

ORDINANCE #2021- O - 12-3

ORDINANCE AMENDING SECTION 5.19.070 AND ADOPTING SECTION 5.19.073 TO
CLARIFY REQUIREMENTS RELATED TO SHORT TERM RENTALS

WHEREAS, the Town of Brighton ("Town") Town Council ("Council") previously enacted an ordinance regulating short-term rentals on property within the Town; and

WHEREAS, Section 5.19.070 has extensive requirements related to short term rentals;

WHEREAS, the properties in Solitude Village which are located within the Solitude Village Master Association are exempt from the requirements of 5.19.070;

WHEREAS, properties within the Solitude Village Master Association should not be exempt from some of the requirements because the regulation and enforcement provided in the Master Association do not address certain requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BRIGHTON TOWN COUNCIL OF, UTAH, THAT:

SECTION I: Title 5 Business Licenses and Regulations, Chapter 19 Short Term Rentals, is amended as written in Attachment 1.

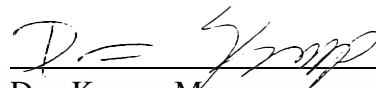
Section II: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND APPROVED by the Town of Brighton Town Council, Utah, this 14th day of December in the year 2021.

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TOWN OF BRIGHTON



Dan Knopp, Mayor

ATTEST:



Kara John, Town Clerk



Attachment 1:

5.19.070 Maintenance - Structures And Grounds--Other Requirements And Limitations

~~1. A short-term rental shall be maintained to the following minimum standards:~~

~~1.~~ Periodic housekeeping service shall be provided by the owner, including removal of trash to the nearest collection point, on at least a weekly basis. All trash and recycle containers must remain inside the home or placed in an approved bear and wildlife proof trash container until they are taken to a trash collection point or dumpster to prevent wildlife from scattering trash. No trash or recycling can be left outside the dwelling. Owner shall provide directions on recycling protocols and location of dumpsters to tenants.

~~2. Short-term rentals may not be used for any of the following:~~

~~1. Commercial purposes not otherwise permitted in the zone.~~

~~2. Distribution of retail products or personal services to invitees for marketing or similar purposes; or~~

~~3. The outdoor display of goods and merchandise for sale; or~~

~~4. No short-term rental can exceed a maximum of 15 adults overnight. Any property wishing to accommodate 16 or more adult overnight guest must obtain a hotel license as required by Brighton Town Code 19.04.300.~~

~~2.3.~~ Structures shall be properly maintained, painted, and kept in good repair.

~~3.4.~~ Snow is removed by community snowplows as soon as feasible. Owner is responsible for paying road and driveway snowplow costs. Renter is responsible for light snow removal if necessary, when no plows are present. Snow shovels must be provided to the renter for that purpose.

~~5. Smoke alarms are required in each bedroom, each hallway adjacent to a bedroom and one on each floor, including basements.~~

~~6. Carbon monoxide detectors are required on each floor and in the vicinity of bedrooms.~~

~~4.2.~~ The access to the short-term rental unit and the layout of the short-term rental shall be designed so that noise and physical trespass from the short-term rental unit is not likely to be a substantial intrusion on adjoining properties. If the short-term rental unit ~~is a single family home, duplex, condominium, or other dwelling place and~~ shares ~~a~~ an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.

~~3. Responsible Party:~~

~~1. The licensee must designate a responsible party who is an individual or property management company who can respond on site within two hours.~~

~~2. The responsible party is personally liable for failure to properly manage the short-term rental.~~

~~3. The responsible party must be available by telephone, or otherwise, twenty-four hours per day and must be able to respond to inquiries within twenty minutes of receipt of an inquiry.~~

~~4. The licensee must have a sales tax collection and sales tax accounting number for the rental operation and the sales tax number must be included on the short-term rental application. All applicable taxes, charges, and fees, including the transient room tax, must be paid in full during the period of licensure.~~

~~5. Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses. Quiet hours are 10 pm-7 am. Information about quiet hours shall be posted inside the short-term~~

~~rental. It is the responsibility of the owner or property manager to prevent nuisance behavior and maintain neighborhood peace and quiet.~~

5.6. The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.

~~7. No open fires of any kind except compressed or liquid gas grills, stoves, and pellet fed smokers allowed with proper clearance of flammable materials.~~

~~8. Snow Tires.~~

~~1. Owners shall inform renters from November 1–April 15 of the Utah Department of Transportation rules pertaining to snow tires requiring M/S or M+S tires, snow tires (3PMSF), and provide information to renters for social media links, and other information sites on weather and road conditions, and inform renters that many rental cars do not provide M/S or M+S tires, snow tires (3PMSF), nor allow chains to be used on their vehicles.~~

~~2. All service providers for short terms rentals including cleaning services shall be required to have snow tires from November 1–April 15.~~

~~9. No short term rental in the Town of Brighton may be used for Special Events including commercial weddings, concerts, or parties.~~

5.19.073 Other Requirements And Limitations

1.2. Short-term rentals may not be used for any of the following:

a. 4. Commercial purposes not otherwise permitted in the zone.

b.2. Distribution of retail products or personal services to invitees for marketing or similar purposes; or

c3. The outdoor display of goods and merchandise for sale; or

d.4. No short-term rental can exceed a maximum of 15 adults overnight. Any property wishing to accommodate 16 or more adult overnight guest must obtain a hotel license as required by Brighton Town Code 19.04.300.

2. 5. Smoke alarms are required in each bedroom, each hallway adjacent to a bedroom and one on each floor, including basements.

3.6. Carbon monoxide detectors are required on each floor and in the vicinity of bedrooms.

43. Responsible Party.

a1. The licensee must designate a responsible party who is an individual or property management company who can respond on site within two hours.

b2. The responsible party is personally liable for failure to properly manage the short-term rental.

c.3. The responsible party must be available by telephone, or otherwise, twenty-four hours per day and must be able to respond to inquiries within twenty minutes of receipt of an inquiry.

d4. The licensee must have a sales tax collection and sales tax accounting number for the rental operation and the sales tax number must be included on the short-term rental application. All applicable taxes, charges, and fees, including the transient room tax, must be paid in full during the period of licensure.

e.5. Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses. Quiet hours are 10 pm-7 am. Information about quiet hours shall be posted inside the short- term

rental. It is the responsibility of the owner or property manager to prevent nuisance behavior and maintain neighborhood peace and quiet.

5.7. No open fires of any kind except compressed or liquid gas grills, stoves, and pellet fed smokers allowed with proper clearance of flammable materials.

6.8. Snow Tires.

a. 4. Owners shall inform renters from November 1- April 15 of the Utah Department of Transportation rules pertaining to snow tires requiring M/S or M+S tires, snow tires (3PMSF), and provide information to renters for social media links, and other information sites on weather and road conditions, and inform renters that many rental cars do not provide M/S or M+S tires, snow tires (3PMSF), nor allow chains to be used on their vehicles.

b.2. All service providers for short terms rentals including cleaning services shall be required to have snow tires from November 1- April 15.

7.9. No short-term rental in the Town of Brighton may be used for Special Events including commercial weddings, concerts, or parties.