
 - 4. Any transfer of the property between the same parties creating or terminating a joint tenancy in such property.
 - 5. The transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.

6. The transfer of title to make effective any plan confirmed or ordered by a court of competent jurisdiction under the bankruptcy code or in an equity receivership proceeding.
 7. The transfer of title without consideration for the purpose of confirming, correcting, modifying, or supplementing a transfer previously recorded; making minor boundary adjustments; removing clouds of titles; or granting rights-of-way, easements, or licenses.
 8. The transfer of title pursuant to any decree or order of a court of record quieting, determining, or vesting title, including a final order awarding title pursuant to a condemnation proceeding.
 9. The transfer of title between spouses or former spouses made pursuant to a [marriage](#), separation agreement, decree of legal separation, or dissolution of marriage.
- C. Temporary License for Pending Reservations: Upon transfer of title of the property which had a License for a short term rental, a subsequent owner may request a temporary license for no longer than six (6) months from the date of the transfer only to allow such owner to honor reservations for the property that existed on the date of the transfer of legal title to the real property that was the subject of the previous license.

Temporary Licenses are not included in the license cap calculations.

5.19.030 License - Application - Contents

A. Applications shall contain the following information:

1. The location of the short-term rental,
2. The number of rooms therein contained,
3. The number of persons the short-term rental will accommodate,
4. The name of a property manager,
5. A sales tax collection and accounting number,
6. The name, address and telephone number of a local responsible party who is available by telephone twenty-four hours per day,
7. and a diagram of parking locations and the number of parking spots,
8. a floor plan of the short-term rental including the number of bedrooms and bathrooms,
9. Proof of Insurance as set forth in Section 5.19.061, and
10. Such other information as the license official shall from time to time require.

B. The application shall include a statement by the applicant affirming that the property has received its certificate of occupancy and the applicant is currently in compliance with all legal requirements and has paid all applicable taxes, fees, and other charges, including but not limited to the transient room tax

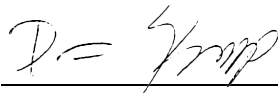
5.19.063 Water Supply And Public Sewer Required

The short-term rental dwelling unit shall be served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year. A letter from the water company serving the property approving the use and confirming that there is water year round, and ~~and are~~ approval ~~ed~~ by the health department are required prior to issuance of a license. Black water holding tanks do not qualify as a public sewer system.

Section 2. Effective Date. This ordinance shall go into effect upon publication.

PASSED AND APPROVED THIS 11th Day of April, 2023.

TOWN OF BRIGHTON

By: 
Dan Knopp, Mayor

ATTEST


Kara John, Town Clerk

