

ORDINANCE #2021- O - 9 - 5

ORDINANCE AMENDING SHORT-TERM RENTALS INSURANCE REQUIREMENTS
AND COMPLIANCE WITH SAFETY STANDARDS

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

WHEREAS, due to the nature of short-term rental users, additional insurance coverage is necessary to mitigate risks associated with their use; and

WHEREAS, many short-term rentals exist in buildings that were constructed under significantly different building and safety codes; and

WHEREAS, the Town has an interest in protecting residents, visitors, and property within the town using and near short-term rentals.

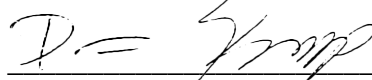
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BRIGHTON TOWN COUNCIL OF, UTAH, THAT:

SECTION I: Title 5 Business Licenses and Regulations, Chapter 19 Short Term Rentals, is amended as indicated in Exhibit A.

SECTION II. Effective Date. This ordinance shall go into effect upon posting pursuant to Utah Code Ann.§ 10-3-711(1)(b)(ii) and Utah Code Ann.§ 10-3-712.

PASSED AND APPROVED this 14th Day of September, 2021

TOWN OF BRIGHTON

By: 
Dan Knopp, Mayor

ATTEST:


Kara John, Town Clerk



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, and
- ~~8-9.~~ Proof of Insurance as set forth in Section 5.19.061, and
- ~~9-10.~~ 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 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.

HISTORY

Amended by Ord. 2021-04-01 on 4/13/2021

5.19.040 License - Application - Investigation

A. Applications shall be referred by the license official to the local fire agency and Salt Lake County Health Department or such other agency as the license official may deem appropriate to make or cause to be made an investigation of the short-term rental premises, the applicant and other relevant matters.

1. Agency recommendation as to the issuance or denial of the license, based on the above inspections, shall then be referred to the license official for transmittal to the mayor for further review in accordance with the provisions of Sections 5.02.010 through 5.02.140 of this title.

~~4-2.~~ If an applicant has been found to be operating a short-term rental without a business license for two or more separate rentals within a five-year period, then no business license shall be issued for twelve months after the most recent determination of such violation.

B. All short-term rental properties must comply with current fire, building, and safety codes.

~~B-C.~~ A license that has been granted may be suspended or revoked without a refund for:

1. any violation of the provisions of this chapter, or for any of the reasons as contained in Section 5.07.020 of this title, or,
2. for short-term rental business licenses, two violations within a six -month period for any regulation under this Chapter.

C.D. Any appeal of a decision to deny, suspend or revoke a license shall be heard in accordance with those procedures established by Sections 5.02.140 through 5.02.180 of this title.

HISTORY

Amended by Ord. 2021-04-01 on 4/13/2021

5.19.061 Insurance Requirement

The property owner shall secure and maintain during the term of the short-term rental permit the following minimum insurance coverage:

Commercial general liability insurance, on an occurrence form, with the Lessor as an additional insured, in the minimum amount of \$1,000,000 per occurrence with a \$2,000,000 general policy aggregate.

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.
 3. Structures shall be properly maintained, painted, and kept in good repair.
 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.
 - 4-6. Carbon monoxide detectors are required on each floor and in the vicinity of bedrooms.
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 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.
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.